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Friday
6th January 1843

At a Court of the Sawgdarre Udalut

Present

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

Read return dated the 6th Ultimo from the 2d and 3d Judges of the Western Provincial Court forwarding translation of a communication from the Principal Sudr Ameen of Sreepore urging the information called for by the Sawgdarre Udalut in their proceedings of the 30th November last relative to case No. 37 of the Supplemental Criminal Report for the Month of October last.

/Here enter 7th No. 1795 of 1842/

The Court of Udalut observe, that the Sawgdarre Judges upon the 1st Question in the above mentioned case by the Principal Sudr

Ameen was erroneous – Punishment should
have been awarded for the crime of Burglary
and not for the offence of Simple Theft –

Ordered that copy of these
proceedings be forwarded to the Provincial
Court in the Western Division for their
information and guidance and for communi-
cation to the Principal Sub Ameen
of Surgy for his information and future
guidance.

/ Sentence No 2 /

Read return from the Northern
Provincial Court submitting their proceedings
in case 91 on the file of the Criminal Court
of Nellore for October –

/ Here enter F.H. No. 1792 of 1842 /

The Provincial Court remark
that the confessions, said to have been volun-
tarily made by the Prisoners, were proved by
the 5th and 6th witnesses to have been fabricated –
and that the tumbal was produced as a cor-
roboration of the confession –

The

The Court of Foujdaree Adaulut
observe that if the view taken by the
Provincial Court in this case is correct
they ought to order the commitment of
the Parties who fabricated the evidence,
for trial to the Criminal Court –

Ordered that Extract from
these proceedings be forwarded to the
Provincial Court in the Northern Division
by precept returnable in 10 days from and
after its receipt –

/ Sent following precept No 3 /

Read letter dated the 5th
October 1842 from the 2d Judge of the
Provincial Court of Circuit in the Western
Division submitting copies of the Calen-
dars of the Auxiliary Court of Chittaloor
for the 3d Quarter Sessions of 1842 –

/ Here enter F.H. No. 1425 of 1842 /

The above Calendar not requiring any
remark from the Court of Foujdaree Adaulut –

Ordered that Extract from these pro-
ceedings be forwarded for the information of
the Provincial Court of Circuit in the West

Read

/ Sent no No 4

4th January 1843

Annexe was erroneous - Punishment should have been awarded for the crime of Burglary and not for the offence of simple Theft -

Ordered that copy of these proceedings be forwarded to the Provincial Court in the Western Division for their information and guidance and for communication to the Principal Sudr Ameen of Sirey for his information and future guidance. -

/ Sent in No 2 /

Read return from the Northern Provincial Court submitting their proceedings in case 91 on the file of the Criminal Court of Nellore for October. -

/ Here enter F.H. No 1792 of 1842 /

The Provincial Court remark that the confessions, said to have been voluntarily made by the Prisoners, were proved by the 5th and 6th witnesses to have been fabricated - and that the tumbal was produced as a corroboration of the confession. -

The

6th January 1843.

The Court of Foujdaree Udalut observe that if the view taken by the Provincial Court in this case is correct they ought to order the commitment of the parties who fabricated the evidence for trial to the Criminal Court -

Ordered that Extract from these proceedings be forwarded to the Provincial Court in the Northern Division by precept returnable in 10 days from and after its receipt -

/ Sent following precept No 3 /

Read letter dated the 5th October 1842 from the 2d Judge of the Provincial Court of Circuit in the Western Division submitting copies of the Calendars of the Auxiliary Court of Malabar for the 3d Quarter Sessions of 1842. -

/ Here enter F.H. No 1425 of 1842 /

The above Calendar not requiring any remark from the Court of Foujdaree Udalut. -

Ordered that Extract from these proceedings be forwarded for the information of the Provincial Court of Circuit in the West

/ Sent no No 4

Read

6th January 1843.

Read the Honore Criminal Reports for the month of November last, forwarded by the Acting Principal Sudr Ameen under date the 12th Ultimo.

/ Here enter FH. No. 1772 of 1842 /

Report No. V / The Police Proceedings as set
Case No. 52. forth by the Principal Sudr Ameen in a Note appended to this Case, are so highly improper and disgraceful, that the Court of Foujdaree Adalut resolve to require the Magistrate of Canara to hold a full inquiry into the Conduct of the Honore Tahsildar and of the inferior Police Officers acting under him, and to report the result of such inquiry for the information of the Court of Foujdaree Adalut.

2 The Court of Foujdaree Adalut are pleased to record their approval of the attention and ability on the part of the Acting Principal Sudr Ameen at Honore which these Reports manifest.

Ordered that copy of these Proceedings be forwarded to the Acting Principal

2 FH

6th January 1843.

Principal Sudr Ameen at Honore for his information and guidance.

/ Sent in No. 5. /

Ordered also that Extract from these proceedings / para 1 / be sent to the Magistrate of Canara for his information and guidance.

/ Sent in No. 6. /

Read letter dated the 22d Ultimo from the 3d Judge on Circuit in the Southern Division, submitting the explanation called for in the Proceedings of the Foujdaree Adalut of the 10th Ultimo relative to Case No. 3 on the Combaconum Calendar for the 2d Sessions of 1842.

/ Here enter FH No. 1791 of 1842. /

Read return dated the 27th Ultimo from the Criminal Judge of Rajahmundry, to the precept of the Foujdaree Adalut of the 22d December 1842 on review of the Criminal Reports for the Month of November last.

/ Here enter FH No. 1802 of 1842 /

Read

6th January 1863.

Read return dated the 29th Ultimo from the Principal Sudr Ameen at Ilchapoor, to the Extract from the Proceedings of the Tongdarce Udalut under date 8th December 1862, respecting the employment of 2 peons in excess of the prescribed complement.—

/Here enter F.H. No. 1803 of 1862/

Read letter dated the 30th Ultimo from the 3d Judge of the Court of Circuit in the Western Division, reporting execution of the Sentence of death passed on Posthoo-coory Coonamboly Chatoo Prisoner in Case No. 1 on the 2d Additional Calendar 4th Quarter Sessions of 1862.—

/Here enter F.H. No. 7 of 1863./

Read letter dated the 3d Instant from the third Judge late on Circuit in the Centre Division, acknowledging the receipt of Extract from the proceedings of the Court of Tongdarce Udalut under date 29th December 1862 conveying their observations and orders on the Bellary primary and Supplemental Calendars for the 2d Sessions of 1862 and stating that the instructions contained therein have been duly attended to—/Here enter F.H. No. 8 of 1863./ Read

6th January 1863.

Read letter dated the 21st Ultimo from the 1st Judge of the Provincial Court of Circuit in the Southern Division forwarding copy of the Trichinopoly Calendar for the 4th Quarter Sessions of 1862.—

/Here enter F.H. No. 1783 of 1862/

The above Calendar not requiring any remark from the Court of Tongdarce Udalut.—

Ordered, that Extract from these proceedings be forwarded for the information of the 1st Judge of the Provincial Court of Circuit in the Southern Division.—

/Sent in No. 7./

Entd

W D M
Ag. Regr.

Read letter dated the 17th Ultimo from the Acting Principal Sudr Ameen of Honore forwarding translation of an Arzee from Government Vakeel containing information on the points alluded to in the Note appended to the case No. 52 of the Report No. V for the month of November last.—

/Here enter F.H. No. 1790 of 1862./

Saturday

7th January 1843.

F. C.

At a Court of the Foujdaree Udalut

Present,

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

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

F.M.L. — F. Mc. Lewin Esqr. acting 3d Puisne Judge

Read the Chittoor Criminal Reports for the months of November last submitted by the Criminal Judge under date the 20th Ultimo.

/Here enter F.C. No. 1778./

Report No. V. Case No. 170

1. The Court of Foujdaree Udalut are of opinion that the Acting Assistant Criminal Judge's sentence in this Case was excessive. They observe that it cannot be expected that a Prisoner would neglect so good an opportunity to escape, as appears to have been afforded in the present instance, the Guard having been to all intents and purposes withdrawn.

2. They direct that the Provincial Court

Court in the Centre Division be called upon to look into the Case, and to dispose of it as they may think proper - Reporting most fully on the nature of the escape for the information of the Tonjdaree Udalut.

3. The Tonjdaree Udalut also desire that enquiry may be made to ascertain why a Single Peon was placed on Guard over Prisoners in defiance of Circular Order 8th October 1821 para 54 page 63 -

Cases Nos. 171 172 & 173.

4. The punishment awarded to the Prisoners in these three Cases of fraud, appearing to the Court of Tonjdaree Udalut to be unnecessarily heavy, the Provincial Court of Circuit are directed to call for the Cases, and to pass such orders on each of them as they may deem necessary, Reporting the result for the information of the Court of Tonjdaree Udalut.

Ordered, that Copy of these Proceedings be forwarded to the Criminal Judge of Cuttack for his information and guidance -

(Sent in No. 11.)

Ordered also, that Copy be sent to the Provincial Court of Circuit in the Centre Division, for their information and guidance.

(Sent in No. 12.)

Read letter dated the 31st October 1842 from the Acting 1st Judge of the Provincial Court of Circuit in the Northern Division, submitting the Hazreliptalan or Primary Calendar of Cases disposed of by him during the Quarter ending 31st December 1842 -

(Here enter No. 1525 of 1842)

The above Calendar not requiring any remark from the Court of Tonjdaree Udalut -

Ordered, that Extract from these proceedings be forwarded for the information of the Acting 1st Judge of the Provincial Court of Circuit in the Northern Division -

(Sent in No. 13)

H.T.P.
a/g Regr

F. 26.

Monday 9th January 1843.

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esq.re 1st Puisne Judge

Malcolm Lewin Esq.re Acting 2d Puisne Judge

F. H. Lewin Esq.re Acting 3d Puisne Judge

Read Miscellaneous Petition presented on the 20th October last by Ramu Reddy, praying the Court of Foujdaree Udalut to order the release of his elder brother the 1st Prisoner in Case No 9 on the Chittoor Calendar for the 3d Quarterly Sessions of 1842.

/Here enter F. 26 M. P. No 100./

The Court of Foujdaree Udalut direct, that the Petitioner be informed, that an order has already been issued by them under date the 20th December 1842, directing the release of the Prisoner referred to in his petition.

Ordered, that Copy of these proceedings be furnished to the Petitioner on his application.

J. Dr

Read. Miscellaneous Petition presented on the 20th October last by Cheingulreddy.

/ Here enter F. Vo. Bk. P. No. 107 /

1. The Petitioner prays the Court of Foujdaree Udalut to order the release of his brother the 2d Prisoner in Case No. 9 on the Chittoor Calendar for the 3d Quarterly Sessions of 1842, who was sentenced by the 2d Judge on Circuit to two years imprisonment for having received stolen property knowing it to be such.

2. The Court of Foujdaree Udalut direct, that the petitioner be informed, that an order was issued by them under date the 26th Ultimo, directing the release of the Prisoner referred to in his petition.

Ordered accordingly, that Copy of these proceedings be furnished to the Petitioner on his application.

Read again Petition presented on the 21st November last by Dasy Reddy Nangappah, praying the Court of Foujdaree Udalut to order the release of his son the

the 9th Prisoner in Case No. 8 on the Bellary Calendar for the 1st Sessions of 1842.

/ Here enter F. U. Bk. P. No. 133 /

Read also reply dated the 29th Ultimo from the 1st Judge late on Circuit in the Centre Division, to this Court's Extract of Proceedings under date the 19th Ultimo, forwarding a Copy of the above petition, and requesting to be informed whether any of the circumstances therein related, induce him to propose an alteration in the sentence of the Prisoner above referred to.

/ Here enter F. U. No. 3 of 1843 /

Under the circumstances represented in the above Return, the Court of Foujdaree Udalut deem it inexpedient to alter the sentence of 14 years imprisonment passed upon the 9th Prisoner in Case No. 8 on the Bellary Calendar for the 1st Sessions of 1842. and they accordingly reject the prayer of the foregoing petition.

Ordered accordingly, and that Copy of these Proceedings be furnished

9th January 1843.

Furnished to the Petitioner on his application.

Read Petition presented on the 28th November last by Ponnachee of the Pillah of Combaconum.

/ Here enter F. H. No. 137 /

The Petitioner represents herself to be the wife of Paroopater, the 2d Prisoner in Case No. 19, and also the Prisoner in Case No. 20 on the Combaconum Calendar for the 2d Sessions of 1842 - who was sentenced in Case No. 19 by the 3d Judge then on Circuit to receive 150 lashes, to be exposed in the manner commonly denominated Tashear, and to suffer 5 years' imprisonment, for forging or causing to be forged a false deed-conveyance purporting to be a mortgage bond, and for filing the same before the District Moonsiff of Combaconum with intent to defraud the 5 Witnesses in the Case.

2. She complains of the injustice of the Circuit Judge's sentence, and prays the Court of Foujdaree Adalut to order the release of her husband.

The Court of Foujdaree Adalut are of opinion that there are no grounds to interfere with the sentence passed by the 3d Judge on Circuit which is accordingly affirmed.

Ordered, that Petition be dismissed and Copy of these proceedings be furnished to the Petitioner on her application.

Read letter dated the 8th October 1842 from the 3d Judge on Circuit in the Centre Division, submitting the Cuddapah Calendar of Cases disposed of by him during the Quarter ending 30th September 1842.

/ Here enter F. H. No. 1446 /

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

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

/ Sent in No. 14. /

W. D. W. Asst. Regr

for L.

y January 1843.

Read Return dated the 3d Instant. from the acting 3d Judge on Circuit in the Northern Division to the precept of the Fouzdaree Udalut dated the 24th Ultimo. directing him to state whether it be true that a Petitioner was presented to him touching the Case of one Sungeeve now in custody of the acting Assistant Judge at Guntoor and that he refused to take notice of it.

/Here enter F.R. No. 13/

Tuesday. 10th January, 1843.

At a Court of the Fouzdaree Udalut.

Present,

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

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

Mt. H. M. Lewin Esqre. ——— Actg 3d Puisne Judge.

Read the Guntoor Criminal Report for the Month of November last, forwarded by the Acting Joint Criminal Judge under date the 19th Ultimo.

/Here enter F.R. No. 1771 of 1842./

These Reports do not appear to call for any remarks from the Court of Fouzdaree Udalut.—

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

/Sentin No. 161/

Read the Bellary Criminal Reports for the months of November last, submitted by the Criminal Judge under date the 16th Ultimo.

/Here enter F.R. No. 1773 of 1842./ The

10th January 1843.

Sup.t Report Nos 164, 166, 167, & 168.—

1. The Court of Sungdaree Adalut consider, that no sufficient grounds are assigned for the extraordinary delay observable in the disposal of these cases which have been pending upwards of three months before the Criminal Court.—

Report No V Case No 208

2. The Court observe that the Prisoner in this case who is stated to be a child under 10 years of age, ought not to have been sent up to the Criminal Court.—

Case No 213.

3. The Court are of opinion, that the Prisoner in this case was deserving of the full extent of punishment which the Criminal Judge is empowered to award under Clause Fourth Section III Regulation VII of 1822.—

Case No 217.

4. The Court observe that the Criminal Judge's remarks in his report on this case are unsatisfactory and afford no insight into the merits of the case.—

Ordered that copy of these Proceedings be forwarded to the Criminal Judge

10th January 1843.

of Bellary for his information and future guidance.— (Sent in No 16)

Read letter dated the 3d Instant from the 2d Judge on Circuit in the Western Division, reporting the opening of the 1st Sessions of 1843 at Calicut.—

(Here enter J.H. No 26 of 1843.)

Read letter dated the 2d Instant from the 3d Judge late on Circuit in the Southern Division, forwarding Statement of Batta received from the Joint Criminal Judge of Coimbatore for the 2d Sessions 1842.—

(Here enter J.H. No 27 of 1843.)

Read letter dated the 6th Instant from the Acting Criminal Judge of Combaconum, replying to the Proceedings of the Sungdaree Adalut of the 29th December 1842 on the Criminal Reports for the month of November 1842.—

(Here enter J.H. No 34 of 1843.)

Read letter dated the 1st Ultimo from Chief Magistrate and Superintendent of

10th January 1863.

of Police at Mawaas, transmitting the Report of Cases tried under Act XXII of 1837 in the Month of November 1862.-

/ Here enter F.U. No. 35 of 1863 /

End 1ft

W D M
Ag. Asst

F. U.

Wednesday, 11th January 1863.

At a Court of the Foujdaree Udalut.

Present,

1st Henry Dickinson Esq.re ---- 1st Puisne Judge.
2d Malcolm Lewin Esq.re Act.g 2d Puisne Judge
3rd F. M Lewin Esq.re ---- Act.g 3d Puisne Judge

Read letter dated the 23d Ultimo from the 1st Judge late 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 Sircy Calendar for the 2d Sessions of 1862.

/ Here enter F.U. No. 1 of 1863 /

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 Prisoner

Lutchmiya

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

acquit

11th January 1843

acquit him accordingly; and under the provisions of Clause First Section V Regulations VIII of 1831, and Clause Sixth Section III Regulation XV of 1803, direct that he be set at liberty.-

End 7th. / Sent following letter No. 18 /

W D M
Off Regr.

F. Ct.

Thursday, 12th January, 1843. At a Court of the Foujdaree Udalut.

Present,

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

Read the Criminal Reports for the Month of November last submitted by the Acting Criminal Judge of Cuddapah under date the 17th Ultimo /Here enter F. Ct. No. 1781 of 1842/

Suppl. Report case No. 170 — The Court of Foujdaree Udalut, judging from the Statement of this case in the above Reports, see no grounds on which the charge preferred against the Prisoner can be sustained, and therefore they direct, that the case be dismissed.

case No. 199 — 2. The Court of Foujdaree Udalut being of opinion, that the evidence is sufficient to convict the Prisoner in this case, direct that the Provincial Court be called upon to look into

into the case, and to pass such orders thereon as may appear to them necessary, reporting the result for the information of the Foujdaree Adalut.—

Case No. 201.

3. The Court of Foujdaree Adalut observe, that the Sections and Regulation quoted by the Moosty Sudr Ameen refers to escaped convicts, and has no application whatever to the Prisoner in this case. Nor can the case of the Prisoner / a Talairee not serving in the capacity of a Peon, / come under the provisions of Clause first Section XI. Regulation XIII of 1832 which specifies Proceedings.

4. The Sentence passed upon the Prisoner is illegal, and the Court direct the Acting Criminal Judge to release him forthwith.—

Case No. 203.

5. The Court consider the grounds of suspicion against the Prisoner in this case to be inadequate. The Prisoner appears to be a person of good character. The Court direct that he be forthwith set at liberty. or that the

the security bonds, if any have been entered into, be cancelled.—

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

/ Sent in No. 21. /

Ordered also that Extract from these proceedings / Para 2 / be sent to the Provincial Court in the Centre Division for their information and guidance

/ Sent in No. 22. /

Case No.

Read letter dated the 2d Instant from the 1st Judge late on Circuit in the Western Division, transmitting the half yearly Statement required by Circular Order No. 5 of 1831.—

/ Here enter T.R. No. 41 of 1843 /

Read letter dated the 3d Instant from the 3d of the Court of Circuit in the Western Division, forwarding the Statements of Cutta received from the Joint Criminal Judge of Malabar for the 4th Quarterly Sessions 1842, as also the half yearly Statement required

12th January 1843.

required by Circular Order dated 5th July 1834.—

/Here enter F.H. No. 42 of 1843./

Read Statement dated the 9th Instant from the Criminal Judge of Chinglepute, shewing the amount realized by the labor of the Prisoners for the 4th Quarter 1842.

/Here enter F.H. No. 46 of 1843/

Read letter dated the 6th Instant from the Acting 3d Judge on Circuit in the Southern Division, reporting that a Proclamation has been forwarded to the Criminal Judge at Rajahmundry notifying that the 2d Sessions of 1842 will be opened thereon the 23d Instant.—

/Here enter F.H. No. 47 of 1843/

Read letter dated the 9th Instant from the 2d Judge on Circuit in the Centre Division, reporting the opening of the Sessions at Cuddapah on the 9th Instant.—

/Here enter F.H. No. 48 of 1843/

End. 88.

Off. Reg.

F.H.

Friday 13th January 1843. At a Court of the Fouzdaree 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 2nd Instant from the Acting Agent to the Governor of Fort St. George on the Vizagapatam District submitting with reference to the rules framed by Government for his guidance, a report on the case of a Prisoner charged with Burglary, and communicating his opinion as to the punishment to be passed on the Prisoner.

/Here enter F.H. No. 29 of 1843/

The Court of Fouzdaree Udalut having maturely considered the Summary of the evidence taken before the Acting Agent, the Statement of the grounds for the conviction, and his opinion as to the punishment to be passed on the Prisoner, resolve to confirm the Sentence of /7/ Seven years imprisonment with hard labor in irons on the

Prisoner

13th January 1843.

Prisoners:

"Pondala Potrzgandoo"

Ordered that Extract from these proceedings be forwarded to the Acting Agent to the Governor of Fort St. George in Vizaga-patam for his information and guidance.

/Sent in No. 24/

Read letter dated the 27th Ultimo from the 3d Judge of Circuit in the Centre Division forwarding copy of a correspondence with the Joint Criminal Judge of Cuddalore regarding the Sentence on the 1st, 3d and 4th Prisoners in Case No. 44 on the Cuddalore Calendar for the 1st Sessions of 1842.-

/Here enter Ct. No. 1800 of 1842/

It appears from the correspondence submitted with the above, that the Court of Foujdaree Udalut did, on the 7th September last, suspend the sentence of 14 years imprisonment &c. passed on the Prisoners above referred to, by the 3d Judge of Circuit, but subsequently on the 14th October last confirmed the

13th January 1843.

the Circuit Judge's sentence. The Prisoners however had undergone two months and 6 days of the first sentence passed upon them before it was suspended under the orders of this Court of the 7th September 1842.-

2. The Court of Foujdaree Udalut are therefore requested to state from what date the Sentence is to take effect.-

3. The Judges of the Foujdaree Udalut resolve to direct, that, as their Sentence was in confirmation of that of the Circuit Judge, which was suspended by order of the Foujdaree Udalut after effect had begun to be given to it, the term of imprisonment awarded to the Prisoners abovementioned, be considered to have commenced from the date on which effect was given to the Sentence of the Circuit Judge.-

Ordered that copy of these Proceedings be forwarded to the 3d Judge of Circuit in the Centre Division for his information and guidance and for communication to the Joint Criminal Judge

of

13th January 1843. of Cuddalore.-

/Sent in No. 28./

Read letter dated the 9th Instant from the 3d Judge on Circuit in the Centre Division, transmitting the original death warrant in Case No. 4 of the Bellary Supplemental Calendar for the Second Sessions of 1842.-

/Here enter F.W. No. 53 of 1843/

Read letter dated the 9th Instant from the 3d Judge on Circuit in the Centre Division, transmitting the original death warrant in Case No. 1 of the Bellary Supplemental Calendar for the Second Sessions of 1842.-

/Here enter F.W. No. 54 of 1843/

Read letter dated the 9th Instant from the Acting 2d Judge on Circuit in the Northern Division, reporting the opening of the 1st Sessions of 1843 in the Tillah of Nellore.-

/Here enter F.W. No. 56 of 1843/

Ed. Off.

J. D. Dr
Off. Regr

F. W.

Saturday, 14th January 1843. At a Court of the Foujdaree Adalut.

Present,

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

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

Mr. F. M. Lewin Esqre. ——— Act. 3d Puisne Judge.

Read letter dated the 4th Instant from the Third Judge late on Circuit in the Centre Division, submitting for the consideration and final Sentence of the Foujdaree Adalut an English translation of the record of the trial in Case No. 2 of the Bellary Supplemental Calendar for the 2d Sessions of 1842.-

/Here enter F.W. No. 12 of 1843/

Mr. Dickinson 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 proof against the Prisoner,

Giddavadoo

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. 30. /

Read letter dated the 22d Ultimo from the Acting Joint Criminal Judge of Cochin, requesting Sanction for the purchase of 6 Cots for the use of the Prisoners in the Jail under his charge, and drawing the attention of the Foujdaree Adalut to the limited and inadequate accommodation in the said Jail, more particularly during the rainy season.—

/ Here enter. F.H. No. 1798 of 1842 /

The Court of Foujdaree Adalut, under the authority vested in them by the Rules published in the Official Gazette of the 21st August 1840, resolve to sanction the Expenditure of Six Rupees for the purchase of the required Cots.—

With

2. With regard to the want of sufficient accommodation for the Prisoners in the Jail at Cochin, the Court of Foujdaree Adalut direct that a copy of the Acting Joint Criminal Judge's letter be forwarded to the Provincial Court in the Western Division, and that the Judges be called to state for the information of the Foujdaree Adalut, what in their opinion would be advisable under the circumstances therein represented.—

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

/ Sent in No. 31 /

Ordered also that copy of these proceedings together with copy of the Acting Joint Criminal Judge's letter be forwarded to the Provincial Court in the Western Division for their information and guidance.—

/ Sent in No. 32 /

Read the Criminal Report for

14th January 1843.

for the month of November last forwarded by the Criminal Judge of Canara under date the 13th Ultmo —

/Here enter F.H. No. 1760 of 1842/

Supl. Report Case No. 126

1 The Court of Zeydaree Adalut are of opinion that the Prisoner in this case was deserving of more severe punishment for the fraudulent claim set forth by him.

Report No. V Case No. 161

2 As it appears to the Court that this case had been incorrectly disposed of by the Assistant Criminal Judge, the Provincial Court in the Western Division are directed to call for the case, and to pass such orders thereon as may appear necessary reporting the result for the information of the Zeyedaree Adalut.

Case No. 143.

3. The Court consider the punishment awarded, to the Prisoner in this case, far too lenient for the false charge made by him under circumstances of so gross a nature as those represented in the report on the case.

Case No. 142

4 The Court of Zeyedaree Adalut desire to be informed whether as appears from the

F.H.

14th January 1843.

the Criminal Judge's remarks in the report, this case was committed by him without the interventione of the Magistrate of Canara.

Case No. 145.

5 The Court observe that if this case is a petty one embraced by the provisions of the Regulation quoted by the Assistant Criminal Judge, the Prisoners were not liable to more than 30 days imprisonment and the 1st Prisoner who has been six weeks in confinement, ought at once to be released.

6 They further remark that the 2d and 3d Prisoners who are represented to be children of 8 or 10 years of age, ought not to have been sent up to the Criminal Court.

Ordered that copy of these Proceedings be forwarded to the Criminal Judge of Canara for his information and guidance, by precept returnable in 3 days from and after its receipt

/Sent following precept No. 33./

Ordered also that Extract from these proceedings /para 2/ be sent to the Provincial

14th January 1843.

Provincial Court in the Western Division for
their information and guidance.—

/ Sent in No. 34. /

Read Supplemental return dated
the 3d Instant from the 3d Judge late on Circuit
in the Southern Division to the precept of the
Fouzdaree Udalut of the 21st November 1842 con-
-veying their observations and orders on the Madras
Calendar for the 2d Sessions of 1842.—

/ Here enter Ft No 57 of 1843 /—

Ent 7th.

Monday,
16th January 1843.

At a Court of the Fouzdaree Udalut.

Present,

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

Act
Md.

Read Miscellaneous petition
presented on the 24th Ultimo by Annoomoya
Kona of Tinnevelly.—

/ Here enter F.M. M.P. No 141 of 1842 /

The Court of Fouzdaree Udalut.

1.
Observe that two petitions similar to this have
already been dismissed by them, and no
other order will be passed in the matter.—

The Court have maturely con-
2.
-sidered Case No 3 as reported in the Tin-
-nevelly Calendar for the 1st Sessions of
1842 — and cannot doubt that the Sentence
passed upon the Petitioner's Brother is in
all respects just.—

The Petitioner is warned that
3.
if he again intrude on the Court in this
subject, he will be fined.—

Ordered

Ordered that petition be rejected, and the above be communicated to the Petitioner on his application

Read petition presented on the 24th Ultimo by Sangamaren of the Zillah of Madura.—

[Here enter Fil. M.C. No. 42 of 1842]

The Petitioner complains that his Son Nullaconnun the Prosecution in Case No. 7 on the Madura Calendar for the 2d Sessions of 1842, has been unjustly committed for perjury by the Court of Circuit in the Southern Division, and prays the Court of Foujdaree Adalut, to call for and peruse all the Proceedings connected with the Case, and to order the release of the Prosecutor and the punishment of the Prisoner in the abovementioned Case.—

2. The Court of Foujdaree Adalut decline to interfere in the Case, and resolve to leave the matter in the hands of the Judge on Circuit.—

Ordered that petition be rejected, and

and a Copy of these Proceedings be furnished to the Petitioner on his application.—

Read letter from the Criminal Judge of Rajahmundry forwarding the Statements required by orders of Government of 28th November 1840 and the Court of Foujdaree Adalut of 10th December 1840.—

[Here enter F.H. No. 37 of 1843]

In the above Statement a female Convict is said to receive a cloth of the value of 6 annas every Six Months, besides the Mat and Cumbly.—

2. The Judges of the Court of Foujdaree Adalut cannot believe that 6 annas for 6 months will furnish sufficient clothing for a female, and they direct the Criminal Judge to inform them by what arrangement so insignificant a sum is rendered adequate for the decent clothing of a female Prisoner.

Ordered that Extract of these proceed-

16th January 1843.

proceedings be forwarded to the Criminal Judge of Rajahmundry by Precept returnable in 5 Days from and after its receipt.—

End Wt. /Sent following precept Rs 35./-

D W
Asst

No.

Tuesday, 17th January, 1843. At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esqre ——— 1st Puisne Judge.

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

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

Read the Calendar for the Criminal Returns for the Month of December last Submitted by the Criminal Judge under date the 6th Instant.—

/Here enter Jl No 23 of 1843/

From the Statement appended to these Returns it appears that 82 Jail Deaths were employed at Cumpleeut during the Month of December 1842, as only 319 Prisoners were worked outside the Jail, and the authorized guard for this number of Convicts is only 81 Peons, the Criminal Judge is required to explain the reason of 1 Peon being employed in excess of the prescribed complement.—

Ordered that Copy of these proceedings

17th January 1843.

proceedings be forwarded to the Criminal Judge of Chingleput for his information and guidance by Precept returnable in 3 days from and after the receipt.

[Sent following Precepts p. 37.]

Read letter dated the 31st Ultimo from the 3d Judge presiding at the Court of Quarter Sessions in the Western Division forwarding Copies of the Calendars from the Joint Criminal Judge of Malabar at the 4th Quarter Sessions of 1842.—

[Here enter T.R. No. 21 of 1843]

4th Adl. Calendar Case No. 1

1. The Court of Foujdaree Adalut entirely approve of the Presiding Judge's Proceedings in this Case.—

5th Adl. Calendar Cases Nos. 1 & 2.

2. The Prisoner in these two Cases is the same individual. In the former Case he is committed by the Joint Criminal Judge of Malabar on a charge of having assaulted the Prosecutrix, and robbed from her person property

17th January 1843

property valued about Rupees 16-3-2 Sicca Annas three, and Pice two— He is convicted, by the Law Officer, on strong presumptive proof, of the charge preferred against him, and declared liable to discretionary punishment— The 3d Judge presiding at the Quarter Sessions concurs in the conviction of the Prisoner, but considering the punishment prescribed for the crime of Robbery by open violence under Clauses Third and Fifth Section IV Regulation XV of 1803, to be too severe for the offence committed by the Prisoner, he submits the Case to the Court of Foujdaree Adalut with a recommendation that a mitigated Sentence of 8 Years imprisonment should be awarded.—

3. The Court of Foujdaree Adalut see no grounds whatever for the mitigation proposed in favor of the Prisoner, who is moreover stated to be "by habit and repute a Thief."—

4. In the latter Case No. 2 this Prisoner is committed on a charge of

17th Janry 1843

of having, in the day time, stolen from the Barrack, a knife valued at 2 Annas belonging to the Prosecutor in the case a Private in Her Majesty's 97th Regiment: but having been convicted of a graver charge in the preceding case, the Presiding Judge did not place him upon his trial.

5 The Court of Fouzdaree Adalut observe that the Prisoner ought to have been tried for the minor offence, as the full measure of punishment prescribed by Law had not been adjudged in the preceding case.

Ordered that copy of these proceedings be forwarded to the 3d Judge presiding at the Quarter Sessions in the Western Division for his information and guidance.—

/Sent in No 38/

Read letter from the 1st Judge late on Circuit in the Western Division submitting copy of the Sirdy Calendar for

2d

2/ F.A.

17th January 1843.

2d Sessions of 1842.—

/Here enter F.A. No 1782 of 1842/

Case No VI

In this case the Judges of the Court of Fouzdaree Adalut observe that the Prisoner ought not to have been committed; and in remanding it, the 1st Judge on Circuit should have directed the attention of the Principal Sudr Ameen to Circular Order 4th February 1835 — /No 29/—

Ordered that Extract from these Proceedings be forwarded to the 1st Judge late on Circuit in the Western Division for his information.—

/Sent in No 39./

Read letter under date 20th Ultimo received from the Criminal Judge of Madura requesting the opinion of the Court of Fouzdaree Adalut whether under the circumstances explained therein the further examination of the 2d charge of Forgery, and falsification of accounts of the Rammad Lemindary preferred against

against the late Manager would be proper.

/Here enter Fl. No. 4 of 1843./

Read also letter dated the 2d Instant from the Criminal Judge of Madura forwarding the depositions taken in the 2d Case of Forgery against the Ramnad Manager, for the consideration of the Tongdarce Adalut, with reference to his letter of the 28th December 1842.

/Here enter Fl. No. 11 of 1843/

Read also letter dated the 5th Instant from the Criminal Judge of Madura, intimating that one of the depositions which accompanied his letter of the 2d Instant has no connection with that reference and requesting therefore its return.-

/Here enter Fl. No. 30 of 1843/

The Judges of the Tongdarce Adalut are of opinion that the communications dated the 28th Ultimo and 2d Instant should have been made to the Provincial Court of Circuit. They accordingly resolve to

to return these letters and their enclosures and desire that the Criminal Judge will address that authority on the subject, should he still deem a reference necessary.

Ordered that Extracts from these proceedings be forwarded to the Criminal Judge of Madura for his information and guidance.-

/Sent in No. 40./

Read letter from the 1st Judge late on Circuit in the Western Division submitting copy of the Honore Calendar for the 2d Sessions of 1842.-

/Here enter Fl. No. 1782 of 1842/

Case No. I

The Court of Tongdarce Adalut cannot perceive the object of the "Memorandum" attached to the Sentence in this case, for, as Clause 1st Section III Regulation I of 1818 forbids a Law Officer to declare in his Fatwa what the punishment prescribed by the Mahomedan Law for the crime of Adultery is, it of course remains with the Circuit Judge to pass Sentence

17th January 1843.

sentence as if there were no specific punishment prescribed by that Law.

Ordered that Extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Western Division for his future guidance.—

/ Sent in No. 41 /

Read letter dated the 7th Instant, from the Three Judges late on Circuit in the Centre Division, transmitting the Record of the trial in Case No. 4 on the Calendar of the Supplemental Calendar for the 2d Sessions of 1842.—

/ Here enter F.H. No. 44 of 1843 /

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

Roodrah,

is sufficient to convict him of the crime of Murder and Robbery, 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. 42 /

Wednesday,
18th January 1843.

F.H.

At a Court of the Foujdaree Adalut

Present

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

Read the Criminal Reports for the month of December last submitted by the Joint Criminal Judge of the Auxiliary Court at Vizagapatam under date the 2nd Instant.—

(Here enter F.H. No. 38.)

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

Ordered that a copy of these Proceedings be forwarded to the Joint Criminal Judge of the Auxiliary Court at Vizagapatam for his information and guidance.—

(Sent in No. 44)

Read return dated the 6th Instant from the Joint Criminal Judge

18th January 1843.

Judge at Cuddalore, to this Court's proceedings of the 29th Ultimo. on review of the Criminal Reports for the month of November last.-

(Herewith No. 32.)

1.

The Joint Criminal Judge reports that no evidence has yet been obtained against the parties who tortured the Prisoner in Criminal Case No. 102 of 1842. He states that the Magistrate of Cuddalore who had been requested to inquire into the matter, has held the Prosecutor in the case "to security for "twelve months for his appearance when "called for."

2.

The Court of Foujdaree Adalut observe, that the Magistrate had no authority to demand security from the Prosecutor. In such a case a Magistrate must either forward him as a Prisoner to the Criminal Court or release him unconditionally.

3.

They therefore direct that the Magistrate's order be cancelled.-

Ordered

18th January 1843.

Ordered, that a copy of these Proceedings be forwarded to the Joint Criminal Judge of Cuddalore for his information and guidance, and for communication to the Magistrate of Cuddalore.-

(Sentence No. 45)

Circular Order

No. 151.

The Court of Foujdaree Adalut determine to circulate for the information and guidance of the Judges in the several Provincial Courts, and the Officers subordinate to them, the following answer of their Mahomedan Law Officers to the questions-

"Whether there are any legal "means of punishing a female, who "conceals her pregnancy, and buries her "bastard child secretly, leaving it doubtful to every one but herself, whether "the child had not been born alive?"

Answer

"Under the circumstances "stated

18th January 1843.

"Stated in the question, the most secret
"burial of the child establishes a suspicion
"against the female referred to, of having
"murdered the child, least the fact of her
"illicit intercourse should come to light
"to her disgrace. She is therefore liable
"to Tazeen in proportion to her guilt."

(Sent following Circular Order No. 46.)—

Read letter dated the 30th
Ultimo from the 1st Judge late on Circuit in
the Western Division, submitting the record
of trial in case No. 1 on the Sirey commit
Calendar for 2nd Sessions of 1842.—

(Here enter F.H. No. 22 of 1843)

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

Sheik Mullik

is sufficient to convict him of the crime
of murder and Robbery do convict him
thereof; but considering that there are—

circumstances

18th January 1843.

circumstances in the case which justify 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 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. 47)

Read letter dated the 7th
Instant from the 2nd Judge on Circuit
in the Western Division, submitting
the record of Trial in case No. 2 on the
Calicut Calendar for the 1st Sessions
of 1843.—

(Here enter F.H. No. 31 of 1843)

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 proof against the Prisoner

Sadinhare todyil Coolly Comma.

is sufficient to convict her of having caused the death of her new born infant by maltreatment and exposure, do convict her thereof; and under the provisions of Clause Third Section VII. Regulation XV of 1823, 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.-

(Sent following letter No 48);-

Thursday
19th January 1843.

No 16.

At a Court of the Foujdaree Udalut.

Present

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

Read the Criminal Report for the month of December last forwarded by the Acting Joint Criminal Judge of Cochin.-

(Here enter No 60).

Report No 1
Case No 34.

The Prisoner in this case is a boy of 10 years of age. He is convicted of having stolen a small box of jewels valued at Rupees 75-14-7- from the Prosecutor's house and is sentenced to 3 months imprisonment and to receive 20 lashes.-

The Court of Foujdaree Udalut are of opinion, that in consideration of the youth of the Prisoner, the punishment of Stripes should be remitted as likely to render him hardened and irreclaimable

irreclaimable. They observe that the boy has been already nearly two months in confinement, and resolve to direct that he be set at liberty, and his Parents ordered to watch carefully over his future conduct.

Ordered, that a copy of these Proceedings be forwarded to the Acting Joint Criminal Judge of Hoshiarpur for his information and guidance.

(Sentence No. 50.)

Read letter from the Magistrate of Salem dated 10th Ultimo forwarding copy of a communication from the Joint Magistrate of Salem, and requesting instructions on the point referred to.

(Here enter No. 755 of 1842.)

1. The Joint Magistrate having convicted an European of a breach of Regulation I of 1820. requests to be informed whether he possesses authority to commit him to the Criminal Court.

2. The Court of Foujdaree Adalut observe that an European cannot be committed for trial to the Criminal Court

Court nor can he be sent to the Supreme Court by a Justice of the Peace for the infringement of a Local Regulation.

3. The Court of Foujdaree Adalut determine to avail themselves of the present occasion to suggest the expediency of enacting a law by which European British subjects residing in the interior shall be made more generally amenable to the local tribunals than they are at the present time. the acts of the Supreme Government which regard their amenability are partial, and confined to particular subjects, and it is only for particular offences that they can be forwarded to the Criminal Judge as Justice of the peace for the purpose of being punished on the spot or committed to the Supreme Court of Her Majesty at the Presidency.

Ordered, that Extract from these Proceedings be forwarded to the Magistrate of Salem and to the Secretary to the Government for the

14th January 1843.

the purpose of being laid before the Most Honorable the Governor in Council.-

(Sentin. No. 57852.)

Read letter dated the 7th Instant from the 1st Judge late on Circuit in the Western Division, reporting the execution of the sentence of death passed on Mallo, Prisoner in Case No. 5 on the Mangalore Calendar for the 2nd Sessions of 1842, and submitting the death warrant and copies of the Criminal Judge's reports.-

(Here enter F.Mo. No. 59)

Read letter dated the 9th Instant from the Agent to the Governor of Fort Saint George at Tanjore reporting the execution of Rayoo Thotmah the Prisoner in trial No. 31 of 1842.-

(Here enter F.Mo. No. 70)-

Exd.

D.N.
Cl. Regt.

Friday
20th January 1843.

F.Mo.

At a Court of the Foujdaree Udalut.

Present

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

Read the Madura Criminal Reports for the month of November last, submitted by the Criminal Judge under date the 4th Instant.-

(Here enter F.Mo. No. 45)

Report No. V
Case No. 110.- 1. The Court of Foujdaree Udalut observe, that this is a clear case of forgery and of uttering, as it is represented in the abstract of the charge. The Criminal Judge therefore has erred in charging the Prisoner merely with fraud.-

Case No. 113. 2. The Prisoner in this case is convicted of having torn the left ear of the Prosecutrix, and is sentenced by the Pundit Sudr Ameen to pay a fine of 15 Rupees, or in default to undergo two months imprisonment with hard labor

in

20th January 1843.

in irons.-

3. This sentence is, the Court observe, highly improper and in direct violation of the Regulations as explained in Toujdaree Udalut Circular Order of the 27th June 1831, where Criminal Judges are forbidden to sentence a Prisoner convicted of a misdemeanour, to be confined in irons.-

Case N°114. 4. From the evidence in this case, as it appears in the Report, the Court see reason to suspect that there has been collusion.-

5. The Provincial Court in the Southern Division are accordingly directed to look into the case, and to pass such orders thereon as may appear necessary, reporting the result for the information of the Toujdaree Udalut.-

Case N°118. 6. The Prisoner in this case is charged with having stolen from the Prosecutor's house Tamarinds valued at 1 Rupee. He is stated to have been on three former occasions punished by the Police for theft and is in the case now under review sentenced to 6 months imprisonment and to receive 65 lashes.-

7. Before confirming this sentence, the Court of Toujdaree Udalut require to be furnished with a Statement of the crimes previously committed by the Prisoner.-

8. The instructions set forth in Toujdaree Udalut's Circular Order of the 28th January 1828, as to the specification of the time of day or night at which the theft was committed, have been disregarded in framing the abstract of the charge in this case.-

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

(Sent following precept N°55)

Ordered also, that copy (of paras: 4. and 5.) of these proceedings be

be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance.-

(Sunkim N° 37.)

Read the Rajahmundry Criminal Reports for the month of December last forwarded by the Criminal Judge under date the 2nd Instant.

(Here enter F.Rs. N° 36.)

Report N°
Case N° 47

1. With reference to the concluding remarks of the Criminal Judge on this case, the Court of Foujdaree Udalut observe that where the fact is clearly proved by other evidence, and no doubt exists as to the cause of the death, it is unnecessary to call witnesses to prove the request.

Case N° 48

2. From the statement of this case in the Report, the Court of Foujdaree Udalut are led to suspect some intrigue on the part of the Village authorities. They therefore direct the Magistrate of Rajahmundry to enquire into the case and to commit the false,

false accusers, if there be evidence.-

3. The Court would draw the attention of the Criminal Judge to para: 12 of the Foujdaree Udalut Circular Order of the 27th December 1815, where he will see that it was unnecessary that the Vakeel assisting at the trial should have been sworn, unless he was required to depose to facts within his own knowledge.-

Case N° 49

4. The Court observe that there was abundant proof, as shown in the report, for the conviction of the Prisoner in this case.-

Case N° 50

5. The Section and Regulation under which the Prisoner is sentenced by the Pundit Sudr Ameen is not applicable to this case, which the Court observe, is one of Burglary.-

6. Regarding the Criminal Judge's note appended to this case, the Court remark that the Criminal Judge has authority to amend the sentence passed by the Pundit Sudr Ameen.

Answers upon the Prisoner, as he may think proper.

Ordered, that copy of these Proceedings be forwarded to the Criminal Judge of Rajahmundry for his information and future guidance.

(Sent in No. 58.)

Ordered also, that Extract (from para: 2) of these Proceedings together with copy of case No. 18 as it appears in the Report, be sent to the Magistrate of Rajahmundry for his information and guidance.

(Sent in No. 59.)

Read letter dated the 11th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, forwarding the record of the Trial in case No. 18 of the Chittoor Calendar for the 4th Quarterly Sessions of 1862.

(Hereunder F.C. No. 58).

Mr. Dickinson and Mr. J. McLavin

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

Gunga doo

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. 60.)

Read the Criminal Reports for the month of December last forwarded by the Principal Sudr Ameen of Ichapoor under date the 6th Instant.

(Hereunder F.C. No. 80.)

Read letter dated the 14th Instant from the 1st Judge on Circuit in the Southern Division, reporting the opening of the 1st Sessions of 1863 at Madura and the number of cases on the Calendar and states the prospect of a Supplemental Calendar.

(Hereunder F.C. No. 86.)

Read

20th January 1843.

Read letter dated the 17th Instant from the Acting Joint Commissioner Judge of Trichinopoly forwarding Statement of produce of labour of Prisoners for the 4th Quarter of 1842.

(Here enter F.No. 498.)

Read letter dated the 17th Instant from the 1st Judge on Circuit in the Southern Division, reporting his intention to open the 1st Sessions of 1843 at Tinnevelly on the 9th Proximo.

(Here enter F.No. 499.)

Ag. Regr.

F. No.

Monday, 23d January, 1843.

At a Court of the Foujdaree Udalut.

Present:

Henry Dickinson Esqre 1st Puisne Judge.

Mr. Malcolm Lewin Esqre Acting 2d Puisne Judge.

Wm. F. Mc. Irwin Esqre Acting 3d Puisne Judge.

Read Petition presented on the 19th Ultimo, with two Enclosures by Moorcoopa Pillay of Cuddalore.

(Here enter F.D.R.C. Vol. 139 of 1842.)

1. The Petitioner complains that he has been, without any reason, dismissed, by the Magistrate of Cuddalore, from his situation of Village Moonsiff of the Town of Chedumbrum - and prays the Court of Foujdaree Udalut to call for and peruse all the papers connected with his Case, and to order his restoration.

2. The Court of Foujdaree Udalut have no authority to interfere in a Case of dismissal from office, by a Magistrate - They direct that the Petitioner be instructed to present his Appeal to the Board of Revenue.

Order -

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

Ext Mr

Read again petition presented on the 31st October last by Vydelinga Pillay late a Sail Peon on the Fishgheries.

(Here enter F.U.M. P. No. 115 & 118 of 1842)

Read also letter dated the 2d Instant from the Joint Magistrate of Ootacamund submitting the Report and Explanation called for in this Court's proceedings of the 5th December last relative to the several Charges prepared by the above Petitioner against the Jemadar and Totten Peons attached to the Sail at Ootacamund.

(Here enter F.U. No. 33 of 1843)

1. From the Joint Magistrate's Report, which the Court of Foujdaree Ada. but consider to be satisfactory, it appears that the Charges preferred by the Petitioner Vydelinga Pillay, have on full investigation

investigation, been discovered to be entirely false.

2. The Court therefore direct that the petition be dismissed.

Ordered accordingly.

and that Copy of these Proceedings be furnished to Petitioner on his application.

Ordered also that Copy of these Proceedings be sent to the Joint Magistrate of Ootacamund for his information and Guidance.

/ Sent in No. 65. /

Ext Mr

Tuesday,
24th January 1843.

P.M.

At a Court of the Foujdaree Udalut.

Present,

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

Read the Quarterly Statement of disbursements for bringing up the children of the Prisoners in the Auxiliary Court at Vizagapatam, forwarded by the Joint Criminal Judge at that Station under date the 31st Ultimo.-

(Hereunto F.M. No 10)

The Court of Foujdaree Udalut consider, the monthly disbursement of annas (10.) ten sanctioned by Government under date the 12th March 1839 for the maintenance of the child Appadoo, to be wholly insufficient that may have been sufficient to support an infant of 2 years of age; cannot, they observe, be enough for a boy

24th January 1843.

boy at 6.- They accordingly resolved to direct the Joint Criminal Judge to increase the allowance to such extent as may be necessary.-

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

(Sent in No 67.)

Read a letter dated the 19th Instant from the Criminal Judge of Chingleput to the precepts of the 14th Instant explaining the reason of one Peon employed in excess in the guard over the Convicts worked outside the Jails.-

(Here enter Fllo. No 104.)

Read letter dated the 20th Instant from the 2nd Judge on Circuit in the Centre Division reporting that the 1st Sessions of 1843 will be opened at Bellary on the 20th Proxo.

(Here enter Fllo. No 112.)

No 72

Wednesday 25th January 1843.

No 26

At a Court of the Temporary Circuit.-

-Present-

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

Hardolph Lewis Esqre ——— 2nd Puisne Judge.

And Fred: Mortimer Lewis Esqre - 3rd Puisne Judge.

Read letter dated the 11th 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 Quarter ending 31st December 1842.

(Here enter F.R. No 65.)

The above Report not appearing to call for any remarks from the Court

It is Temporary Ordered.-

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 next Honorable the Governor in Council.-

(Sent in No 71.)

Read

25th January 1843.

Read letter dated 9th November last, from the 3d Judge late on Circuit in the Western Division, transmitting the Circuit Report prescribed by Section XXXVII Regulation VII of 1802 for the Provinces of 1842.

[Received 9th Dec. 1842.]

1. In Enclosure V, which accompanies the present report, the Court of Sudder Adawlut observe that much stress is laid by the Circuit Judge on the subject of delay on the part, more particularly, of the Assistant Magistrate of Canara. The Judges of the Court of Sudder Adawlut consider the explanations offered by the Assistant Magistrate to be in general satisfactory, and admit they are fully sensible of the heavy labors which the Officers of Police in Canara are called upon to perform, they feel confident that the Magistrate will, in future, use their utmost exertions to prevent all unnecessary delay in the disposal of cases that come before them.

2. As for as the 3d the Judge on Circuit remarks on the omission in the Calendars submitted to him under Section XL Regulation IX of 1816 of casual cases in which punishments had been awarded by the Darogahs of Malabar and his Assistants. The Magistrate being called upon for an explanation replies, "that the punishment in cases of the "description in question being inflicted by the "Tahsildars on the orders issued by the Magistrate, "as provided for in Clause 2d Section IV Regulation "II of 1821 and Act 33 of 1837, such cases have "hitherto been entered in their (the Tahsildars') "respective Returns."

3. On this subject the Judges of the Sudder Adawlut observe that the punishments adjudged by the Magistrate (on the report and suggestion of the Head of Police) should be entered in the Magistrates' Calendars, because in point of fact the sentence is passed by the Magistrate, and the case is adjudicated by him and not by the Head of Police, who has no control over the Police.

(Sentence)

25th January 1843.

Ordered, that the Report from the 3d Judge on Circuit and the proceedings of the Sanjedary Udalut be submitted for the consideration of Government.

/Sent in No. 72./

Ordered further, that Extract of these proceedings be forwarded to the 3d Judge late on Circuit in the Western Division for his information.

/Sent in No. 73./

The Circuit Report of the 3d Judge of the Provincial Court of Circuit in the Centre Division for the 1st Quarterly Sessions of 1842 not having as yet been submitted to the Court of Sunjedary Udalut.

Ordered that Mr. Dashington the 3d Judge of the Provincial Court of Circuit in the Centre Division be required by precept returnable in 12 days from and after its receipt to explain for the information of this Court and of Government the causes which have prevented him hitherto complying with the provisions of Section XXXVII Regulation VII of 1802.

(Sent in Nos. 74-75-76-77-78-79-80-81 and 82.)

Mr. Taylor 1st Judge of the P.C. of C. D. for the 2d Sess: of 1842.
Lawe 2d Judge of the P.C. of C. D. for the 2d Sessions of 1842.
Glass 4th Judge of the P.C. of C. in the West. for the 1st 2d Sess: of 1842.
Glass 1st 2d 3d 4th Sess: of 1842.
Barlow 4th 1st 2d 3d Sess: of 1842.
Hyde 4th 1st 2d 3d Sess: of 1842.
Hamilton 1st 2d late in C. D. for the 4th Sess: of 1842.
Hooper 2d Judge P.C. of C. D. for the 1st and 2d Sessions of 1842.
Lance 3d Judge of the P.C. of C. D. for the 2d Sess: of 1842.
Waters 1st Judge of the P.C. of C. W.D. for the 2d Sessions of 1842 and 2d 4th Sess: of 1842.

S. N.

Thursday 26th January 1843.

At a Court of the Sunjedary Udalut.

Present

Henry Dickinson Esqre 1st Puisne Judge
Malcolm Lewin Esqre 2d Puisne Judge
Fred: Mortimer Lewin Esqre 3d Puisne Judge

Read return dated 24th Inst. of December from the 1st Judge late in Circuit in the Western Division, to the precept of the Sunjedary Udalut dated 23d December last calling for the Record in Case No. VI on the file of the Mungulsire Calendar for the 2d Sessions of 1842.

/Number 2./

The Court of Sunjedary Udalut after a deliberate consideration of the Record in the case cited in the margin and of the Circuit Judge's answer for not having in discharging the Prisoner complied with the precept issued to him

Ordered,

that the Circuit Judge be required by precept returnable in 12 days from and after its receipt to explain for the information of this Court and of Government the causes which have prevented him hitherto complying with the provisions of Section XXXVII Regulation VII of 1802.

Case No 6

26th January 1843.

late on Circuit in the Western Division for his information. — (Sent in No. 86.)

Read communication from the Provincial Court the Home Division dated the 16th Instant reporting their Proceedings upon Case No. 41 of 1842 on the Report of the Joint Criminal Court of Examination for the month of November last. (Minute No. 117.)

Read return dated the 16th Instant from the Provincial Court of Criminal in the Northern Division, to the Fourth of the January Instant of the 6th January 1843, enclosing an the Proceedings of the Northern Provincial Court in Case No. 91 on the Docket of the Criminal Court of Session for October last. —

(Order in No. 118.)

Ad. Regt.

No. 1

No. 2

Sat. 11.

Saturday 28 January 1843.

At a Court of the Straydary Weeks. —

— Present —

Henry Dis Binon Esqr. ——— 1st Puisne Judge.

Malcolm Nunn Esqr. ——— 2nd Puisne Judge.

Hon. Mortimer Dyon Esqr. — 3rd Puisne Judge.

Read letter dated the 16th Instant from the Acting Assistant Governor of Straydary Weeks Enclosing Abstract of Cases disposed of by him during the quarter Ended from the 31st December 1842. (Letter No. 81.)

The above Letter not requiring any answer from the Court of Straydary Weeks.

Ordered, that a Copy of these proceedings be forwarded to the Acting Assistant Governor of Straydary Weeks for his information. (Minute No. 90.)

Read letter dated the 17th Instant from

28th January 1843.

[illegible] from the Registrar to the Provincial Court of Circuit in the Western Division, transmitting a copy of a communication, under date the 6th instant, from the [illegible] Provincial Court of Malabar in which the latter Court has related a decision by the Court of [illegible] in respect of a doubt which has occurred to him respecting the meaning of [illegible] of 1832.

[illegible]

The Court [illegible] that [illegible] a charge of a crime [illegible] the crime has been perpetrated [illegible] Regulation quoted in the margin.

2. The Provincial Court of Circuit in the Western Division are of opinion that the doubt in question is [illegible] in which [illegible] in which parties are [illegible] and malicious in respect of the charge [illegible] the fact had never transpired on which the charge was based.

3. The Court of Sudder Dewanny Adawlut [illegible]

28th January 1843.

conceive the above construction of Regulation IX of 1832 by the Provincial Court of Circuit to be correct. It is obvious a charge may be as false and malicious in respect of the party accused of committing an offence as if the fact had never transpired on which the charge was based.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for their information, to be communicated to the Joint Criminal Judge of Malabar for his future guidance.

Sent in No. 91.

Read letter dated the 4th instant from the Register to Circuit in the Southern Division, forwarding the English translations of the trial of case No. 10 of the Salem Calendar 2nd Session 1842.

Mr Dickinson and Mr J. M. Lewin

Vide order No. 87.

The Court of Sudder Adawlut [illegible] on a deliberate consideration of all the circumstances

28th January 1843.

of the case in evidence before them, being of opinion that the proof against the prisoner Carrocapa Camden is sufficient to convict him of the Crime of Murder, to convict him thereof; but considering that there are circumstances in the case which entitle a less severe Sentence than that which the Statute of Stephen X Victoria Regulation VIII provides for the Crime of Murder, under the provisions of Clause Second Section VI Regulation I of 1825, to be transported for life, the Prisoner cannot be executed for the Crime in question, but must undergo the punishment of Transportation for life, and be kept at hard labor in irons, on the public roads or other public works, for the remainder of the period of his natural life.-

(Mr. Reff. to follow Letter No. 92.)

Read letter dated the 10th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division forwarding

Copy

F. H.

28th January 1843.

copy of the Cuttoor Calendar for the 4th Quarterly Sessions of 1842 - together with translations of the Mahomedan Law Officers' Futwahs.-

(Moreuter F. H. No. 52.)

Case No 1. 1. The Court of Foujdary Adalut, judging from the abstract of the evidence as set forth in the Calendar, are of opinion, that the guilt of the Prisoners in this case is clearly proved - They resolve therefore to direct that the record of the Trial be submitted for their consideration and final orders.-

Case No. 2. 2. Seeing reason to doubt the correctness of the 4th Judge's Sentence with regard to the 3rd Prisoner, the Court of Foujdary Adalut resolve to call for the record in this case also.-

Case No 6. 3. The 1st Judge presiding at the Quarter Sessions recommends a mitigation of the punishment to which he observes, the 1st Prisoner in this case has subjected himself, but has omitted to specify the crime committed by the said Prisoner.-

4. From the evidence it would appear not improbable that a rape was committed by the 1st Prisoner on the Prosecutrix - who

Copy

being ordained to prefer a charge of Perjury, have charged a Robbery.-

5. Without the record however the Court are unable to form a judgment on the case. The Presiding Judge will therefore be pleased to forward the record for the consideration of the Sanjdary Adalut and at the same time to state distinctly what crime he considers proved against the 1st Prisoner.-

Case No. 7. 6. The Court are of opinion that there has been a failure of justice in this case as regards the 5th Prisoner. It appears that this Prisoner is an habitual receiver of stolen goods - and the Court remark that even though he did not know that the property made over to him by the 2d Prisoner was stolen, the act of melting it without giving information was punishable under the provisions of Section IX. Regulation XIII of 1832, to the extent of two years imprisonment.-

Case No. 8. 7. So far as an opinion can be formed from the statement of this case in the Calendar, the Court of Sanjdary Adalut are of opinion that the Prisoner is clearly guilty of the crime with which he is charged - He however he has been

Sentenced

sentenced in the preceding Case No. 7 to 7 years imprisonment and to receive 150 lashes, the Court refrain from calling for the Record or making any further remarks on this case.-

Case No. 10 8. The Court require that the deposition given by the 3d Prisoner in this case before the Joint Magistrate of Chittoor, in which (according to the statement of the 4th Witness) he confessed "that he stole the cloth "No 1 with certain other articles in a house at "Ranneput." be submitted for their consideration.

Case No. 11 9. The three Prisoners in this case are fully convicted of the crime of Highway Robbery and sentence has been recorded against them severally of 14 years' imprisonment under Clause Third Section IV Regulation XV of 1803. but the Presiding Judge being of opinion that, in consideration of the trifling value of the property stolen, and of the absence of force and ill-treatment on the part of the Prisoners, who are not old offenders, ten years' imprisonment would be an adequate punishment for the offence committed by them, recommends a mitigation according to-

10. The Court of Sanjdary Adalut

Concur

28th January 1843.

Court in the 1st Judge's opinion, and resolve to sanction the mitigation proposed by him.-

Case No 15. 11. The Court do not consider the evidence against the 2d Prisoner in this case sufficient to warrant the requisition of security from him.-

Case No 17. 12. The Court of Fouzdary Udalut adverting to the admission of the 5th Prisoner before the Head of Police that he knowingly received stolen property from the 2d Prisoner, and to the fact of his being a Talook Ror which greatly aggravates his guilt, are of opinion, that he justly deserved the whole extent of imprisonment to which he was liable under the provisions of Clause 2nd Section II Regulation XV of 1803.-

Ordered, that a copy of these Proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Ceded Division for his information and guidance by precept returnable in 10 days from and after its receipt.-

Ent. Ent. Next following precept No /-

F. 16.

Monday, 30th January, 1843.

At a Court of the Fouzdaree Udalut.

Present,

Henry Dickinson Esqre — 1st Puisne Judge,

Mr Malcolm Lewin Esqre — Acting 2d Puisne Judge,

Mr J. M. Lewin Esqre — Acting 3d Puisne Judge.

Read letter dated the 16th Instant from the Provincial Court in the Western Division submitting with reference to this Court's Proceedings of the 28th Ultimo, their opinion on Cases Nos 4, 6, 86 and 91 of the Malabar Criminal Reports for the month of November 1842.-

(Here enter F. 16. No 114)

For the reasons stated in the above letter, the Court of Fouzdaree Udalut resolve not to disturb the decisions of the Joint Criminal Judge in the Cases above mentioned.-

Ordered that Copy of these Proceedings be forwarded to the Provincial Court in the Western Division for their information

matter

Tuesday 31st January 1843.

At a Court of the Fingdaree Holabut

Present

Henry Dickinson Esq.re 1st Puisne Judge

Malcolm Lewin Esq.re — Acting 2d Puisne Judge

F. Mc. Lewin Esq.re — Acting 3d Puisne Judge

Read Petition presented on the 14th November last by Seelummah in the Zillah of Chittoor.

(Here enter F. 16. M. R. No. 129 of 1842.)

The Petitioner is the Wife of the Prisoner in Cases Nos. 3 and 4 on the Chittoor Calendar for the 4th Quarterly Sessions of 1842, who was sentenced, by the 1st Judge presiding, to 4 years imprisonment for the Crime of uttering base Coin.

1.

2. She complains of the injustice of the sentence passed upon her husband, and prays the Court of Fingdaree Holabut to call for and peruse all the Proceedings connected with the Cases Nos. 2 and 3 and order the release of her husband.

The

30th January 1843.

mation and guidance and for communication to the
Joint Criminal Judge of Malabar.

/ Sent in ct No 97 /

No reply having been received
from the Provincial Court in the Southern Division
to the Proceedings of this Court of the 30th November
1842, directing them to look into Case No 74 of the
Tenasserim Supplemental Report for October 1842,
and to pass such orders thereon as part of their
result for the information of the Tanjore Udalut.

Ordered that the Provincial
Court in the Southern Division be required to reply
to the Proceedings aforesaid without delay.-

/ Sent in ct No 98 /

No reply having been received
from the Provincial Court of Circuit in the Southern
Division to the proceedings of this Court of the
30th November 1842, directing them to look into
Cases Nos 80 and 82 of the Coimbatore Criminal
Report No V for the month of October last
and to pass such orders thereon as may appear
to them necessary reporting the result for the
information

information of the Tanjore Udalut.-

Ordered that the Provincial
Court of Circuit in the Southern Division be
required to reply to the Proceedings aforesaid
without delay.-

/ Sent in ct No 99 /

No reply having been received
from the Provincial Court of Circuit in the
Southern Division, to the proceedings of this
Court of the 5th December 1842, directing them
to look into certain Cases in the Salem Criminal
Reports for the months of October 1842 and
pass order on them reporting the result for the
information of the Tanjore Udalut.

Ordered that the Provincial
Court of Circuit in the Southern Division be
required to reply to the Proceedings aforesaid
without delay.-

/ Sent in ct No 100 /

Ext 7th.

WDa
ap. res.

The Court of Foujdaree Udalut see no reason whatever to disturb the 1st Judge's Sentence, and therefore direct that the foregoing petition be rejected.

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

Read a fair Petition presented on the 21st of November last by Moorkunnah of the Zillah of Cuddapah, complaining of ill treatment from her husband and Brother in law, and praying the Court of Foujdaree to grant her relief.

/ Here enter F. D. No. 2 of 131 to 132 /

Read also letter dated the 5th Instant, from the 3d Judge late on Circuit in the Centre Division, submitting a Report on the above Petition, as required by the Court of Foujdaree Udalut in their Proceedings of the 16th Instant.

/ Here enter F. D. No. 15 /

From the Report of the 3d Judge late on Circuit in the Centre Division it appears, that

that the petitioner has no just grounds of Complaint, and the Court of Foujdaree Udalut but therefore direct that her petition be dismissed.

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

Read Miscellaneous Petition presented on 3d January 1843 by G. Jaggiah of Zillah Guntoor, uncle of Bendaroo Rajaswarow, Prisoner in the Gaol of Guntoor.

/ Here enter No. 1 of 1843 /

1. The Petitioner complains of the punishment awarded his Nephew whom he declares to be innocent of the Crime laid to his charge, and prays that the Court of Foujdaree Udalut will call for the record of the Case and cancel the decision of the Circuit Judge.

2. It appears that Petitioner's Nephew was convicted, in Case No. 5 on the Guntoor Calendar, of being accessary and instigating to the perpetration of a Dacoity case of

of Burglary and, in consideration of his having
a Police Officer at the time, furnished with
14 years imprisonment.

3. The Court of Foujdaree Udalut
but after a perusal of the Calendar see no
reason to question the correctness of the sentence
and consequently dismiss the Petition.

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

Read Miscellaneous Petition pre-
sented on the 3d January 1843 by Ramcobha
garaid Ramnein of the Zillah of Chittoor.

Here enter F.C. No. Nos 2 of 1843

The Petitioner describes himself
as the Father of Cossiun, Prisoner in Case
No 16, in the Calendar for the 4th Quarterly
Sessions of Chittoor for 1842 and, submitting
a Statement in detail of the circumstances
under which the apprehension of his Son
was effected by the Subordinate Police
Officers, and the stolen property discovered,
solicits orders from this Court for the suspension
of

of the sentence passed by the Zillah
or Circuit, as also for the transmission of
the record of the trial, with a view to both
being brought under consideration and the
Prisoner Cossiun released.

The main Grounds of the above
application are that subborned Evidence was
procured to prove the delivery by Petitioner's Son
of the stolen property to one Anadammaul,—
that Cossiun was compelled by harsh treatment
in the Talook to declare he had stolen it
the said property;— that there was a total ab-
sence of proof of his having been seen in the Com-
mission of the Theft charged against him and
that nine individuals have falsely deposed to
Petitioner's Son having secreted certain Jewels
secreted in the house of the above mentioned
female, Anadammaul.

On a consideration of the above
address the Court of Foujdaree Udalut resolve
to reject the prayer which it contains; being of
opinion that no grounds whatever exist to
justify their interference on behalf of the

Prisoner

of 1 Burgfary and, in Consideration of his being a Police Officer at the time, punished with 14 years imprisonment.

3. The Court of Confidence Uduk: but after a perusal of the Calendar see no reason to question the Correctness of the sentence and Consequently dismiss the Petition.

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

Read Miscellaneous Petition presented on the 3d January 1843 by Ramanbha: garata Ramsin of the Zillah of Chittoor.

Here enter F.16. M.P. No 2 of 1843

The Petitioner describes himself as the Father of Coopien, Prisoner in Case No 16, in the Calendar for the 4th Quarter of Sessions of Chittoor for 1842 and, Submitting a Statement in details of the circumstances under which the apprehension of his Son was effected by the Subordinate Police Officers, and the stolen property discovered, solicits orders from this Court for the suspension of

F.16

31st January 1843.

of the sentence passed by the Sessions Court on Circuit, as also for the transmission of the record of the trial, with a view to the being brought under consideration and the Prisoner Coopien released.

The main grounds of the above application are that subsequent Evidence was procured to prove the delivery by Petitioner's Son of the stolen property to one Amalammaul; - that Coopien was compelled by harsh treatment in the Lockup to declare he had stolen the said property; - that there was a total absence of proof of his having been seen to commit the theft charged against him and that nine individuals have falsely deposed to Petitioners Son having given up certain Jewels secreted in the house of the above mentioned female, Amalammaul.

On a consideration of the above address the Court of Confidence Uduk: see no reason to reject the prayer which it contains; being of opinion that no grounds whatever exist to justify their interference on behalf of the Prisoner

Criminal where they observe is an old Extender
and released, moreover, from Gaol so recently
as the 1st March 1841.-

Ordered, that Extract from
these proceedings be granted on application to
the Petitioner.-

Read Miscellaneous Petition presented
on the 3d January 1843 by V. Krishnah of
Nagapatam

(Here enter P. W. M. P. No. 4 of 1843)

Adverting to a previous address
presented on his behalf by Vaiyel Venkata:
Subbiah, the Petitioner prays for a reconsider:
ation of the orders passed thereon by this Court
under date the 30th June 1842.

Re recapitulates the circumstances
under which his former Request was submitted, saying
that on the difficulties in which he finds himself
placed owing to the order of the Assistant Judge
of the Auxiliary Court at Nagapatam, confirmed
by the Provincial Court in the Northern Division,
prohibiting his employment by parties in their
conduct of Civil matters, and the acceptance
of Papers in the hand writing of the Petitioner.

Heard

The Court of Enquiry Udalut
do not observe that there is any argument in the
above address calculated to throw any new light
on the Petitioner's case - The sentence passed
against him by the Joint Criminal Judge was
duly confirmed by the Appellate authority and as
the order by the former Officer was declared on
a consideration of the Grand of which the Pe:
:titioner was convicted, and in this Court's opinion
was just and proper; they decline to interfere
with a view to the removal of the injunction against
which Petitioner complains and accordingly re-
:fer him to the determination expressed in their
proceedings of the 30th June last which
he must consider final.-

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

Read Miscellaneous Petition pre:
:sented on the 9th Instant by Moottealuchan
of Bellary.-

(Here enter M. P. No. 6 of 1843)

The object of the above add

is to procure for the Court's order for the release of Waddatummadoo, Prisoner in Case No. 5 of the Bellary Primary Calendar for the 2d Sessions of 1842, who is the husband of the Petitioner and was charged with assault.

The allegation in support of her application that the Statements made against her husband before the Police authorities of the Bellary District and the Criminal Court, were greatly exaggerated in respect of the injury she sustained - and that the Case of the assault on her having been brought forward at all, resulted from the enmity borne her husband by an individual she designates and by whom she declares Subborned Evidence was procured.

It is observed on reference to this Court's proceedings, dated the 29th December 1842, that the punishment originally awarded to Waddatummadoo by the Judge on Circuit, was reduced to two (2) years imprisonment, and as the Court of Zillah Udalut cannot consent to release the Prisoner altogether without punishment, they resolve that this Petition be

dismissed

3/ No. 26.

31st January 1843.

dismissed.

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

Read Miscellaneous Petition presented on the 16th January 1843, by Shashappah of Bellary.

/Here enter No. 26 in P. Vol. of 1843./

The Petitioner is the brother of Rungappah, 2d Prisoner in Case No. 52 of the Bellary Primary Calendar of the 2d Sessions for 1842. Having thus described himself he prays this Court will call up the record of the trial in the Case adverted to, and on a consideration thereof, be pleased to order the release of the 2d Prisoner in question.

He grounds his application on the alleged facts of his brother having been connected with the Lumbadies, known to have committed the Gang robbery charged only by legitimate money dealings, of his crimination by the 1st Prisoner being insufficient

: cient proof against him and of the character for respectability which he has hitherto borne.

The Court of Enquiry Udalut would call for the record of the trial and acc: : count of the 2d Prisoner of whose guilt there cannot be the slightest doubt.

It is shewn by the Calendar that it was in consequence of information afforded by the 2d Prisoner that the gang was apprehended.

It is accordingly resolved that the Petition be dismissed.

Ordered, that Extract from these Proceedings be granted to the Petitioner on application.

Read the Criminal Reports submitted by the Provincial Court of Circuit in the Western Division for the month of December 1842.

/ Here enter No. 109 /

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

Ordered

Ordered therefore, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for communication to the Principal Sudr Ameen at Surat.

/ Sent in No. 103. /

Read the Criminal Reports submitted by the Acting Joint Criminal Judge at Trichinopoly for the month of December 1842.

/ Here enter No. 90 /

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

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

/ Sent in No. 104 /

Read letter dated 6th December last from the Criminal Judge of Canara, re: : questing Caution for the offer of a con: : ditional pardon to the prisoner Ramma and

and Yeddahil Kumah accused as ac-
: cessaries in a Case of Murder.-

/Here enter No 1727/

The Court of Sujdaree Ada-
: lut having maturely weighed the circumstances
represented in the above letter from the Criminal
Judge of Canara, resolve, under the authority
vested in them by Section XII Regulation XIII
of 1832 to sanction the offer of a pardon to
the Prisoners

"Kemaka"

and

"Yeddahil Kumah"

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

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

/Station No 105/

also.

Ordered that the translation
submitted by the Canarese Law-officer be returned.

Read Miscellaneous Petition presented
on the 16th Instant by Chinappa Row of Permut.

/Here enter F.C. in P No 8 of 1843/

1. Adverting to his Letter addressed
to the Foreign Department by this Court, the Petitioner
prays the record of the trial of the Case before
the Joint Criminal Court at Cuntoor may be
sent for and, on consideration thereof, that
instructions may be issued for the release of Con-
Sungoo Row and the Remission of the Fine
he has been sentenced to pay.-

2. The Petitioner is informed that
any objections which he may wish to offer to the
sentence passed by the Joint Criminal Court
at Cuntoor should be preferred to the Provincial
Court of Circuit in the Northern Division.-

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

Read letter dated the 16th Instant
from the Magistrate of Salem.

/Here enter F.C. No 116 of 1843/

1. The above communication is ac-
: companied by an Extract from the Proceedings
of the Court of Circuit for the Southern Division
under date the 16th December 1842, which
bears

have particular reference to certain cases disposed of by the Acting Chief Magistrate of Salem and are stated by the Magistrate to have been addressed to his subordinate, in the first instance, instead of to himself, the authority by whom the Calendar of Sentences for Gool delivery was submitted to the Judge on Circuit.

2. Under these circumstances the Magistrate solicits the opinion of the Court of Enfolance Adalut whether a communication of that nature was regular and in conformity with their orders.

3. Before replying to the question submitted for their consideration by the Magistrate of Salem, the Court resolve to forward to Lieut. W. A. Keane, the Judge on Circuit referred to, a Copy of the Magistrates letter with a view to his submitting for the information of the Enfolance Adalut an explanation of the grounds on which he adopted the mode of communication with the subordinate Magisterial officer, to

to which the Magistrate of Salem has adverted.

Ordered, that Extract from these proceedings be transmitted to the 3d Judge on Circuit in the Southern Division, for his information and guidance.

/ Sent in Ltr No 106 /-

Thursday 1
2d February 1843.

At a Court of the Supreme Court of

Present

Henry Dickinson Esqre ——— Chief Justice

Malcolm Lewin Esqre ——— Assist. Justice

Present: Mortimer Kerin Esqre — Assist. Justice

Read return dated the 1st

Ultimo from the Sheriff in Court on the

Southern Division, to the Court's precept of the

29th December 1842, calling for the Court to have

before it on the Continuation Calendar for the 2d

Session of 1842 —

(Here enter 3 Vic No 12 p.)

The Court of Supreme Jurisdiction

on a deliberate consideration of all the proceedings

holden in the case above mentioned, are of opinion

that the decision of the 3d Inferior Court of

Circuit was correct —

Ordered, that copy of these

proceedings be forwarded to the 3d Inferior Court of

Circuit in the Southern Division for their

information and guidance —

(Section No 109)

2nd February 1843.

Read the Criminal Report
for the Months of December last forwarded by
the Acting Criminal Judge of Malabar under
date the 10th Instant.

(Vide Order No. 96.)

Supplemental
Despatch 16th

The Acting Criminal Judge is
requested to point out to the Court Annexure 1 Para
what in support of the sentence passed by him in
this case, the second, instead of the fourth Clause
of Section III Regulation VI of 1822 has been quoted,
and that Section IX Regulation I of 1825, where
that officer has also specified as an authority has
nothing whatever to do with the offence charged
against the Prisoners.

Ordered, that Extract from these
proceedings be transmitted to the Acting
Criminal Judge of Malabar for communication
to the officers subordinate to him.

(Entered in No. 116)

Read the Criminal Report
for the months of December 1842 received from
the Acting Joint Criminal Judge of

Tharmadam for two

2nd February 1843.

Tellicherry Circuit

Tharmadam.

(Annexure to No. 63 of 1843.)

No. 43.

1. In the sentence recorded in this
case by the Acting Criminal Judge, that Officer
has quoted only Clause fourth, Section III,
Regulation VI of 1822 as the authority under which
he imposed eight months imprisonment and
25 Rattans on the Prisoner against whom the
offences charged were distinct and different—viz
the 1st being accused of stealing during the day
from the Prosecutor's house, a box containing
ornaments valued at Rupees 160;— the 2nd with
having received the said box knowing it to
have been stolen.—

2. The Court would point out to the
Acting Joint Criminal Judge that it is the fourth
Clause of the IV Section of the Regulation in
question which applies to the purchase or re-
ceipt of property stolen under the circumstances
described in this case.

No. 44. 3. The attention of the Acting Joint
Criminal Judge is further drawn to the

case

2d Feby

2d February 1843.

[illegible] Court Commissioners Circle of the Criminal Sessions under consideration, enquiring on the termination of the sentence passed in Writ being restricted thereto entered to the 5th column of the Report.

Answered, That the commencement of a sentence should be entered in the 7th column, there can be no objection to the form suggested in the letter paper.

Adverting to the latter part of the enquiry, I am directed to remark that the Sub Jurors are required against Return of the summons of Petit Jurors, each thereto to be informed that he is expected to answer a warning of this kind to the Sub Jurors of his Court, and that the necessary information should at once be given.

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

(Entd in No III.)

Read letter dated the 19th Ultimo from the Joint Criminal Judge of Batticotta

Commissioners

2d

2d February 1843.

enquiring a list containing the particulars regarding a prisoner who has been sentenced to banishment by the Court of Quarterly Sessions.

(Vide entry No 132.)

The Court of Requests Adultery directed that the prisoner Poondayen Veerapen Pillapen be removed to the Gaol at Mangalore, and there to be imprisoned agreeably to the terms of his sentence.

Ordered, that Extract from these proceedings be sent to the Joint Criminal Judge of Batticotta and to the Criminal Judge of Canara, for their information & guidance respectively.

(Entd in Nos 112 & 113.)

Read letter dated the 31st Ultimo from the Acting 3d Judge on Circuit in the Northern Division reporting having opened the 2d Sessions of 1842 at Rajahmundry on 26th January 1843.

(Vide entry No 162.)

2d Feby

2d Feby

Fo 71

Friday
3d January 1783

His Court of the Sanctuary Adjudged

Present

Henry Dickinson Esqr ——— 1st Puisne Judge

Malesten Lewin Esqr ——— 2d Puisne Judge

and Stl: Mortimer Lewin Esqr ——— 3d Puisne Judge

Read the Criminal Returns for the Month of December 1782 received from the Acting Criminal Judge of Onesapatch —

(Mem: no Cr. Cases in that Month)

In that case the Exter Cur. Case 20f. 1

Queen has erroneously quoted an authority which is inapplicable to the offence charged; and the fiscal or imprisonment which she appears hereto he has awarded to the Prisoner; seeing that to which, under the circumstances stated in the charge, he was legally liable —

2 The Regulations which apply are Clause nine of Section II Regulation XV of 1802 and Section VII Regulation X of 1800 The Acting Criminal Judge will therefore be pleased

2

proceed to decide the subject of the reference
to the examination of the Prisoner to be remitted
to the Criminal Court of Assize there
to stand.

Ordered that Notice from these
proceedings be forwarded to the Solicitor (Crown)
Supt & Inspector for the information and
guidance of Police Officers in the (5.) Police
Area and to the Prosecutor.

(Sd) Following precepts &c &c

Read the (annual) Report
for the month of December 1902 received from
the Acting Criminal Court at Carnarvon
(Records &c. No. 37 of 1902)

No. 103 of 1903. No. 1

It is observed that the Prisoner
in these cases was apprehended by the (chief
on the 22nd and produced before the Court of
Police only on the 5th of December last.

2 The Court of Enquiry desires
to receive an explanation of the circumstances under
which a period of detention extending to 5 days

Can

can have occurred.

3. Attention to the part of the three
Subpoenas charged against the Prisoner Ahmed b
Lim, charging him committed within a period of
nine days, the Court of Enquiry desire desired
to direct the Provincial Court of Circuit in the
Cocos Division to call up and look into the
records of the cases in question, with a view to
ascertain whether, notwithstanding his youth, a
more severe punishment would not be justifiable
than that which has been awarded & him by the
said Ahmeen.

No. 103 4. The delay of two days in the
transmission of this case by the Head of Police
of the Cocos Islands to the criminal authori-
ties, is attributed to the search made for the
stolen property.

5. The Court of Enquiry consider
are by no means disposed to consider an explana-
tion of that nature to justify a delay of 5 days
in excess of the period allowed for the investigation
of such cases by the Police Officers.

The

Feb 14th.

The Court request the Joint Commissioners will make the amicable communication of the Records, and proof the result of the Case that was reserved for the Decision of the Court of Queen's Bench in the Eastern Division of the Province.

(Vide Order of Feb 16th page 116.)

(Read Letter dated the 13th Feby from the Secretary of the Provincial Court of Chancery in the Western Division presenting a Petition of Appeal in the case of Hall vs Hall.)

(Here enter No 9 of 1843.)

115

Feb 15th

The above communication contains the Report required by Section XXXVII Regulation VII of 1842.

It does not appear to the Court of Chancery that it will be necessary to direct that further Evidence be taken in the Case.

Ordered, that the Petition of Appeal be filed.

Ordered, that the Petitioner do forthwith enter into a Recognizance with two sufficient Sureties in the penal sum of £200 each, conditioned for the prosecution of the Appeal with effect, and for the payment of such costs and damages as may be awarded to the Respondent in case the Decree appealed from shall be affirmed, or the Appeal dismissed for want of prosecution.

Ordered, that the Petitioner do forthwith transmit to the Secretary of the Provincial Court of Chancery in the Western Division a Copy of the Petition of Appeal, and of the Decree appealed from, and of the Bill and Answer in the Cause, and of the Evidence taken in the Cause, and of the Exhibits produced in the Cause, and of the Report of the Commissioners to whom the Cause was referred, and of the Exceptions to the Report, and of the Proceedings had thereon, and of the Decree made in the Cause, and of the Petition of Appeal, and of the Order allowing the Appeal, and of these Proceedings, together with a Transcript of the Proceedings had in the Court of Chancery in the Eastern Division in the Cause, certified under the Seal of the Court, and under the hand of the Registrar, for the information and assistance of the Court of Appeal in the Western Division.

(Vide Order of Feb 16th page 116.)

(Read Letter dated the 13th Feby from the Secretary of the Provincial Court of Chancery in the Western Division presenting a Petition of Appeal in the case of Hall vs Hall.)

(Here enter No 9 of 1843.)

Feb

3d February 1843

Read the Criminal Reports for
the months of December last, submitted by the
Joint Criminal Judges of Coimbatore under date
the 27th December 1842.

(Here enter Ex. No. 107.)

The Court of Sessions Madras

Report N.W. Code
No. 97.

remark that no satisfactory reason has been assigned
for the great delay in forwarding the case to
the Criminal Court. The Prisoner is stated
in the Report to have been apprehended on the
10th November last, and the Calendared Court's
Magisterial jurisdiction in the Zillah ceased on the

following date.

From the statement appended to these
Reports it appears that 22 Jail Fowls were employed
at Convictions during the Month of December 1842,
on which 28 Prisoners were working outside the Jail,
and the authorized guard for this number of
Convicts consists of 2 Peons, the Joint Criminal Judges
is required to explain the reason of 4 Peons being
employed in excess of the prescribed Complement

Ordered, that a Copy of these
proceedings

No 46.

Saturday 4th February 1843.

At a Court of the Sessionary Udalar.

Present

Hon. Sir Thomas Lewin Knt. Puisne Judge.

Hon. Halcolm Lewin Esqre. 2nd Puisne Judge.

Hon. Fred: Mortimer Lewin Esqre. 3rd Puisne Judge.

Read Letter dated the 19th

Ultimo from the 2d Judge on Circuit in the Eastern Division, forwarding the Record in Case No 1 of the Cross-Pleas Calendar of the 1st Sessions of 1843, for the consideration and final orders of the Court of Sessionary Udalar.

(See Letter Fol. Pp. 111 of 1843.)

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

Mr. Dismissed and Wm. Pt. Lewin

Manslaughter

is sufficient to convict him of Manslaughter for which the Penalty of Death is awardable under the Mahomedan Law - as declared by Futwas of their Law Officers, do convict him thereof; and in pursuance to the provisions of

Clause

4th February 1842

Colombo Circuit Section XV Regulation VII of 1832

Ordered, that Notice be given to the Inspector of Roads and Bridges to be appointed under the said Regulation, that the Labour of the Prisoners will be required on the public roads or other public works, for and during the period of ten years.

(Vide following letter No 121.)

Read the Criminal Report

received from Criminal Court of Contravention for the Month of December last.

(Vide also letter of 14th Inst.)

No 165

1. The case with which the Criminal in this case is charged has previously been convicted of the Theft for which he is sentenced to the present punishment.

2. It should be intimated to him that stealing a tale or withdrawing a bell, constitutes a Theft, and in future occasions should be punished as such.

3. The Court will not however interfere with the sentence awarding a year's imprisonment with hard labour.

No 166.

4. In order to judge of the propriety of the sentence passed in this case by the Assistant Criminal Judge on the Western Sessions the Court of Judicature should desire to have before them the particulars of the two offences for which he is stated to have been punished, and also the Depositions taken before the Magistrate and sent by the Criminal Judge to the Court.

They accordingly resolve to require the Criminal Judge to submit them.

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

(But following precept No 122)

4th Feb.

A.D. Lef.

Z. 76.

Monday 6th February 1843

At a Court of the Vaujdaree Adalut

Present

Henry Dickinson Esqre ——— 1st Puisne Judge

Malcolm Lewin Esqre ——— 2d Puisne Judge

Fred: Mortimer Lewin Esqre ——— 3d Puisne Judge

Read Miscellaneous petition presented on the 4th instant by Zamin Ali Sarkar Muhammad of the Zillah of Chittagong

(Vide order of the 4th inst. No 10)

The Petitioner complains of the unjust & the unreasonable manner in which the sentence passed upon him by the Sessions Judge of Chittagong for the 4th Quarter Sessions of 1842 & by the 1st Judge Declining and stop the Court of Vaujdaree Adalut to call for and consider the record of the trial in the said case, and to order the release of the 2d Prisoner.

2. The Court of Vaujdaree Adalut see no ground or whatever for altering the sentence passed by the 1st Court upon the 2d Prisoner, and direct that this petition be returned.

Ordered accordingly and the

copy

6th February 1863.

copy of these Proceedings be furnished to
Petitioners on their application.

Read Miscellaneous Petition
presented on 2nd instant by Narain Sundary and
Hungyaumoon of Zillah Chittoor
(Examination)
Deserting to their former petition
of the 19th instant, that Petitioners complaint
the information of the witness produced when they
were Examined by the D. Collector in
Chittoor on the Chittoor Calendar on the 4th
December instant of 1862 and upon that they
were detained three days of torture,
and that the Petitioners for the Appellee were then
sent away, and pray the consequence, that if
Court of Sessions should not call for the record
of the case, and order the release of Petitioners
Immediately.

2. The Court of Sessions Calendar
having perused the proceedings in the Chittoor
Calendar are convinced that there is a ground for
Petition, and direct that it be dismissed.

Ordered

6th February 1863.

Ordered, that Extract from these proceedings be granted to Petitioners on application.

Read Appeal Petition dated the 2nd instant from Veeraragadum and others praying on the Petitioners
(Here insert Petn. dated 2nd Inst. No. 17.)
The Petitioners state that the charges preferred by Pydathinga Pillay against the Sister and others are true - but that the truth of them was not proved in consequence of the grounds practised by the Police during the further carried on by the Joint Magistrate under the orders of this Court.

They state that the Sister has obtained leave of absence from the Police for three months to be present at a wedding, and that her brother in law is to be appointed to act during her absence - They pray that any other person may be appointed as Sister, and that the complaint preferred against them by Pydathinga Pillay may be thoroughly

investigated

6 February 1843

Case No. 124

(There enter Ltr. No. 79 of 1843.)

Case No. 1.

In Case No 102 of the above Report it is observed a delay has occurred in the Chairman of the Circuit to the first Criminal Court

Case No. 124

The Court of Sessions at Kilkenny

would be forwarded the following correspondence on the subject of the Judge on Circuit in the Southern Circuit will be pleased to call the matter under the information of the Court

[illegible]

[illegible]

[illegible]

the Sudder, ordering therein for their information
the requisite details.

On the first column of Record of
the cases noticed in the report under observations,
the designation of the officer who disposed of
them, has been omitted. In future reports this
omission should be supplied.

Ordered, that Colonel Low's
proceedings be forwarded to the Joint Criminal Judge
of Masulipatam by precept returnable on the 1st
inst. with instructions that such part of the proceedings
as refer to the Sheristah be communicated to
that functionary.

(Vide following page) No. 125

V. Tirutani of Masulipatam, &c.

move the Court to return the enclosures on
his Miscellaneous Letters. Dated 4th of 1842
and 4 of 1843. Ordered accordingly.

Read return dated the 21st Instant
from the Criminal Judge of Rajahmundry, to the
precept of the 2nd January last of the 7th Instant
requiring information by what arrangement

Tuesday 7th February 1843

At a Court of the Tongdaree Udalut.

Present:

Henry Dickinson Esqr. 1st Principal Judge presiding

Malcolm Lewin Esqr. Actg 2d Principal Judge

Mr

Md. J. Mc. Lewin Esqr. Actg 3d Principal Judge

Read letter dated the 25th January 1843 from the 2d Judge on Circuit in the Central Division, forwarding the record in Case No 6 of the Cuddapah Calendar for the 1st Session of 1843, for the consideration and final orders of the Court of Tongdaree Udalut.

(Vide Proceedings in F. Ud: No 155.)

The Court of Tongdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them, bring of opinion that the Prisoner "Mandeja Venkatachellum" alias "Chellumgundoo"

Mr H. Dickinson and Mr M. Lewin

7th February 1843

committed on presumption of their guilt
or on the evidence of Credible witnesses
or on his own confession of the crime
of Murder, do acquit him thereof
but considering that strong suspicion
attaches to him, they direct that he
be required under Clause Fifth Section
II Regulation XV of 1803, to find two
sureties in fifty Rupees each for his
good behaviour and appearance when
required within three years or in default
thereof that he be imprisoned and
kept to labor in irons for the period
of three years.

(Sent following letter No. 127)

Read return dated the 17th Ultimo
from the Agent to the Governor General
at Gorruckpore, to the precept of
the Joint Udalut of the 15th December
1842, calling for 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.

Ordered, that letter F. C. No. 157 &c

F. C.

Friday 10th February 1843

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esqr 1st Pundit

Malcolm Lewis Esqr 2d Pundit

Read the Criminal Reports to call
for the Month of December 1842 received
from the Joint & Assistant Magistrate
of Zillah Ghazeepore No. 89 of 1843

Ordered, that the Acting Joint Magistrate
be informed in reply to his Letter No. 75
dated the 4th instant, that the Circular Order
of the 22d & 23d and 24th January 1835
to which he has referred in his Letter
of the 23d ultimo, has no reference to the
proceedings of Criminal Judges in cases
of the kind. The Acting Joint Magistrate
is directed to refer to Circular Order
of the 30th January 1835 (No. 89 of 1843)
for the instructions which he is required
to follow in proceeding in cases of
this description.

Ordered, that the Acting Joint Magistrate be
informed in reply to his Letter No. 75
dated the 4th instant, that the Circular Order
of the 22d & 23d and 24th January 1835
to which he has referred in his Letter
of the 23d ultimo, has no reference to the
proceedings of Criminal Judges in cases
of the kind. The Acting Joint Magistrate
is directed to refer to Circular Order
of the 30th January 1835 (No. 89 of 1843)
for the instructions which he is required
to follow in proceeding in cases of
this description.

On future occasions the Court of Longford Udaltas desire to receive the transcript of the sentences be in such form, to be made horizontally, or from right to left, and not, as in the case under observation, from the top to the bottom of the page; a mode of writing adopted only in the Court at Limmanee

4. In these cases the form of sentence directing the release of the Prisoners respectively charged in them with offences of a serious nature, is extremely brief and inexplicit and furnishes the Court of Longford Udalta but with no sufficient information to enable them to form a judgment of the propriety of the opinion which the Acting Joint Criminal Judge has expressed regarding the evidence adduced in support of the Prosecution.

5. They accordingly request he will submit for their consideration a detailed statement of the testimony brought forward in each case, pointing out for the information of the Court the particular grounds on which he has regarded it as inadmissible or unworthy of credence under the circumstances stated in the sentence by the Acting Joint Criminal Judge, the Court of Longford Udalta will be enabled more satisfactorily to form an opinion as to the necessity for the transmission of the case in the first instance to the Criminal Court.

6. They accordingly resolved to request the Provincial Court of Circuit in the Southern Division to call up the record of the case and to report whether in their opinion the proceeding by the Head of Police was justifiable, and whether they consider the charge not to have been sufficiently sustained by the investigation made in the Joint Criminal Court.

8. In respect of this case, a similar request will be made of the Longford Udalta that a similar course of proceeding may be adopted and the result reported.

9. In order to avoid the necessity

9th February 1813

of a requisition of the foregoing nature to the Provincial Court, in respect of the case noted in the Margin, the Court of Tongdara Udalut desire the Acting Joint Criminal Judge will lay before them a Statement of the facts deposed to by the witnesses examined by him in it

Prof

2. The Court see reason greatly to doubt the truth of the charge preferred against the Prisoner in this case, in which he is accused of receiving stolen property, not forthcoming at the trial.

3. occurs to them that if the Kafs Stuff had been in his possession when originally apprehended, he would have been deprived of it, and could not under such circumstances, have had an opportunity of making away with an article of that description.

4. They determine, therefore, to direct the Provincial Court of Circuit to call up and go into the record of the trial, reporting the result of their examination

of

I. M.

9th February 1813.

of it, to this Court.

13. With reference to the objection

= able brevity of the sentences noticed

Nos 85-87-88-89. in the foregoing paras: and to the very

scanty information which can be elicited

from the remarks of the Acting Joint

Criminal Judge the Court of Tongdara

Udalut think it necessary to call

that Officer's attention to the observations

contained in their proceedings of the 30th

December 1812. when a hope was

expressed that it would not again be

necessary to adopt such a proceeding.

14. They further would point

out to the Acting Joint Criminal Judge

that in the transmission of the Criminal Report for the Month of December

1812, which reached this Office only on

the 19th Ultimo, he has neglected the

observance of the orders contained in para:

6 of the Circular Order No 10, which in

future must be conformed to.

Ordered, that Extract from

these Proceedings be transmitted to the Acting Joint Criminal Judge of Sumeswhy &c by Precept returnable in 10 days from and after its receipt.

(Next following Precept No. 132.)

Ordered also, that Extracts of paras 6, 7, 8, 10, 11, 12 of these Proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance by Precept returnable without delay.

(Next following Precept No. 133)

Read letter dated the 25th Ultimo from the Acting Agent to the Governor of Fort St. George at Vizagapatam forwarding the Criminal Report for the Months of December 1842

(Herewith No. 166.)

The above Report does not appear to call for any remark from the Court of Zillah Vizagapatam.

Ordered therefore, that Extracts from these Proceedings be forwarded to the

the Acting Agent to the Governor of Fort St. George at Vizagapatam for his information.

(Next in No. 134)

Read letter dated the 25th Ultimo, from the Acting 1st Judge of the Provincial Court of Circuit in the Northern Division, submitting the Quarterly Sessions Report under Section XXXVII Regulation VII of 1802

(Herewith No. 171 of 1843.)

The above Report not appearing to call for any remark from the Court of Zillah Vizagapatam.

Ordered, that Extracts from these Proceedings, together with a copy of the above Report be forwarded to the Secretary to Government, for the purpose of being laid before the Most Honorable the Governor in Council.

(Next in No. 135)

Read letter dated the 28th January 1843 from the 3d Judge to the Circuit

9

9th February 1843

Circuit in the Centre Division submitting for the consideration and final Orders of the Court of Sanjdaree Udalut a translation of the Record of the trial in Case No 5 of the Ballance Supplemental Calendar for the 2d Sessions of 1842.

Herewith No 164

The Court of Sanjdaree 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,

Hounegah

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.

Mr. H. Lewis and Mr. T. M. Lewis

Sd.

(But see following letter No 136)

R D M
A. Dept.

J. U.

Friday 10th February 1843.

At a Court of the Sanjdaree Udalut

Present

Henry Dickinson Esqr. 1st Puisne Judge

Malcolm Lewin Esqr. Agg. 2d Puisne Judge

Sd. T. M. Lewin Esqr. Agg. 3d Puisne Judge

Read letter dated the 16th Ultimo from the Criminal Judge of Cuttack forwarding the Criminal Reports for the Month of December.

Herewith No 105

Case No 115. 1. From the remarks recorded by the Assistant Criminal Judge in this case, it would seem that the Prisoner was released without trial; and as such a proceeding would be illegal, the Provincial Court are directed to look into the case, reporting their opinion for the information of the Sanjdaree Udalut.—

Case No 116. 2. The Criminal Judge remarks that the Prisoner in this case, will be forth-

Co

to be in the habit of oppressing poor people,
and as such an assertion should not be
made without proof, the Court of Sanjedarre Udalak direct the Criminal Judge
to state the grounds on which the
report originated.

Case No. 154. 3. This appears to the Court
of Sanjedarre Udalak a trivial case of smuggling
and if the Prisoner has not already been
released, they direct that he may be
as the two Months imprisonment
already undergone was a punishment
more than adequate to the offence.

Case No. 152. 4. The Criminal Judge expresses doubts as to which of the two
bonds is really the forged one. The Court
of Sanjedarre Udalak agree as to the
doubt and consider the commitment
consequently unjust, and direct the
Provincial Court to examine the case,
reporting their proceedings for the information of the Sanjedarre Udalak.

Case No. 155. 5. From the wording of the charge

charge the Court are led to consider this
a case of Burglary, and the Sentence
erroneous - they direct the Provincial
Court to look into it, & to submit
their decision for the information of
this Court.

Ordered, that Extract from
these Proceedings (paras 4 & 5) be sent
to the Provincial Court in the Western
Division by precept returnable with
the least possible delay.

(sent following precept No. 138)

Ordered further, that Extract
from these proceedings be furnished to
the Criminal Judge of Canara by
precept returnable in 10 days from
and after its receipt.

(sent following precept No. 139)

Read letter from the Acting
2d Judge on Circuit, transmitting copies
of the Primary and Supplemental Calendars
of the Zillah of Malabar for the 1st Session of 1843

(Herewith No. 29)

The

10th February 1843

Case No 4.—

1. The Prisoner "Muuttaalu Nursareddy" is charged with having on the night of the 11th July 1842 perused the take and entered the house of the Prosecutor Pippareddy Chendriah, and stolen therefrom grain valued at 1-2-0 and further with having stabbed the Prosecutor on the head at the time of his apprehension.—

2. The Circuit Judge concurring with the Futwah of his Law Officer sentences the Prisoner to 7 years imprisonment in irons and 195 Stripes with the cat of nine tails.—

3. (Before recording their opinion in this case the Court of Sudder Adalut required the Circuit Judge to send the original remarks on the trial in his own hand writing; and, as they do not perceive sufficient grounds for the infliction of corporal punishments, they direct that the Stripes be suspended.—

The

F. U.

10th February 1843.

Case No 2.

4. The Prisoner "Comyacoholu Polagaudoo" is charged with having on Thursday the 25th of August attacked the Prosecutor on the highway and robbed him of property to the value of 5 Rupees.—

5. The Circuit Judge convicts in the Futwah expounding the Prisoner and considers the statements made by the Prosecutor so clearly false as to warrant the imposition of a fine.—

6. The Court of Sudder Adalut being unable to credit the Prisoners narration, direct that translations of the Prosecutors sworn depositions may be submitted for their consideration.—

Case No 8.—

7. The Prisoner in this case "Dausoo Pitchumah" is charged with having forced an entrance into the Prosecutors house, and there and there stolen from the person of his niece an ornament valued at 12 Rupees

and

10th February 1843

and further, on the same occasion, with having taken the 8s Value from outside the house with intent to steal from his person a silver Tangle valued at 8 Rupees.—

The Court observed that the case, involving two charges of a very serious nature, ought to have been tried by the Circuit Judge and that the Resolution quoted does not warrant the course pursued by him.—

The Court directed that the case be again committed to the Court of Circuit unless it has been already disposed of by the Criminal Judge.

Ordered that Extract from these proceedings be sent to the Acting Second Judge on Circuit in the Northern Division by first Receipt returnable in 12 days from and after the Receipt hereof following Rupees 140/—

A Piggy

F. 16.

Saturday 11th February 1843

At a Court of the Supreme Judicature.

—Present—

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

The Hon. Malcolm Lewin Esq.re — 2d Puisne Judge.

The Hon. Fred: Mortimer Lewin Esq.re — 3d Puisne Judge.

Read the Criminal Reports for the months of December last forwarded by the Acting Criminal Judge of Galle under date the 12th Instant.

(See order 1st Feb. No. 64.)

Supplemental to Report Case No. 85.—

The Prisoner in this case is sentenced by the Assistant Criminal Judge to 3 months imprisonment for having effected his escape from the Custody of Police Court while conveying him to the Criminal Court in order to take his trial on the charge preferred against him in the preceding case No. 84 of having by night with others broken into a house, and stolen therefrom property valued at Rupees 32—11—

2. On the former Case the Prisoner was sentenced to 4 years imprisonment and the Court of Enquiry Report observed with reference

4th February 1895.

Case No 6

1. Enquiring from the statement of the evidence as set forth in the Calendar, the Judges of the Sanitary District are of opinion that this is a clear case of murder, and that the trial ought to have been referred for the consideration and final orders of this Court.-

2. They regret that the Circuit Judge has omitted to submit any remarks of his own on so important a case- and feel themselves constrained to call upon the 3d Judge for an explanation of the circumstances which have led him to believe the parties not guilty of the crime of murder, as well as of his reasons for determining that a reference of the trial to the Court of Sanitary District was not necessary.-

Case No 10.- 3. The Court do not concur in the sentence passed upon the Prisoners in this case by the Circuit Judge, and resolve to call upon the Judge to submit a full explanation of the case for their information.-

Ordered, that copy of these proceedings be forwarded to the 3d Judge of the

Assistant Criminal Judge
Appeal Case No 87
92-94- and
Referred to Case of opinion, that the Assist. Criminal Judge has
Nos 104 and 112.- entered into an unnecessarily lengthened detail of
the evidence in each of these cases- They would
recommend that in future a more condensed
statement of the facts of the important points
of evidence in each case be submitted.-

Ordered, that copy of these proceedings be forwarded to the Acting Criminal Judge for his information and future guidance.-

Letter No. 142.

Postal letter dated the 20th Nov. from the 2nd Assistant Circuit in the Southern Division, transmitting copy of the Combatore Collector's opinion for the Board's opinion together with translations of the two Law Officers' Minutes.-

(Recorded Vol. No 146.)

In Circuit at the Southern Division for the information was presented by precept returnable in 3 days from and after the receipt of the following precept No 143.

Dated 6th Dated the 31st January 1843 from the Provincial Court of Circuit in the Southern Division, authorizing for the examination and decision of the Inquiry Relative to a letter from the Magistrate of Coimbatore, requesting to be informed whether the Board of Revenue are empowered to entertain an appeal by a Ryot against a decision of a Magistrate passed under Clause Second, Section III Regulation III of 1816.

(Vide entry S. N. No 85 of 1843.)

It appears from the above communication that the Magistrate of Coimbatore has been recommended by the Board of Revenue to remit a fine which was imposed under the Regulation quoted and has been carried to the public account but entertains considerable doubt whether he is empowered to make such a refund except by a

11th February 1843

a Precept under Appeal from the Provincial Court.

2. The Court of Inquiry Relative to concur with the Provincial Court of Circuit in the Southern Division in opinion that the Board of Revenue have no authority in an Appeal of the nature of that referred to in the communication from the Magistrate of Coimbatore.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information - and communication to the Magistrate of Coimbatore.

/Sent in No 1144./

Read the Cuttoor Criminal Reports for the month of December 1842.

/Vide entry No 90./

No 162

The Court of Inquiry Relative to observe that the said Duncan Brooke in omitting to state the amount of imprisonment to which the Prisoner in this case would be liable in the event of the fine imposed not being

realized have overlooked Clause 1 Section XXXIX
Regulation VII of 1802.- and they direct that the
omission be now supplied.-

Ordered, that Extract from these
proceedings be sent to the Acting Criminal Judge
of Chittoor by precept returnable in 3 days from
and after the receipt.-

(Sent preceding precept No. 145)

Read the Criminal Reports
from August 1841 to December 1842, and the
Calendars from the 2d Quarter of 1841 to the 4th
Quarter of 1842 submitted by the Agent to the Governor
of Fort St. George) at Ganjam on the 16th January
1843.-

(Here enter No. 156.)

The above Criminal Reports
and Calendars do not appear to require remark
from the Court of Sudder Adawlut further than
that the observations by the Agent to the Governor
in Lieu of the cases disposed of are drawn out
to unnecessary length, and that the Judges trust
that Officer will in future be more regular in
the transmission of the usual reports.-

Ordered, that Extract from these
Proceedings

Proceedings be sent to the Agent to the Governor
of Fort St. George at Ganjam for his information
and guidance.-

(Sent No. 146.)

Read letter dated the 28th Ultimo
from the Assistant Criminal Judge in charge of
Chittoor, returning the Death Warrant in Case
No. 18 of the Calendar 4th Quarter Sessions 1842.-

(Here enter No. 173.)

Read letter dated the 31st Ultimo
from the 3d Judge late on Circuit in the Centre
Division, forwarding the original death warrant
in Case No. 22 on the Bellary Supplemental Calendar
for the 2d Sessions of 1842.-

(Here enter No. 174.)

Read return dated the 2d Instant
from the 1st Judge of the Provincial Court
of Circuit in the Centre Division, to the precept
of the Sudder Adawlut of the 25th January 1843.
requiring him to explain the cause which have
prevented him earlier complying with the provisions
of Section XXXVII Regulation VII of 1802.-

(Here enter No. 178.)

Read letter dated the 27th Ultimo
from

th
th February 1843.

from the Provincial Court in the
Western Division forwarding the statement received
from the Clerk of the Crown, shewing the
amount realized by the labor of the Prisoners in
the last quarter, and stating that the other Officers
in charge of Jails in the Division have reported
that nothing was realized by such labor under them.

(Here enter No: 179)

Read return dated the 31st Ultimo
from the Acting 1st Judge of the Provincial Court
of Circuit in the Northern Division, to the precept
of the Tenjidary Adalut of the 25th January 1843. &c.
requiring him to explain for the information of the
Court and of Government, the causes which have
prevented him earlier complying with the provisions
of Section XXXVII Regulation VII of 1802.

(Here enter No: 180)

Read returns dated the 31st Ultimo
from the 1st Judge of the Provincial Court of Circuit
in the Western Division, to the precept of the
Tenjidary Adalut of the 25th January 1843, requiring
him to explain the causes which have prevented
him earlier submitting his Circuit Reports for the Sessions
Sessions of 1842 and 43 Quarterly Sessions of 1842.

(Here enter No: 195)

Entd

No. 10.

Monday
13th February 1843

At a Court of the Tenjidaree Adalut
Present
Henry Dickinson Esqre 1st Puisne Judge
Malcolm Lewin Esqre Actg 2d Puisne Judge
J. Mc. Lewin Esqre Actg 3d Puisne Judge

Read letter dated the 31st
January 1843 from the 3d Judge late on
Circuit in the Southern Division, trans-
mitting the English translations of the Trial
of Case No 32 of the Sessions Calendar
2d Sessions of 1842 for the final Orders
of the Tenjidaree Adalut

(Here enter No 198)

Wm McLewin
and
Wm J. M. Lewin

The Court of Tenjidaree
Adalut upon a deliberate consideration of
all the Circumstances of the Case in Evidence
before them being of opinion that the
proof against the Prisoner
1 Cora Talang
is sufficient to convict him of the
Crime of Highway Robbery do convict
him

13th February 1843

him thereof, and under the provisions
of Clause Third Section IV. Regulation
XV of 1803, sentence him to be imprisoned
and kept to hard labour in irons on
the public roads or other public
works, for and during the period of
the fourteen years.—

Sent for following letter No 149

Eg Wt.

Eg Wt.

No 11.

Tuesday 14th February 1843.

At a Court of the Stonjdary Udalut.

Present

Henry Dickinson Esq.r ——— 1st Puisne Judge

Malcolm Leoin Esq.re ——— 2d Puisne Judge

Mr L

Wm L

Fred.k Mortimer Leoin Esq.re — 3d Puisne Judge

Read letter dated the 20th Ultimo
from the 3d Judge late on Circuit in the Centre
Division, transmitting the record of the trial
in Case No 3 of the Pottary Supplemental Calendar
for the 2d Sessions of 1842 for the confirmation
and final orders of the Court of Stonjdary Udalut.

(Vide inter F. Ca W. III)

Before recording their final
decision on this case, the Court of Stonjdary
Udalut wish to see the Police Urzee No 150
addressed to the Joint Magistrate of Pottary
under date the 18th July last relative to the
propriety of sending the case up to the
Criminal Court.—

Ordered, that copy of this Proceedings be forwarded to the 3d Judge late on Circuit

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

(Sent in No. 157.)

Read the Madura Criminal Reports for the Month of December last submitted by the Criminal Judge under date the 31st December 1842.-

(Here enter G.H. No. 130.)

Report No. 1. Case No. 129. 1. The Court of Sessions Udalut observe that the Criminal Judge has omitted to specify the Regulation under the provisions of which security is demanded by him from the Prisoner in this Case.-

Case No. 130. 2. Considering the notoriously bad character of the Prisoner in this case, as appears from the Report, the Court of Sessions Udalut are of opinion that he should have been committed for trial before the Court of Circuit.-

3. It is observed with reference to the Statement appended to these Reports shewing the instances in which the powers of punishment

punishment created by Regulation x of 1832 have been exercised in the Jail under the Criminal Judge's charge during the month of December last, that the offence committed by the Convict Pakkiyanady is not very clearly explained.-

Ordered, that a copy of these Proceedings be forwarded to the Criminal Judge of Madura for his information and future guidance.-

(Sent in No. 152.)

Read Letter dated the 26th January 1843 from the 1st Judge late on Circuit in the Western Division, requesting the orders of this Court regarding the disposal of Vellaya, the 1st witness in Case No. 1. on the Sessions Calendar for the 2d Session of 1842, who was admitted as an approver in that case.-

(Here enter G. No. 181 of 1842.)

Referring to the terms on which the offer of a pardon was made to the individual referred to in the above communication

the

14th February 1843.

the Court are of opinion that he should not be released and resolved accordingly.

Ordered, that Extract from the proceedings, together with a Certificate of Sentence be forwarded to the 1st Puisne Judge late on Circuit in the Western Division for his information and guidance.

/Sent in No. 152./

Dead letter, dated the 2nd January 1843 from the Acting 2nd Judge on Circuit in the Northern Division, submitting for the consideration and final order of the Supreme Court an Englishman Translation of Case No. 9 on the Primary Calendar for the 1st Session of 1843.

(Here enter 3 Ela No. 128 of 1843.)

The Queen
and
Wm. Smith Lucas

The Court of Inquiry Held at Colombo on a deliberate consideration of all the circumstances of this case is unanimously of opinion that the proof against the Prisoner Maunikala Pilapitiya is sufficient to convict him of the crime of Murder, & convict him thereof; and unanimously

the

14th February 1843.

the provisions of Section X Regulation VIII of 1822 sentence him to suffer death by being hanged at the usual time and place of execution.

/Sent following letter No. 152./

The account of the trial which is contained in the foregoing communication from Mr Gloster, the Acting 2nd Judge on Circuit is considered by the Court of Inquiry Held at, regarding to the horrid nature of the crime with which the Prisoner was charged, to be circumstantially meagre and quite unsatisfactory.

2. On a perusal of the communication in question and of the translations by which it was accompanied, the Court see reason to doubt, both whether Mr Gloster perused before despatch the letter in which he have recommended that the Prisoner be sentenced to suffer death, and whether he examined the translations of the proceedings on which that recommendation is based.

3. The former contains the following expression "there is not wanting of evidence"

Can

14th February 1843.

and in the Arraignment, included in the latter,
it is observed that the Prisoner has been thus
accepted: "you the Prisoner is charged"

4. In the first page of the proceedings
before the Circuit Judge also, it is observed that
the forms usually adopted have been omitted.

5. The negligence on the part of the
Acting 2d Judge which is thus clearly evinced
induces the Court of Enquiry Madras to require
the transmission of the draft letter prepared by
that officer when sending up the trial.

6. They further determine to point out
to the Acting 2d Judge that a second question
should have been put to the Mahomedan Law
Officer as to the punishment to which the
Prisoner would have been liable had Reference
not been barred by the Statute law.

7. In conclusion they would express
their regret that the Acting 2d Judge should not
have deemed it necessary to furnish the Court
with some explanation as to what, in his opinion,
were the motives which instigated the Prisoner
to the commission of the act of which she stood charged

against him: whether his statement regarding his
father was entitled to belief, or whether the
impression of the Punchayet that it was to be
attributed to jealousy or suspicion was more
entitled to credit.-

Ordered, that Extract from these
proceedings be forwarded to the Acting 2nd
Judge on Circuit in the Northern Division by
precept returnable within x days, from date of
it's receipt.-

(Sent following precept No. 155.)

Read letter dated the 1st Instant
from the Criminal Judge of Nagalamundy-
forwarding the Criminal Reports for the
month of January 1843.-

(Recorded No. 199.)

Read returns dated the 4th Instant
from the Acting Second Judge of the Court of
Circuit in the Northern Division, to the precept
of the Enquiry Record of the 25th January 1843
calling for the Circuit Reports for the 4th Quarter
2d Quarterly Session of 1842, and requiring him to
explain, for the information of the Enquiry Record

and of Government to the causes which prevented him
from complying with the provisions of section
XXXVII Regulation VII of 1802.
(Here enter No. 207.)

Read return dated the 31st instant
from the 3rd Judge of the Provincial Court of Appeal
in the Southern Division, to the precept of the
Temporary Assistant of the 25th January 1843 calling
for the Court's Report for the 1st and 3rd quarters'
Sessions of 1842, and requiring him to explain
for the information of the Temporary Assistant and
Government the causes which prevented
him earlier complying with the provisions of
Section XXXVII Regulation VII of 1802.
(Here enter No. 208.)

Read return dated the 7th instant
from the 2nd Judge on Circuit in the Eastern Division,
in obedience to the precept of the Temporary Assistant of the 25th ultimo,
explaining the causes which prevented his earlier
complying with the provisions of Section XXXVII
Regulation VII of 1802.
(Here enter No. 215.)

Def. Regr.

No 20

Thursday, 16th February 1843

At a Court of the Temporary Assistant

Present,

Henry Dickinson Esqre ——— 1st Puisne Judge
Mr Maledon Lewis Esqre ——— 2d Puisne Judge
Wm Fredk. Mortimer Lewis Esqre &c ——— 3d Puisne Judge

Read letter dated the 31st ultimo
from the 3d Judge presiding at the Court of Appeal
Sessions in the Western Division, transmitting for
the final sentence of the Temporary Assistant the
proceedings in Case No 1 on the additional Calendar
of the Supreme Court of Trinidad for the 1st
Quarter Sessions of 1843 and recommending
that the Prisoner may be sentenced each to 7
years imprisonment with hard labor in irons.
(Here enter No 197.)

Mr Dickinson

The Court proceeded to a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoners

1st Condian Alexr Little Ramsay
and
2nd Edmond.

expedient to convict them of the crime of
Culpable Homicide, for which the penalty of
Death is awardable under the Mahomedan
as declared in fatwas of this Sadr Adawlut
to convict them accordingly, and under the pro-
visions of Clause Second Section V Regulation
VIII of 1831, and Clause Second Section XV Regu-
lation VII of 1832, sentence them to be imprison-
and kept at hard labor in irons on the public
roads or other public works, for and during
the period of twelve years.

(Sent following letter No. 159)

Read the Sudder Criminal
Report for the Month of December last, submitte
by the Criminal Judge under date the 31st of
that same Month.

(Here enter F.H. No. 88.)

Supplt. Report
Case No. 143.

1. The Court of Foujdary Adawlut see
reason to doubt the correctness of the Criminal
Judge's proceedings in this case, and according-
ly direct the Provincial Court in that Division
Division to call for and dispose of it as they
may think proper, reporting the result for the
Court's

Court's information.

Report No. V
Case No. 198.

2. A delay of 10 days is reported to
have taken place in forwarding this case to the
Criminal Court after the apprehension of the
Prisoners. The Panipoor Tahsildar accounts
for the delay by a reference to the Acting Joint
Magistrate of Salem.

3. In cases of reference to the
Magistrate, it is expedient that the nature and
grounds of such reference be briefly noticed in
the report, in order that the Court of Foujdary
Adawlut may be enabled on the reference to their
Circular Order of the 28th November 1834 No. 22 to
judge whether the detention of Prisoners in the
Jail be beyond the time prescribed by the Regu-
lations, is necessary and proper.

This point will in future be
4. attended to.

Case No. 147. 5. The protracted detention of the
Prisoners in this case by the Police, is not sat-
isfactorily explained.

Case No. 206. 6. It has been noted by this Court
that

16th February 1843.

that the offence of receiving is quite distinct from all others, & no mistake with must be in addition to a former offence, or at least to an accusation of one - and with reference to this case, the Court of Fojdary Adawlut observe, that the offence of escape should have formed the subject of a separate charge against the Prisoner instead of being endorsed on the back with the grave crime of Burglary -

Case No 208 } The Prisoner in this case is stated to be a noted offender - but the Criminal Judge has omitted to record the nature of the former offence committed by him - The Court would draw the attention of the Criminal Judge to Fojdary Adawlut Circular Order 6th September 1821 -

Ordered, that a Copy of these Proceedings be forwarded to the Criminal Judge of Salem for his information and future guidance -

/ Entered in No. 160 /

Ordered also, that Extract from these

16th February 1843.

these proceedings (para 1.) be sent to the Provincial Court for the Southern Division for their information and guidance -

/ Sent in No. 761. /

Read letter from the Criminal Judge of Salem under date the 4th Instant, submitting the translations in Criminal Case No. 7 of 1843 as required by this Courts order of 31st January last -

/ Records No. 208 /

Read again letter from the Criminal Judge of Salem dated the 18th ultimo requesting the sanction of the Fojdary Adawlut to offer a conditional pardon to Munitoo Coundan the Prisoner in Case No. 7 of -

/ Records No. 103 /

The Court of Fojdary Adawlut, after a perusal of the depositions given in this case, are clearly of opinion that a conditional pardon ought not to be tendered to the Prisoner, the indirect approver being one as would in ordinary cases be deemed

Case to cross

conclusive of his being the actual murderer!
the bloody knife was found in his house and
his clothes were stained with blood: and since,
moreover, he has so grossly contradicted himself
in the several statements already given, it would
be impossible to place any confidence on the
assertions which he might now make.

Under these circumstances the
Court decline to accede to the Criminal's
application and order that these translations
be returned together with an extract from these
proceedings for his information and guidance.

/Sent in No: 162/

Read letter, dated the 4th instant,
from the Provincial Court of Circuit in the
Central Division, forwarding transcript of a com-
munication from the Acting Criminal Judge
of Trincomalee, with translation of his proceedings
in Case No 9 of his file; as also copies of a
correspondence between himself and the Magis-
trate of that District, regarding his requisition
for the appearance as witness before the Criminal
Court

Court of Mr F. J. Cotton, Joint Magistrate
of Trincomalee, with which the latter officer, on the
grounds stated in his letter to the Magistrate
dated the 23d ultimo declines to comply.-

(Rec'd inter. S. No. 201 of 1843.)

1. The Prisoner in Case No 9 before
the Criminal Court at Trincomalee is shown by the
papers recorded above to be the tenacity of the
Joint Magistrate's Cutcherry establishment and
to be charged with having abstracted from the
Joint Magistrate's office box at Cumbum, a sum
of Six (6) Rupees.-

2. The testimony against the Prisoner
which has already been adduced in the Criminal
Court proves that he was sent to open the box
during the absence of Mr Cotton and, also,
that Mr Cotton almost immediately missed, as
being missing, the very sum which, on the Prisoner
as being searched, was found secreted on him.

3. The requisition for the appearance
of Mr Cotton himself, which the Acting Criminal
Judge has deemed it necessary to address to that
gentleman

16 February 1843.

immediate superior, seems to have
resulted from his impression that neither known
evidence nor a written statement could be sub-
stituted for direct evidence.

4. Fully appreciating the motives of the
Acting Criminal Judge the Court of Enquiry
adopted are, however, of opinion that in the trial
under observation it is not shown that the
evidence of the Crown is necessary to secure
conviction of the accused.

5. In this case of the alleged theft
cannot admit the propriety of that portion
having been summoned from a place 100 miles
distant, and cannot concur with the Provincial
Court of Circuit in deeming the removal of
these persons. I would, however, have been
Secretary to the Court of Enquiry should
had the Hon'ble communication of the 23rd
attention to the records of the Magistrate's Court
exhibited specific reasons for the course adopted
indicate authorities of the District in which
he is employed.

Ordered

3. No.

16th February 1843.

Ordered, that Extract from these proceedings be transmitted to the Provincial Court of Circuit in the Outer Division for their information, and for communication to the Acting Criminal Judge - and through the Magistrate, to the Joint Magistrate of Cuddapah.

(Sent in No. 163.)

Read Letter dated the 4th Instant from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division, forwarding his Report prescribed by Section XXXVII Regulation XII of 1802 for the Trial of 2nd Quinquennial Sessions of 1842.

(Herewith No. 209.)

The above Report not appearing to call for any remark from the Court of Judiciary Authority.

Ordered, that Extract from these proceedings together with a copy of the Report be forwarded to the Secretary to Government in the Judicial Department to be laid before the Most Honorable the Governor in

Council

16th February 1847.

Council.-

/Sent in No. 164./

Read communication from the 3rd Judge late on Circuit in the Eastern Division, forwarding Original Depositions in Case No. 4. on the Ballance Supplementary Calendar for the 2nd Sessions of 1847.-

/Minute No. 5./

Read letter dated the 1st Instant from the Joint Criminal Judge of the Western Court at Vizagapatam submitting the Quarterly Criminal Returns of his Court for the Months of January 1847, as prescribed by Section XLIV Regulation X of 1816, and stating that the Returns Nos. VII and IX, and the Statement required by Circular Order No. 80, have not been sent, there being no cases to be read in them.

/Minute No. 225./

Sp. Secy.

Sp. C.

Tuesday, 19th January 1847.

At a Court of the Sudder Adawlut.

-Present-

Henry Dickinson Esq.r ——— 1st Puisne Judge.

Malcolm Lewin Esq.r ——— 2nd Puisne Judge.

Fred.k Mortimer Lewin Esq.r ——— 3rd Puisne Judge.

Read letter dated the 31st Instant from the 1st Judge late on Circuit in the Western Division, forwarding his Circuit Report for the Quarter revised by Section XXXVII Regulation XII of 1802 for the 2nd Sessions and 2nd Quarterly Sessions of 1846.-

/Minute No. 196./

The above Report not appearing to call for any remark from the Court of Sudder Adawlut.-

Ordered, that Extract from these proceedings, together with a copy of the Report be forwarded to the Secretary to Government in the Judicial Department, to be laid before the Most Honorable the Governor in Council.-

/Sent in No. 168./

Read letter dated the 6th Instant from the 2d Judge on Circuit in the Centre Division, submitting the Circuit Report prescribed by Section XXXVII Regulation VII of 1802 for the Chittr 3d Quarter Sessions of 1842.

(Here enter No. 210.)

The above Report not appearing to call for any remarks from the Court of Sudder Adalut.

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

(Sent in No. 169.)

Read letter dated the 4th Instant from the 2d Judge of the Provincial Court of Circuit for the Centre Division, forwarding the Record in Case No. 87 of the Cuddapah Calendar for the 1st Sessions 1843 for the consideration and final orders of the Court of Sudder Adalut.

Mr. Dickinson.
and
Mr. H. H. Irwin.

(Here enter No. 171.)

The Court of Sudder Adalut are of deliberate consideration of all the circumstances of the Case in Evidence before them, being of opinion that the proof against the Prisoner Nalleheerae Uncatharaeedoo is sufficient to convict him of Manslaughter, for which the penalty of Dyut 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 2nd 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 five years.

(Sent following letter No. 170.)

Read return dated the 9th Instant from the acting Criminal Judge of Cuddapah, to the precept of the Sudder Adalut, dated the 4th Instant, conveying the observations and orders on the Condemnation Criminal Reports for the Month of December last.

(Here enter No. 236.)

Read

Read letter dated the 9th Instant
from the 1st Judge on Circuit for the Southern
Division, explaining the cause which induced
him to extend to the 16th February the pro-
posed time to open the 2nd Sessions 1843 at
Dunboe Cape.

(Here enter No: 238.)

Read return dated the 11th Instant
from the Joint Criminal Judge of Cuddalore, to
the precept of the Sanjeary Adawlut of the 3d Instant,
forwarding copy of a letter from the Magistrate of
South Arcot, in explanation of the delay which
occurred in the transmission of Cases Nos 109-110,
and 111. to the Court, also reporting that the state-
ment of the Prisoners ill-treatment in No 114 is untrue.

(Here enter No: 245.)

Read letter dated the 1st 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 December 1842.

(Here enter No: 252.)

Asst. Regr.

Sat.

Sat
2nd.

Sat.

Saturday 18th February 1843.

At a Court of the Sanjeary Adawlut

— Present —

Henry Dickinson Esqre — 1st Puisne Judge

Malcolm Lewin Esqre — 2nd Puisne Judge

Fred: Mortimer Lewin Esqre — 3rd Puisne Judge

Read letter dated the 24th Instant
from the 3rd Judge late on Circuit in the Southern
Division, transmitting a copy of the Calendar
of Cases for the 2nd Sessions of 1842, together with
translations of the Law Officer's Futwas on
(Here enter Nos: 5 & 6.)

Primary Calendar.

Case No: 4.— 1. The Court of Sanjeary Adawlut do
not concur with the 3rd Judge in the sentence
passed by him on the Prisoner in this case — they
see cause to believe the Prisoner liable to capital
punishment for the crime of Murder, and
accordingly direct, that the record of the trial
be submitted for their consideration and final
order.—

Case No: 5.— 2. The Court further direct
the record be returned for correction in the

17th February 1843.

Read letter dated the 9th Instant from the 1st Judge on Circuit for the Southern Division, explaining the cause which induced him to extend to the 18th February the proposed time to open the 1st Session 1843 at Tuticorin.

(Here enter No: 238.)

Read return dated the 11th Instant from the Joint Criminal Judge of Cuddalore, to the precept of the Sanjidary Adawlut of the 3d Instant, forwarding copy of a letter from the Magistrate of South Arcot, in explanation of the delay which occurred in the transmission of Cases Nos: 109-110, and 111 to the Court, also reporting that the statement of the Prisoners ill-treatment in No: 111 is untrue.

(Here enter No: 245.)

Read letter dated the 1st Instant 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 December 1842.

(Here enter No: 252.)

A. Regr.

Ent.

S. A.

Saturday 18th February 1843.

At a Court of the Sanjidary Adawlut

— Present —

Henry Dickinson Esqre — 1st Puisne Judge

Malcolm Lewin Esqre — 2d Puisne Judge

Fred. Mortimer Lewin Esqre — 3d Puisne Judge

Mt

rml.

Read letter dated the 22d Instant from the 3d Judge late on Circuit in the Southern Division, transmitting copies of the Salem Calendar for the 2d Sessions of 1842, together with translations of the Law Officers Minutes

(Here enter after S. A. No: 245.)

Primary Calendar.

Case No: 1.— 1. The Court of Sanjidary Adawlut do not concur with the 3d Judge in the sentence passed by him on the Prisoner in this case. See reason to believe the Prisoner liable to enhanced punishment for the crime of Murder, and accordingly direct, that the record of the trial be submitted for their consideration and final order.—

Case No: 5.— 2. The Court have read and recorded their reasons for concurring in the sentence passed

finding of the Inferior Court for directing
the immediate release of the Prisoner in this
case. The Court therefore resolves to call upon
that Officer to submit a full explanation of
the case for their information.—

3. It is recorded in the abstract of
the evidence taken before the Criminal Court
that the 3d, 4th, 6th and 7th Prisoners in the case
asserted that their confession was extorted from
them by ill treatment on the part of the Police.
The Court of Sessions Adalut direct that the
Magistrate of Salem be required to investigate
this matter, and to report the result of his
enquiries for their information.—

Case No. 11. 4. The Court of Sessions Adalut are
of opinion that the grounds of suspicion
against the Prisoner

Chinnapien—

are so strong that security might have been
demanded from him. The 3d Judge is required
to state fully his grounds for directing the uncon-
ditional release of the Prisoner, for the consideration

of

of the Sessions Adalut.—

Case No. 13. 5. The Circuit Judge has not stated
in his Proceedings of the 16th November last
referred to, that the Prisoner

Dauvergondor—

declined to be tried by him. Much inconvenience
is occasioned by postponing trials, and the
Court of Sessions Adalut observe, with reference
to their Circular Order of the 21st August 1833,
that if the Prisoner did not refuse to be tried
by the 3d Judge, that Officer should have proceeded
with the trial in this case.—

Supplemental Calendar Case No. 1. 6. The trial of this case was post-
poned by the 3d Judge late on Circuit in conse-
quence of a communication from the Criminal
Judge of Salem stating that the 1st and 3d
Prosecutors and the 3, 4th, 6th and 7th Wit-
nesses in the case had failed to appear. The
"the requisite steps were taken."—

7. The Court of Sessions Adalut
observe that the Judge late on Circuit should
call upon the Criminal Judge of Salem to

to bail

debtor the particulars steps which were taken to
secure the attendance of the absent parties.

8. They further report that the
actual collection of the amount of the recognizances
forfeited by these persons to Her Commutation must
be reported.

Case No 2. Q. The Prisoner in this case is
charged with having forcibly entered the house
of the Prosecutrix at night and with the
intent to kill, stabbed and severely wounded
her with a knife in several places on her face.
He is sentenced by the 3rd Judge to 7 years im-
prisonment.

10. The Court of Judiciary decided
consider the Prisoner deserving of far more severe
punishment, and observe that the case ought
to have been referred by the Circuit Judge for
their consideration and final orders.

Ordered, that copy of these Proceed-
ings be forwarded to the 3rd Judge late on Circuit
in the Southern Division for his information
and guidance.

/Sent in No 172./

Ordered

Ordered also, that Extract from
these proceedings (para 3.) be sent to the
Lieutenant of Salem for his information and
guidance.

/Sent in No 173/

Read letter dated the 21st Instant
from the Agent to the Governor of Fort Regent —
in Council submitting the record of Trial No 1.
of 1843 for the Crime of Murder and communica-
ting his opinion as to the punishment to be
passed upon the Prisoner.

/Here enter T.H. No 226/

The Court of Judiciary having
having maturely considered the evidence
taken before the Governor's Agent, the
Statement of the grounds for the conviction, and
his opinion as to the punishment to be passed
on the Prisoner, resolve to confirm the sentence
of seven years imprisonment with hard labour
in irons on the public roads on the Prisoner
"Madame Dose"

Ordered, that Extract from these
proceedings

proceedings be forwarded to the Agent to the Governor of Fort St. George for information and guidance

(Public No. 174.)

Read letter from the Agent to the Governor of Fort Saint George at Ganjam, dated the 3d March 1842, submitting five Calendars together with Translations of proceedings held before the Principal Assistant Agent, in cases in which the Prisoners are charged respectively with the offence of having kidnapped and sold to Khond Meriahs for the purpose of being accepted as Meriahs, certain male and female children.

(See enter P.P. No. 397 of 1842.)

Read also Extract from Minutes of Consultation dated the 10th December 1842, No. 4446 in para 14 of which it is ordered that the Court of Sudder Adalut do dispose of the cases referred to in the foregoing communication from the Governor's Agent in Ganjam, in accordance with existing rules.

(See enter No. 98 of 1843.)

1. In para 3 of the communication from

6th February 1843.

from the Government Agent, which is recorded above, it is explained that the Malikees who purchased the children from the parties charged with their abduction and sale, were examined by the Principal Assistant while he was absent on the Ghats and that as for reasons stated, it was found impracticable to take their evidence before the Agent, he has thought it best to submit for the communication of this Court the proceedings of the Principal Assistant as they were received.

2. Adverting to what by this Court may be deemed the incompleteness of the proceedings in question and to the probability of their being vitiated by the deviation from established rule and the practice of Courts, the Agent concludes by recommending that the four* Prisoners charged, be sentenced respectively to imprisonment with hard labor in irons for a period of two years, and that the 1st and 3d should further be punished by the infliction of 195 and the 2d and 4th of 100 stripes.

*1. Cudiah.
2. Gudaca.
3. Rendeka.
4. Soorjah.

3. As the authority appointed to uphold

upholds the law and to see that the forms which have always been deemed essential for the attainment of justice be not departed from, the Court of Sujdary Adalut cannot concur in the propriety of the sentences which in the cases in question the Government Agent has proposed shall be passed.-

4. The omission to confront the accused with the accusers and to record in the presence of the latter, the testimony brought against them, is considered by the Court of Sujdary Adalut wholly to vitiate the proceedings requisite for conviction. Under the circumstances brought to notice they, however, will not object to the Prisoners being placed under a requisition of security to the extent which might have been assigned by the authority which originally investigated the charges brought against them, and accordingly they sanction the adoption, at present, of that mode of proceeding, the result being reported for their information.-

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

Agent of the Governor in Ganjam by Precept returnable in five days, from and after its receipt.-

(Sent following precept No. /

Read Extract from the Minutes of Consultation dated the 10th December 1842 containing the observations and instructions of Government on the arrangement in contemplation for the suppression of the traffic in human victims for the meriah sacrifice.-

(Here enter S.A. No. 98 of 1843.)

Read also a communication from the Government Agent in Ganjam, dated the 21st June 1842, submitting copy of a letter from Captain Macpherson and soliciting the further orders of the Court in respect to the Prisoners Chookra and Riga in Case No. 11 of 1841.-

(Here enter S.A. No. 973 of 1842)

In para 13 of the Extract of the Minutes of Consultation recorded above, it is ordered that the corporal punishment awarded in Case No. 11 of 1841 be remitted, but the rest of the punishment be carried into effect as

20th February 1843

as recommended by the Court of Fouzdaree Udalut
in their proceedings under date the 8th July 1842.

Resolved accordingly that Extract
from their proceedings be transmitted to the
Agent to the Governor of Fort Saint George at
Ganjam, with instructions to make the nec-
-cesary communication to Captain Macpherson
for the information and guidance of that
Officer.

(Sent in No. /-

F. Co.

Monday. At a Court of the Fouzdaree Udalut
20th February 1843.

Present:

Henry Dickinson Esqr. 1st Puisne Judge
Malcolm Lewin Esqr. Offg. 2d Puisne Judge
J. M. L. Lewin Esqr. Offg. 3d Puisne Judge

Read the Criminal Reports
for the Month of December 1842 received
from the Acting Principal Sudr. Ameen
at Howrah.

(Vide entries F. C. No. 73 of 1843)

Case 53. 1. It appears from the sentence recorded in this Case that although the Prisoner, Hoolsawar Bauree, had not been sent to the Criminal Court previous to his transmission on the occasion of the present charge, yet that "he was formerly "punished by the Police for petty thefts."

2. The Court of Fouzdaree Udalut are unwilling to receive such vague assertions regarding the Conduct of Prisoners when the consequences are severe,

and

and accordingly desire the Acting Principal
Sudr Ameen will submit a Statement
exhibiting the nature and extent of the
"petty thefts" to which he has referred.

Case 61 3. A distinction has been drawn
in the Sentences passed against the 1st and
the 2nd and 3rd Prisoners in this Case; the two
latter having been ord[illegible]
[illegible] without hard
labor whilst the 1st Prisoner has been
sentenced to imprisonment for one
month with hard labor in irons.
The charge brought against
the 2nd and 3rd Prisoners is for receiving part
of the property stolen. The sen-
tence pronounced and the law consider-
ation, to be observed there in, by the
Court in Order of this Court dated 3rd
August 1833, have declared imprisonment
to be usually & regularly made to accompany
with hard labor and irons.

5. The Acting Principal Sudr Ameen
will accordingly make the necessary
amendment

amendment in the Sentence in Case 61 and
report it for the information of this Court.

Ordered that Extract from
these Proceedings be forwarded to the Acting
Principal Sudr Ameen at Hooghly by
Precept returnable in 5 days from and
after its receipt.—

Sent following Precept Dr. [illegible]

Read Letter from the
Provincial Court in the Western Division
dated the 3rd Instant forwarding a copy
of an Extract from the Proceedings of
the Provincial Court of Circuit
Regarding Case No. 44 on the file of the
Criminal Court of Cuttack.

(Vide order 7th No. 723)

Read again Proceedings of
the Lt Judges Vakeel of the 11th Ultimo
on a perusal of the Criminal Reports
from Cuttack for the Month of November

(Vide order 7th No. 4th Jany 1863)

The Court of Lt Judges Vakeel
on perusal of the Cuttack Calendar having
reason

20th February 1843

reason to doubt the correctness of the
Assistant Criminal Judge's decision in
Case No 181 directed the Provincial Court
in the Western Division to call for the
record and pass such orders as may
appear necessary.

2.

The Provincial Court having
in conformity to these directions, inves-
tigated the circumstances connected with
Case No 181 stated in their Proceedings, under
date the 3d Instant that it has been
"incorrectly disposed of by the Assistant
"Criminal Judge and that the sentence
"passed is wholly inadequate to the offence
"they possessed to punish the Criminal Judge
"to order the Assistant Criminal Judge
"to commit the 1st 2d 3d 6th and 7th Prisoners
"to take their trial at the approaching
"Sessions."

3.

The Court of Zeyadaree
Udalut concurs in the view taken by the
Provincial Court respecting Case No 181
on the file of the Criminal Court of
Canara

F. P.
20th February 1843.

Canara but observed that the parties
having been already sentenced, they
cannot be tried again.

Ordered, that Extract from
these Proceedings be sent to the Provincial
Court in the Western Division for
their information and guidance.

Sent in No 180.

Read the Criminal Reports
submitted by the Joint Criminal Judge
of Malabar for the Month of January
1843.

(Here enter F. P. No 235.)

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

Ordered therefore, that Extracts
from these Proceedings be forwarded to the
Joint Criminal Judge of Malabar for
his information.

(Sent in No 181.

Read communication from
the 2d Judge on Circuit in the Western Division
dated

dated the 8th instant, submitting copy of the Cachieu Calendar for the 1st. Session of 1843 and reporting the close of the Sessions at that Station.

(Here enter L. No. 222 of 1843.)

The Prisoners charged in the two cases referred to in the Calendar above recorded, were ordered by the 2nd Judge on Circuit to be forthwith discharged without trial, on the grounds stated in an Extract of his proceedings dated the 7th Ultimo, which fully justify the course of proceeding adopted by that Officer.

2 It is to be regretted the Acting Joint Criminal Judge omitted in the first instance to test the testimony adduced by a Strict cross examination, the result of which it is to be inferred, would at once have led to the release of the accused parties.

Ordered, that Extract from these proceedings be forwarded to the 2nd Judge on Circuit for communication to the Acting Joint Criminal Judge of Cachieu.

(Sent in No. 182.)

Read Miscellaneous Petitions received for the preceding Sessions.

Read Petition dated the 9th January last by Civil Servant Tabrez on behalf of Venkatasubbiah Tabrez on behalf of Pondicherry and Chairperson Board of Conjeeveram.

(Here enter M.P. No. 5 of 1843.)

The Petitioner states that on the night of October 22nd 1841 his house was forcibly entered and property to the value of 1650 Rupees stolen therefrom, and his Servant Boda Gouda murdered in consequence of his having seen the perpetrators and remonstrated with them.

The Petitioner complains of the

2

that the investigation made into the case by the Agent in Conjeeveram was not conducted in a satisfactory manner, and that his decision was not in conformity to the evidence which was sufficient to establish the robbery and murder against the parties accused by him; and he prays that the Court of Judicature will be pleased to call upon the

the proceedings and pass such orders thereon as will be satisfactory to him and agreeable to justice.

3. It appears from the circumstances enumerated in the Calendar from Gunjam that, after a long and intricate inquiry, the Agent was unable to establish the charge, and dismissed the case by demanding security from the 1st Defendant.

4. The Court of Sangdarce Udalut observe that the least attention has been paid to this Petitioners accusation, but that the charge and all the circumstances are overclouded with so much falsehood as to render the discovery of the truth impossible.

Ordered that this Petition be dismissed and a copy of these Proceedings granted to the Petitioner if he think proper on his application.

Read return dated the 7th instant from the Joint Criminal Judge of Cuttack to this Court's precept of the 23rd instant conveying

conveying their observations and orders on the Cuttack Criminal Reports for the Month of December last.

(Hereunto F.U. No 237 of 1843.)

para: 2. 1. The above petition shows that no explanation has been received by the Joint Criminal Court, either in respect of the delay which occurred in the transmission of the Prisoner in the Case noted in the margin to the Joint Magistrate's Office

No 97 or to his subsequent detention there from the 18th November last.

2. The Court of Sangdarce Udalut with reference to the extent of the Joint Magistrates jurisdiction, consider it necessary to have before them full information on the points in question and accordingly resolve to require that it be furnished.

Ordered that Byt[illegible]

from the Proceedings

to the Joint Cri[illegible]

for comm[illegible]

[illegible] Report

Magistrate at Calcutta requiring him to cause
personal Service to be made upon the Prisoner
Bissonauth Sing within 10 days from and after the
receipt thereof of the following Precept dated 18th Dec. 1843.

Read the Criminal Report
for the Month of December 1842 received
from the Acting Joint Criminal Judge at
Cuttack.

(Here enter F. N. No. 61 of 1834.)

Case 40 1. On a perusal of the charges
preferred in this case against the Prisoner
Lt. Longueville Reilly the Court of Sudder Dewanny
Adawlut are of opinion that some of the
Counts are such as do not justify a
criminal prosecution.

2. The Acting Joint Criminal
Judge has however disposed of them stating
that on a review of the whole of the pro-
ceedings he considers it proved that the
Prisoner "has been guilty of gross neglect
"of duty and abuse of authority" and accord-
ingly sentence has been passed by him
under Section VIII Regulation X of 1816.

This

3. This disposal of the case seems
to require that the record should be called
up by the Provincial Court of Circuit
and that such orders be given as on a
consideration thereof may appear to them
to be necessary. The Court of Sudder
Adawlut resolved, therefore, to direct
according ly.

4. They take this opportunity
of transmitting an address received by
Tajpaul, purporting to come from
one Caunary Bai, mother of the Prisoner
in the case now under observation,
regarding the allegations contained in
which they desire the Acting Joint
Criminal Judge will submit for their
information, through the Provincial Court
of Circuit, any observations he may
think necessary explaining fully the
real merits of the case with particular
reference to the period of detention which
the Prisoner has undergone.

Case 57 5. The charge preferred against
the Prisoner in this case is stated to be "of

20th February 1843

"in having dismissed this Prosecution"

6 The above wording is considered by the Sanjdary Udalut to be objectionably brief and abridged, & wholly insufficient to convey to them a knowledge of the offence imputed to the accused party.

7. They desire the Acting Joint Criminal Judge will amend it, with reference to the above observation, and pass for the annulment for the information of this Court.

Ordered, that Extract from paras: 1-2-3 and 4 of these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division by precept returnable within 20 days from and after its receipt.

Sent following precept No: 184.

Ordered also, that Extract from these Proceedings be forwarded to the Acting Joint Criminal Judge at Cuttack for his information and guidance by precept returnable within 8 days from and after its receipt.

Sent following precept No: 185.

Entd

W D N
Clerk

J. 90.

Tuesday 21st February 1843. At a Court of the Sanjdary Udalut.

Present:

Henry Dickinson Esqre 1st Judge

M Malcolm Lewin Esqre 2nd Judge

W S Syed Mortuzer Lewin Esqre 2nd Judge

Read return, dated the 8th Instant, from the Acting Criminal Judge of Cuttack, to this Court's Precept of the 3d Instant, recording observations on the Cuttack Criminal Report for the Month of December 1842.

(Here enter F.H. No: 233 of 1843.)

1. In the above return the Acting Criminal Judge states that he infers from the remarks by the Sanjdary Udalut regarding Case No: 209 of the Supplemental Report for December 1842, that "it is from the persons conviction of the "Prisoner having been set aside, that he is not "considered punishable by the Criminal Court "under Clause fourth Section III Regulation VI "of 1822, as quoted by the Cutcherry Judge [illegible]

2. The inference drawn by the Acting Criminal

Report

F. C.

Wednesday -
22nd February 1843. At a Court of the Sanjitary Adalut. -

- Present -

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

Read letter from the Provincial Court of Circuit in the Southern Division dated the 31st January 1843, forwarding a copy of a communication to their address from the Criminal Judge of Madura under date the previous 25th together with two original letters and their enclosures, dated respectively the 28th December 1842 and the 2d January 1843 forwarded by that officer in the first instance to the Court of Sanjitary Adalut and by them returned for submission through the prescribed channel; - together with a transcript of a letter addressed by the same to the 1st Judge on Circuit at Madura - and his answer thereto -

(Here enter F. Cs 20 of 1843.)

The object of the several communications from the Criminal Judge of Mad[illegible]

[illegible]

To

Criminal Judge is wrong. The case was punishable under the Mahomedan Law, the Prisoner having been convicted of an Attempt to commit a theft.

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

(Sent in Rc 186.)

Read letter dated the 9th Instant from the 2d Judge on Circuit in the Centre Division, submitting copy of a Certificate from the Medical Officer reporting his opinion that the prisoner Dasaree Goorooadoo in Case No 2 of the Cuddapah Supplemental Calendar for the 1st Septr of 1843 is a fit object for confinement in the Lunatic Hospital at Madras and requesting to be favored with instructions on the subject of his disposal.

(Forwarded Rl. No 253.)

1. Upon consideration of the Report made by the Medical Officer, regarding the State of mind of the prisoner Dasaree Goorooadoo, the

Court of Judicature do desire that this person be forwarded under proper custody to the Superintendent of Police at Madras, in order to his being lodged in the Lunatic Hospital accordingly.

2. The Prisoner will of course be accompanied by the requisite certificate of the European Medical Officer on his case.

Ordered accordingly, that Extract from these proceedings be forwarded to the 2d Judge on Circuit in the Centre Division for his information.

(Sent in Rc 190.)

Rl
of 1843

which are recorded above, is to procure instructions under the circumstances stated by him at length, regarding the propriety of the further examination of the 2d charge preferred against Mootoo Chetty Saver, the late Manager of Rammad.

2. In this respect the Criminal Judge has submitted for determination "whether "the Vakalutnamah executed by the Guardian to "Mr. Fischer, on the 21st August 1842, giving him au- "thority to act generally on her behalf is sufficient "authority for him to prefer the complaint as her "agent; or whether the provisions of Section XIII Regu- "lation IX of 1816 and the Circular Order of the 23d "October 1828 do not require that the Vakalutnama "to be sent up with the record of the Case, should "confer authority to present the particular com- "plaint which the Prosecutor or complainant "may not be able to present in person."

3. The Court of Sudder Adalut fully concur with the Provincial Court of Circuit in the opinion they have expressed - that a Vakalutnamah of the general and comprehensive nature

referred to is not sufficient authority to empower the guardian's agent to prosecute in the particular case under observation; the more especially as it appears to have been executed previous to the alleged commission of the imputed forgery or fraud.-

para. 5. 4. With reference to the observation by the Provincial Court, "as the real Prosecutor in the "case could not come forward in person, to swear to "the truth of the complaint, the person who signed "it as her Agent should have been sworn to it." the Court of Sudder Adalut would remark that such a proceeding would not be justifiable, unless the Agent knew the facts of his own knowledge.-

para. 6. 5. The Provincial Court have further expressed an opinion that "the investigation "of the case in question by the Magistrate in the "total absence of the 1st Prisoner was irregular and "vitiates the whole of the proceedings before that "officer."-

6. In the above view of the

Report

Foujdary Adalut cannot concur. They do not consider the proceedings of a functionary of that class to be in the least vitiated by the assertion of the proceedings adverted to. A Magistrate is not called upon in any case committable to an ulterior Tribunal to hold the examination in public, if the justice of the case requires secrecy.

7. In regard to the legality of the mode of proceeding which has been adopted in respect of the manager, the Court of Foujdary Adalut would observe, with reference to para: 7 of the communication from the Provincial Court under reply, that if that individual has been concerned in nothing more than the commission of fraud and embezzlement, as Manager of the Estate, in the administration of its affairs, he cannot be held liable to a criminal prosecution.

8. The Provincial Court have taken in the opinion of the Foujdary Adalut, a correct view of the power of Swarajavarlung Ranchiar to "act as Guardian and consequently to be the authority to prosecute in the case" under observation.

(Sd)

F. N.

22d February 1843.

Her power, as a matter of course, must be deemed virtually to have ceased, when charge of the Zemindary was assumed by the Court of Wards; and, under the reservation expressed in the foregoing para:, the prosecution of the manager should be abandoned as illegal and irregular.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and guidance, and for communication to the Criminal Judge of Madura.

Sent in Dr. 191.

Read the Criminal Reports for the month of January 1843 forwarded by the Criminal Judge of Chingleput under date the 7th Instant.

(Here enter F. N. No 214.)

Supplemental Report Case Vide 2.

1. The Court see reason to doubt the propriety of the Criminal Judge's sentence in this case. They therefore direct the Provincial Court in the Centre Division to look into the case and to pass such orders thereon as may be necessary, reporting the result for

the Report

22d Feby 1843.

22d Feb.

of the Foujdary Udalut.-

Report No V
Cases No 1.

2. The Court observe, that the Criminal Judge greatly erred in disposing of this case, in which the Prisoner is guilty of the crime of Treason and ought to have been committed to stand his trial before the Court of Circuit.-

Ordered, that copy of these Proceedings be forwarded to the Criminal Judge of Chittagong for his information and future guidance.-

/Sent in No 192/

Ordered also, that Extract from these Proceedings (para 2d) be sent to the Provincial Court in the Centre Division for their information and guidance.-

/Sent in No 193/

Read Letters dated the 8th Instant from the 1st Judge late on Circuit in the Southern Division, to the precept of the Foujdary Udalut of the 25th January 1843, calling for the Circuit Reports for the 1st Sessions and 4th Quarterly Sessions of 1842, and requiring him to explain for the information of the Foujdary Udalut and of Government - the cause which prevented him earlier complying with the provisions of Section XXXVII Regulation XII of 1802.-

(Here enter No 2285.)

F. Ud.

Friday 24th February 1843.

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esqre 1st Puisne Judge

Malcolm Lewin Esqre Acting 2d Puisne Judge

F. M. Lewin Esqre Acting 3d Puisne Judge

Read the Criminal Reports for the Month of January last submitted by the Acting Joint Criminal Judge of Chittagong under date the 1st Instant.

/Here enter F. Ud. No 248/

Report No V
Cases No 1 and 2

The Court are of opinion, that the Prisoner "Shaveereem ottoo" has been too severely sentenced in these Cases by the Principal Sudr Ameen. The Provincial Court for the Southern Division are therefore required to call for and dispose of the Cases as they may deem proper, and to report their result for the information of the Foujdaree Udalut.

2. The Court further remark, that it should have been distinctly specified in the Report

Report that the sentence of Six Months imprison-
ment awarded to the Prisoner in Case No. 2 for
the offence of escape was in addition to that
passed upon him in the preceding Case No. 1 for
the Crime of theft.

Case No. 5. 3. The Court of Fouzdaree Udalut
consider the delay of 10 days in forwarding
this Case to the Joint Criminal Court, to be
unsatisfactorily explained.

Case No. 6. 4. In the Column of Remarks ex-
planatory of the delay of 10 days in forwarding
this Case to the Joint Criminal Court, it is state
by the Tahsildar of Canad. that the Prisoner
" was sent by the Tahsildar of Keeranoor Tan-
" dawan's District and reached him on the 11th,
" that the same day he entrusted a Peon with
" summonses to the Witnesses - that the 12th being a
" festival day the Peon did not proceed with
" them till the 13th."

5. The Court of Fouzdaree Udalut
resolve to draw the attention of the Magistrate
of Tirchinopoly to the above statement - and to
desire that such notice be taken of the Conduct
of the Peon, and of the Carelessness of the
Tahsildar

Tahsildar in allowing such neglect of duty,
as that Officer may think proper.

6. From the Statement appended
to these Reports it appears, that 45 Jail Peons
were employed at Tirchinopoly during the month
of January 1843; as only 175 Prisoners were
worked outside the Jail, and the authorized
guard for this number of Convicts is only 44
Peons, the Acting Joint Criminal Judge is
required to explain the reason of 1 Peon being
employed in excess of the prescribed comple-
ment.

Ordered, that Copy of these
Proceedings be forwarded to the Acting Joint
Criminal Judge of Tirchinopoly for his
information and Guidance.

/Sent in No. 199./

Ordered also, that Extract
from Paras 1 and 2 of these proceedings be sent
to the Provincial Court in the Southern
Division, for their information and Guidance.

/Sent in No. 200./

Ordered also, that Extract
from

from paras 4 and 5 of these proceedings be sent to the Magistrate of Trichinopoly, for his information and Guidance.

/Sent in No. 207./

Read letter from the Provincial Court Western Division, forwarding, with reference to the Extract from the proceedings of the Foujdaree Udalut, under date the 14th Ultimo, Copies of certain papers relative to the proposed alteration in the Gaol at Cochin, and recommending that Sanction may be obtained for the outlay of 100 Rupees for the purpose.

/Here enter No. 235/

1. It appears to the Court of Foujdaree Udalut from a perusal of the several papers from the Judge on Circuit, the Acting Joint Criminal Judge of Cochin and the Assistant Engineer, that the Gaol at Cochin is deficient in accommodation, but capable of considerable improvement by the outlay of 100 Rupees, or even less, in the event of the iron bars placed in the lowest Cells

No. 6.

24th Febuary 1843.

Cells, and apparently useless, being employed in the contemplated improvements.

2. The Court of Foujdaree Udalut approve of the plan submitted by Lieutenant Francis, by which three additional apartments will be obtained, and, under the authority vested in them by the rules published in the Official Gazette of 21st August 1840 resolve to Sanction the expenditure of 100 Rupees in the execution.

3. As the Sanction now given renders it unnecessary to construct Cells for the use of the lower apartments of the Gaol, the Court determine to withdraw the permission granted to the Assistant Judge on the 14th Ultimo for an expenditure of 6 Rupees for the purpose.

Ordered, that Extract from these proceedings be furnished to the Provincial Court Western Division and by them to the Auxiliary Court at Cochin for the information and Guidance of the Acting Assistant Judge

Judge.

/Sent in at No. 202./

Read letter, dated the 3d Inst, from the Magistrate of Canara forwarding Copy of a Communication to his address from the Additional Joint Magistrate of that District, explaining the Course pursued by him in holding the Enquiry into the conduct of the Tahseldar of Honore and the inferior Police Officers, with reference to the Orders contained in the proceedings of the Foujdaree Udalut of the 6th Ultimo, regarding Criminal Case No. 52 of 1842 on the Principal Sudr Ameens File.

/Here enter F. No. 239 of 1843/

The Report by the Magistrate which is recorded above, is considered by the Court of Foujdaree Udalut to be satisfactory.

Ordered, that Extract from these proceedings be forwarded to the Magistrate of Canara, for his information

information and for communication to the Additional Joint Magistrate.

/Sent in at No. 203./

Read letter, dated the 11th Instant, from the 3d Judge late on Circuit in the Southern Division, explaining the Grounds on which he adopted a direct mode of Communication with the Acting Joint Magistrate of Salem, instead of writing through the Channel of the Magistrate.

/Here enter F. No. No. 254 of 1843/

Read also again letter dated the 16th Ultimo from the Magistrate of Salem, requesting to be informed whether or not it was regular on the part of the 3d Judge late on Circuit to communicate direct with the Subordinate Magisterial authority.

/Here enter F. No. No. 116 of 1843./

1. From the explanatory observations by the 3d Judge in the communication recorded above, it is clear to the

the Court of Faujdaree Udalut that he acted solely for the benefit of the public service, in addressing direct to the Acting Joint Magistrate, the Requisition which the Magistrate of Salem has adverted to in his letter of the 16th Instant and that in so doing Mr. Neave had no intention to set aside the authority of the Magistrate.

2. The Court of Faujdaree Udalut would, however, point out to the 3d Judge that, with reference to the practice which obtains in every branch of the public service the precept issued by him on the occasion under remark, should have been addressed to the Head of the Magisterial department of the District.

3. The Court would further draw the attention of the 3d Judge to the irregularity of his giving by letter, to the orders contained in an Extract from the proceedings of the higher Court.

Ordered, that Extract from these proceedings be forwarded to the 3d Judge

F. C.

24th February 1843.

Judge late on Circuit in the Southern Division for his information and Guidance.

/Sent in No. 204/

Ordered also, that Extract of Paras 1 and 2 of these proceedings be transmitted to the Magistrate of Salem for his information.

/Sent in No. 205/

Read letter dated the 8th Instant from the Acting Principal Sudder Ameen of Honore, forwarding the Criminal Reports for the Month of January 1843.

/Here enter F. C. No. 246 of 1843/

Supplemental Report. Case 56 Nil

1. The Sentence recorded in this Case does not exhibit the manner in which the 8th and 9th Prisoners were disposed of, although it is clearly to be inferred that they were released.

Report No. V. Case 3. Nil

2. It is observed, that a fracture of the left lower arm of the Prosecutor's wife was the result of the Assault charged against the Prisoner in the Case noted in the margin. The Acting Principal Sudder Ameen

Ameen has, however, sentenced the accused to imprisonment and fine, under Section VII. Regulation X of 1816, disregarding the rule laid down in Circular Order No. 124 by which the Case should have been committed for trial before the Court of Circuit.

3. On future occasions the Principal Sudr Ameen will be pleased strictly to observe the Circular Order in question.

4. The Forms prescribed for the preparation of the Monthly Criminal Reports have not been observed in those now under review. The attention of the Principal Sudr Ameen is accordingly drawn to the Fouzdaree Adaulut Circular Order dated the 29th November 1827 which requires that sentences of punishment or acquittal be entered in the 7th and 8th Columns of the Form.

Ordered, that Extract from these proceedings be Forwarded to the Principal Sudr Ameen at Hansie for his information and Guidance.

/Sent in No. 206/

Read

Read letter dated the 28th Ultimo, from the 3d Judge late on Circuit in the Southern Division, submitting for the final judgment of the Court of Fouzdaree Adaulut, the record of the trial in Case No. 17. on the Salem Calendar for the 2d Sessions of 1842.

/Here enter F. D. No. 177./

The Court of Fouzdaree Adaulut

Mr. Dickinson
Mr. F. M. Lewin

on a deliberate consideration of all the circumstances of the Case as Evidenced before them, being of opinion that the proof against the Prisoner

1st Ramen

is sufficient to convict him of the Crime of Murder and Robbery, 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.

2. The Court of Fouzdaree Adaulut perceiving from the Proceedings of the Circuit Court submitted with the above meagre and unsatisfactory

unsatisfactory communication, are surprized that the Presiding Judge should not have deemed this cruel Case of Murder, committed for the sake of a few trifling ornaments, deserving of far more consideration than he has bestowed upon it.

2. The manner in which he treats the Evidence of the 1st Witness is, the Court deem, altogether objectionable and reprehensible — Considering how very important it was to show that this witness could, from the Spot on which he stood, have seen all that passed on the other side of the wall, the neglect of the Circuit Judge to obtain evidence on this point is quite unaccountable.

3. The Memorandum could scarcely have failed to strike the Circuit Judge, that it was of the highest importance that the Statement of the 1st Witness, that on the very day on which he witnessed the Murder, he informed his Father of the circumstances which attended it, should be substantiated by the Evidence of the Father; and yet the Court do not find that any question was

was put to the 3d Witness, on the subject.

Ordered, that Copy of these proceedings be forwarded to the 3d Judge late on Circuit in the Southern Division, for his information and guidance.

/Sent following letter No. 207/

24th Febr

3 F. 46.

Saturday 25th February 1843. At a Court of the Fouzdarre Adalut.

Present.

Henry Dickinson Esqre — 1st Puisne Judge

Malcolm Lewin Esqre — Actg 2nd Puisne Judge

Act 2 Mr F. M. Lewin Esqre — Actg 3rd Puisne Judge

Read letter dated the 1st Instant from the Acting Criminal Judge of Malabar, submitting copy of a warrant issued by the 2nd Judge on Circuit in the Western Division, and requesting the orders of the Court as to the disposal of the prisoner sentenced to banishment in Case No 1 on the Malabar 2nd Additional Calendar for the 1st Sessions of 1843.

(Vide Letter No 193)

The Court of Fouzdarre Adalut

Direct that the prisoner "Kottaparumbatha alias Marharparanjbathee Villayin Ponhapuzhy" be removed to the Jail at Calicut, there to be imprisoned agreeably to the terms of his sentence.

Ordered, that Extract from these Proceedings be forwarded to the Acting Criminal Judge of Malabar, and to the Joint Magistrate at Calicut

for

25th February 1873. for their information and guidance respectively.

(Sent in No. 212.)

Read the Bellary Criminal Reports for the month of December last submitted by the Criminal Judge under date the 6th ultimo.—

(Here enter F. C., No. 140.)

1. The Court of Tanjore Report stating reason to doubt the correctness of the proceedings and of the decision in these cases direct that the Provincial Court for the Centre Division be required to look into them, and to pass such orders thereon as may appear necessary, reporting the result for the information of the Court of Tanjore Report.—

Case No. 230.— 2 It is observed that the Criminal Judge in framing the charge against the prisoner in this case, has omitted to specify the nature and extent of the wounds inflicted by him (Prisoner) on the Prosecutrix.—

Case No. 231. 3. Doubting the correctness of the Criminal Judge's decision in this case as represented in the Report, the Court of Tanjore Report resolve to call upon the Provincial Court to dispose of the case as they may deem proper, and to report the

25th February 1873. the result for the information of the Tanjore Court.—

Case No. 233. 4. The Court consider the Gooty Tahsildar's explanation of the delay in forwarding this case to the Criminal Court, to be wholly insufficient and unsatisfactory.—

Case No. 236. 5. The Court observe that under the circumstances stated in the Report on this case, the Prisoner ought not to have been sent up to the Criminal Court at all.—

Ordered, that copy of these Proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance.— (Sent in No. 213.)

Ordered also, that Extract from these Proceedings, paras 1 and 3 be sent to the Provincial Court in the Centre Division for their information and guidance.—

(Sent in No. 214.)

Read letter dated 17th instant from the Criminal Judge of Rajahmundry stating that he has amended the Sentence in Case No. 50 to 8 months imprisonment and 30 lashes.—

(Here enter No. 298.)

Read

25th February 1843.

Read letter dated the 15th instant from the Criminal Judge of Canara, transmitting the required Reports in the Criminal Department of the Tillak Court of Canara for the month of January 1843.-

(Here enter No. 281)

Read letter dated the 16th instant from the Acting 2nd Judge on Circuit in the Northern Division, transmitting the Statement of batta paid to the Prosecutors and Witnesses attending on the Court of Circuit for that Sessions of 1843, which has been submitted by the Acting Criminal Judge of Malabar.

Here enter No. 289

Read letter dated the 17th instant from the 1st Judge on Circuit in the Southern Division, reporting the arrival and the opening of the Sessions by the 1st Judge on Circuit at Tellicherry on the 17th instant, and stating that the Primary Calendar consists of 15 Cases with 52 prisoners, and that there is a prospect of a Supplemental Calendar of one case being presented.-

(Here enter No. 303).

Reports

F. 16.

Monday 27th February 1843.

At a Court of the Fouzdaree Adalut.

Present

Henry Dickinson Esqre ____ 1st Puisne Judge.-
Malcolm Lewin Esqre ____ Actg 2nd Puisne Judge.-
F. McLewin Esqre ____ Actg 3rd Puisne Judge.-

Read letter from the 2nd Judge on Circuit in the Western Division dated the 30th January 1843, transmitting copies of the Primary and Supplemental Calendars laid before him by the Acting Criminal Judge of Malabar for the 1st Sessions of the current year.-

(Here enter F. 16. No. 186 of 1843)

Case III. 1. Adverting to the apparent youth of the 1st Prisoner in this Case and to the opinion, which notwithstanding an assertion to the contrary by the Prosecutor, the 2nd Judge on Circuit has formed that the said Prisoner did little more "than clasp with" "and free the bag from" the Prosecutors shoulder, the 2nd Judge recommends that a mitigated sentence of eight (8) years imprisonment with hard labor, be passed upon the prisoner Kanaka Chemmen Nambiar.-

Under

2.

Under the circumstances stated in the Calendar the Court of Singlaree Dealut approve the sentence which has been proposed and sanction it accordingly.

Cause IV

3.

With reference to the period of imprisonment undergone by the Prisoners

1st Akrekare Cooly Cottee

2nd Akrekare Cooly Tuckoo

previous to their trial by the Circuit judge and to the circumstances of the case, as they appear from the record, that officer considers the punishment to be too severe, which under Clause 1st Section III Regulation VI of 1811 he is empowered to inflict.

4.

He proposes, therefore to pass on them a mitigated sentence of three (3) months imprisonment with hard labor in irons.

5.

The Court of Singlaree Dealut concur as to the propriety of the reduced Sentence and Sanction it accordingly.

First Addl Calendar 6.

Case I.

The Prisoner is charged in this Case with having inflicted on the Prosecutor several wounds with a knife, many of the wounds are stated by the Circuit Judge to be "very slight". He has further remarked that the Prisoner does not appear to have intended

"intended to kill the Prosecutor;" but observes, nevertheless, that the attack was very unjustifiable, and that had the knife used been a pointed instead of a rounded one, the result would probably have been different.

The assault and wounding are shewn by the Calendar to have been savage and determined, and the Court of Singlaree Dealut are unable to discover the least justification of the sentence of five (5) years imprisonment with hard labor in irons which has been passed by the Judge on Circuit, and which they consider to be too lenient.

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

(Sent in No. 215.)

Read letter dated the 9th Inst. from the 2nd Judge on Circuit in the Centre Division, submitting the Cuddapah Primary and Supplemental Calendars for the 4th Sessions of 1842.

(Here enter F.H. No. 249)

In

27th February 1843.

Primary Calendar Case No. 14. In this case the Prisoner is charged with having at night with others entered the Prosecutor's house by breaking a wall, and with having stolen therefrom Jewels valued at Rupees (796 .. 11) The Lower Officer convicts the Prisoner of theft on strong presumptive proof, and by a second Punwah adjudges him to lose his right hand.—

2. The 2nd Judge on Circuit concurs fully in the conviction of the Prisoner, but recommends in consideration of his advanced age, and of the probability that he was made a scapegoat to cover the guilt of other more culpable offenders, that a mitigated sentence of 14 years' imprisonment be passed upon him.—

3. The Court of Foujdaree Adalut see no cause whatever for the mitigation proposed by the Circuit Judge— The case is one of an aggravated nature, and the amount of the property stolen considerable—

4. The Court therefore direct that the full extent of punishment to which the Prisoner is liable under Section XXI Regulation VIII of 1802 be awarded by him—

Under

27th February 1843.

Case No. 29. 5. Under the circumstances represented by the Circuit Judge in his remarks on this case, the Court of Foujdaree Adalut agree to the mitigated sentence of 7 years imprisonment, being passed upon the three prisoners.—

Ordered, that copy of these proceedings be forwarded to the 2nd Judge on Circuit in the Centre Division for his information and guidance.—

(Sent in No. 216)—

Read letter dated the 8th Instt. from the Principal Sudr Ameen at Nellapore, forwarding Criminal Reports for the month of January 1843.

(Here enter No. 280)

Read return dated the 18th Instt. from the Criminal Judge of Canara, to the precept of the Foujdaree Adalut of the 10th Instt. on the margin & the Criminal Reports for the month of December 1842.—

(Here enter No. 299)

Read letter dated the 17th Instant from the 3rd Judge late on Circuit in the Centre Division, submitting a Statement of rejected Cases

27th February 43.

Primary Jail

27th February 43. Cases required by Circular Order No. 4 of 1834

From 1st July to 31st December 1842.

(Here enter No. 390)

Read Return dated the 8th inst. from the 1st Judge late on Circuit in the Southern Division, to the precept of the Zoujdary Adalut of the 25th January 1843, calling for the Circuit Returns for the 1st Sessions and 4th Quarterly Sessions of 1842 and requiring him to explain for the information of the Zoujdaree Adalut and of Government, the causes which prevented him earlier complying with the provisions of Section XXXVII Regulation VII of 1802.—

Ord.

RDN
24 inst.

(Here enter No. 285/42)

No. 70.

Tuesday. 28th February 1843.

At a Court of the Zoujdary Adalut.

Present

Henry Dickinson Esqre — 1st Puisne Judge

Malcolm Lewin Esqre — 2d Puisne Judge

Fred. Mortimer Lewin Esqre — 3d Puisne Judge

Read Extract from the Minutes of Consultation, dated the 7th Instant, transmitting copy of a communication from the Commissioner in charge of Madura, and requesting the Judges of this Court to state whether the measures proposed by the Commissioner will be legal.—

(Here enter F.H. No. 221 of 1843.)

1. The arrangement in contemplation by the Commissioner at Madura, having for their object to provide for the efficient administration of the Police duties in the Ramnad province, embrace two points for determination by the Court of Zoujdary Adalut.—

2. Whether the individuals who, under the sanction of the Court of Wards, have been nominated managers of the Ramnad Zemindaree

may be imposed by a summary to act as Head of Police within the limits of the Zumeendary only in the manner provided for in Section XXXIX Regulation XI of 1816.-

3. Also, whether it is competent to the Commissioner to select the Amuneers in charge of the respective Talooks of the Ramnad Zumeendary, to perform, as Sub Officers of Police, the duties prescribed in Clause first Section III Regulation IV of 1821.

4 Having duly considered the subject, the Judges of the Tongary Udalut are of opinion that there is nothing in the Regulations to prevent the nomination of the manager as a Head of Police in the District of Ramnad; and that the measures proposed for the selection of Sub-officers of Police, are free from illegality.-

Ordered, that Extract from these proceedings be forwarded to the Secretary to Government, for submission to the Most Honorable the Governor in Council.-

(Sent in No. 219.)

Read return dated the 14th Instant from the Joint Criminal Judge of Tellicherry,

to the precept of the Tongary Udalut dated the 6th Instant, calling for explanation regarding the Criminal Reports for December last.-

(Here enter No. 216.)

1. With reference to the remark in the 4th para of this return viz: that explanation was not given in the Report No. V under the supposition that the Regulations did not require it of the European Magistracy, and that the Circular Order alluded to had reference only to the detention of Prisoners by the Police Officers, the Court of Tongary Udalut consider it necessary to remove this erroneous impression from the mind of the Joint Criminal Judge by directing his attention to Circular Order 8th February 1830 where he will perceive the duties enjoined upon Magistrates in cases like that under review are particularly specified.-

2. The Court of Tongary Udalut further observe that if the Criminal Judge had been acquainted with the Circular Order of the 29th November 1824 he would not have fallen into the mistake (noticeable in the 4th para: of his return) of supposing that the designation of

"of the Officer who disposed of the cases, leaving
"been shown at the foot of the report" was any
reason for its omission in the 1st Column
of the report.-

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

/Sent in No. 220/

Read letter from the 2d Judge on
Circuit in the Centre Division, dated the 16th
Instant, submitting translation of a petition from
some of the State Prisoners at Goa, and requesting
that the sanction of Government may be obtained
for the payment of their road expences as
solicited by them.-

(Here enter No. 2941)

The Court of Sudder Adalut
resolve to send this Petition to the Magistrate
of Bellary, as the Prisoners were under his direc-
tions and as it rests with him to take such mea-
sures as the circumstances may appear to require).-

Ordered, that Extract from these
proceedings together with this Petition be sent

to

to the Magistrate of Bellary.-

/Sent in No. 221/

Ordered further, that copy of these
proceedings be sent to the 2d Judge on Circuit for
his information and guidance.-

/Sent in No. 222./

Read return dated 13th Instant
from the Acting Criminal Judge of Chittoor, to the
precept of the Sudder Adalut of the 11th Instant,
submitting explanation to the Remarks of the
Sudder Adalut on the Criminal Reports for
December 1842.-

/Here enter No. 260./

Read Return dated the 8th Instant
from the 3d Judge of the Provincial Court of
Circuit in the Southern Division, to the precept of
the Sudder Adalut of the 25th January 1843,
calling for the Circuit Report for the 2d Quarterly
Sessions of 1842, and requiring him to explain for
the information of the Sudder Adalut and
Government, the causes which prevented him fur-
-ther complying with the provisions of Section XXXVII

Regulation

Regulation VII of 1802.-

/Here enter No. 268/

Read letter dated the 15th Instant from the Acting Agent to the Governor of Fort St. George at Vizagapatam, forwarding Criminal Reports for January last.-

/Here enter No. 269./

Read letter dated the 15th Instant from the Acting 2d Judge on Circuit in the Northern Division, reporting the opening of the 1st Sessions of 1843 at Guntoor.-

/Here enter No. 273./

Read Extract dated the 17th Instant from the Register of the Provincial Court of Circuit in the Centre Division, submitting their opinion and orders in cases No. 170. 171. 172. and 173 of 1842 on the file of the Criminal Court of Chittoor.-

/Here enter No. 356./

Read letter dated the 20th Instant from the 2d Judge on Circuit in the Centre Division - reporting the opening of the

Sessions at Bellary on the 20th February 1843.-

/Here enter No. 315./

Read letter dated the 23d Instant from the Acting 3d Judge on Circuit in the Northern Division, submitting explanation for not having furnished the report required by Para 4 of the Circular Order Fort St. George dated 17th July 1821.-

/Here enter No. 323./

K.D.W. 28/2/43

F. M.

Wednesday 1st March 1843. At a Court of the Fongdaree Adalut.

Present

Henry Dickinson Esqre — 1st Puisne Judge.
Malcolm Lewin Esqre Acting 2nd Puisne Judge.
F. M. Perrin Esqre Acting 3rd Puisne Judge.

Read Extract from the proceedings of the Provincial Court of Circuit in the Centre Division dated the 20th Ultimo, with reference to the orders by this Court on a review of the Criminal Reports for the month of November 1842, submitted by the Acting Criminal Judge of Cuddapah—

(Here enter F. M. No 304 of 1843)

Case 199. 1. In regard to Case No 199, the Provincial Court are of opinion the Prisoner should have been punished as a receiver or purchaser of stolen property knowing it to have been stolen; but remark that "no alteration or enhancement of the punishment can however be awarded under the "orders of the Fongdaree Adalut."—

2. The Court of Fongdaree Adalut resolve to point out that the Provincial Court of Circuit are in error, in the Conclusio

which

which they have thus declared. The offence of which the Prisoner is considered to have been shown guilty, was not determinable on the authority of the Criminal Court who have made the demand for security, that Court being only the committing authority.—

3.

No Sentence having, thus, been passed on the Prisoner, the mere requisition to furnish security under which he has been placed can be deemed no bar to his being again tried, and accordingly the Court determine to order a fresh commitment.—

4.

The Provincial Court will be pleased to issue the requisite instructions to the Acting Criminal Judge of Cuddapah, to which a transcript of para 3 of these proceedings should be furnished for his information and future guidance.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance.—

(Sent in No. 225.)

Read the Cochin Criminal Reports for the month of January last submitted by the Acting Joint Criminal Judge under date the 9th Ultimo.—

(Here enter F. R. No. 247)

Report No. V
Case No. 2.

1.

The Prisoner in this case is stated to be an old offender having previously been "convicted 4 times by the Police and "once by the Court, of petty theft;" but the date of the former trials, and the Sentences passed on the Prisoner on those occasions, are not recorded in the Report.—

2.

The Court of Foujdarree Adalut direct the attention of the Acting Joint Criminal Judge of Cochin to their Circular Order of the 6th September 1821 and require that the instructions therein set forth, be not neglected in future.—

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

(Sent in No. 226.)

Read Miscellaneous Petition presented on the 6th Ultimo by Tottum Embrandry of Illicherry.—

(Here enter F. R. Mr. P. No. 11 of 1843)

Adverting to the Sentence passed on him in Case No. 5 on the additional

additional Calendar for the 4th Quarterly Sessions of 1842 at Jellicherry, the Petitioner prays the Court of Foujdaree Adalut altogether to annul it, or to reduce it on a consideration of the homicide of which he was accused having been the result of accident.—

The Court of Foujdaree Adalut decline to accede to the prayer of the Petition. On reference to the Calendar of the trial in question, it appears to them that the Sentence passed in the case was a very proper one—and that it should not be disturbed.—

Ordered, that Extract from these Proceedings be granted on application to the Petitioner.—

Read Extra petition presented on the 31st Ultimo by Meeraga Pillay late Village Moonsiff of Chedumbrum in the Zillah of Cuddalore, containing a repetition of the prayer set forth in a former petition No 139 of 1842, that the Magistrates order of dismissal may be reversed.—

(Here enter P. R. No 10)

The Court of Foujdaree Adalut direct, that the Petitioner be referred to their order

order passed on his former petition above mentioned, which is Just.—

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

Read Miscellaneous Petition presented on the 31st Ultimo by Lutchmuckal mother of the 2nd Prisoner in Case No 17 on the Chittoor Calendar for the 4th Quarterly Sessions of 1842.—

(Here enter Pl. No 10)

1. The Petitioner complains of the injustice of the Sentence of 7 years imprisonment passed upon her Son for the crime of Gang Robbery, by the Presiding 1st Judge, and prays the Court of Foujdaree Adalut to order his release.—

2. The Court of Foujdaree Adalut having referred to the report of the trial as given in the Calendar, cannot entertain the slightest doubt that the Conviction of the 2nd prisoner was just.—

3. The Court therefore refuse to interfere with the Sentence passed on the said Prisoner and dismiss this Petition.—

Ordered accordingly, and that

Copy

1st Inst. 1st March 1843

Copy of these Proceedings be furnished to Petitioner on her application.—

D K
Asst. Regr.

F. U.

Thursday 2d March 1843.

At a Court of the Fouzdaree Udalut

Present

Henry Dickinson Esqre 1st Puisne Judge

Mal Malcolm Lewin Esqre acting 2d Puisne Judge

Wm L. F. Mc Lewin Esqre acting 3d Puisne Judge

Read the Criminal Reports submitted by the Acting Criminal Judge of Malabar for the Month of January 1843.

/Here enter F. U. No 274/

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

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

/Sent in No 228/

Read letter from the Acting 3d Judge on Circuit in the Northern Division, dated the 9th Ultimo, submitting for the orders of the Fouzdaree Udalut three Futwahs, questions

questions included, given by the Mahomedan Law Officer of the Court on Circuit in respect of the Prisoners charged in Case No. 8 on the Primary Calendar for the 2d Sessions of 1842 at Goruckpoor.

/Here enter F. U. No. 241 of 1843/

1. In the above communication the Acting 3d Judge has explained that, with reference to this Court's orders of the 23d December last, he put to the Law Officer of his Court such questions as appeared to him to be calculated to obtain an opinion as to the guilt or innocence of the accused; but after repeated consideration of the replies received he states himself to be unable to get rid of the impression first made on him, that the replies were "an evasion of the questions".

2. Adverting to the Circular Order of the Foujdaree Udalut, dated the 16th March 1834, the Acting 3d Judge is led to infer that Judges on Circuit are justified in expecting from the Law Officers assisting at Trials before them, opinions as clear and distinct as regarding the conviction or acquittal of the Prisoners, as the Foujdaree Udalut Court expect from the Officers by whom Trials are referred to the higher Tribunals.

3. And, on the Assumption that an opinion of that nature has not been laid before him by the Law Officer, assisting at the Trial in question, the instructions of this Court have now been solicited by Mr. Walker.

4. So far as a judgment can be formed, in the absence of the record, from a consideration of the reasons assigned by the Law Officer for the Futwahs submitted by the Acting 3d Judge, they appear to the Foujdaree Udalut to be in all respects straightforward and correct; and the course which presents itself for adoption by Mr. Walker, is plain and simple.

5. In the event of a concurrence of opinion between himself and the Law Officer, the Prisoners should be released. If, on the other hand, he disapproves the verdict of the Moofty, the Trial should be

be referred to this Court, accompanied by a detailed explanatory statement of the Grounds on which the Acting 3d Judge has deemed the reference thereof to be necessary -

6. Although not pertinent to the question immediately before them, the Court of Tonjdaree Udalut would here remark, that the Acting 3d Judge on Circuit seems to have erroneously to class the offence with which the Prisoners in the Case under observation are charged, an affray arising out of a Caste dispute, with the riotous and rebellious assemblages which are contemplated in Regulation III of 1831.

Ordered, that Extract from these proceedings be forwarded to the Acting 3d Judge on Circuit in the Northern Division, for his information and Guidance.

/Sent in No. 229./

Fwd.

J. D. W.
Ag Regr.

J. U.

At a Court of the Tonjdaree Udalut

Friday 3d March 1843.

Present.

Henry Dickinson Esqre 1st Puisne Judge

Malcolm Lewin Esqre Acting 2d Puisne Judge

and

Wm. F. M. Lewin Esqre Acting 3d Puisne Judge

Read Letter dated the 8th Ultimo from the 1st Judge late on Circuit in the Southern Division submitting the Circuit Report required by Section XXXVII Regulation VII of 1802 for the 1st Sessions of 1842.

/Here enter No. 286/

The above Report not appearing to call for any remark from this Court of Tonjdaree Udalut.

Ordered, that Extract from these proceedings, together with a Copy of the above Report, be forwarded to the Secretary to Government, for the purpose of being laid before the Most Honorable the Governor in Council.

/Sent in No. 234/

Read letter dated the 15th Ultimo from the Agent to the Governor of Fort St. George in the Ganjam District, submitting with reference to Clause 5th Rule 1 of the Rules framed by Government for his guidance, a Report regarding Criminal Case No. 4 of 1843, on his file, in which the Prisoner Rama Naiko was charged with highway Robbery, and with having assaulted and beaten with a Cudgel the Prosecutor Croopatino Pundah, and by force taken from his person a bundle containing a number of new Cloths of the value of 10 Rupees; further with having escaped from legal Custody on the 5th November last while in confinement on the 1st charge:

/Here enter F. No. No. 308/

The Agent to the Governor is of opinion the evidence adduced is sufficient for the conviction of the prisoner and he proposes that he be sentenced to be imprisoned and kept to hard labor in irons, on the public roads or other public Works for and during the period of Seven years, and further that he do receive

receive 100 Stripes.

In Clause Second, Section 2. III Regulation XV of 1803 it is declared that in Cases of Robbery by open violence the punishment of the offenders shall not depend upon the value of the property plundered and in the trial under observation the Court of Foujdaree Adaulut see no Cause whatever for the infliction of a milder punishment than Fourteen (14) years imprisonment to which extent they accordingly direct that Sentence be passed on the Prisoner

"Rama Naiko."

3. They are however unable to recognize in the present case the advantage of a further punishment by Stripes and see no reason to permit them.

Ordered, that Extract from these proceedings be forwarded to the Agent for the Governor in Ganjam for his information and Guidance.

/Sent in No. 235./

3rd March 1843.

Read letter dated the 28th January 1843 from the Acting Chief Secretary to Government, transmitting for the consideration and report of this Court, a Petition from V. Ossuswamy Naick impugning the legality of the sentence on which his Son Mootiah Naik is now undergoing in the Chittoor Jail and requesting the particular attention of the Court to the Statement contained in its 6th para:-

Govt. No. 1263 of 1842

Here enter F.C. No. 163 of 1843

1. That part of the Petition by which the foregoing communication is accompanied, to which the attention of the Court of Foujdaree Udalut has particularly been drawn, refers to the trial and conviction of one Govinda Naick, and the gist of the para: in question is an aspersion by the Petitioner that Govindoo Naick, although sentenced and imprisoned, has never been convicted of any crime: consequently that the Son of the Petitioner who was charged with being an accessary to his crime is at present under illegal restraint.

2. Govindoo Naick is alleged not

S. N.

3rd March 1843.

to have been convicted, in consequence, it appears from the Petition, of the omission on the part of Mr. Davis, the Circuit Judge who presided at the trial, to record judgment in conformity with the provisions of Clause First, Section XV Regulation VII of 1802 which requires that the Circuit Judge sitting on a trial should declare judgment on the Future of the Law Officer.

3. In the trial of Govindoo Naick Mr. Davis was relieved by the Court of Foujdaree Udalut from passing sentence, owing to his having requested, in the letter which accompanied the record, that as his "name had "lately been alluded to in connection with the Prisoner" he might be exempted from the performance of that part of his duty, and that the Foujdaree Udalut would themselves consider the record and pass judgment thereon. Accordingly the Court brought the record under consideration, and being of opinion that the Prisoner Govindoo Naick was fully convicted of the Crime laid to his charge passed sentence upon him.

The

4. The adoption by the Foujdaree Udalut of this course on the occasion under re= mark is not without precedent. It is certainly not in strict accordance with the letter of the Regulations, but where a Circuit Judge from any particular difficulty attending the case, or from real incapacity to form a judgment upon it may express a desire that the trial may have the benefit of the superior experi= ence of the Judges of this Court, they consider that they are bound to take upon themselves the responsibility, and to call up the trial and dispose of it to prevent Justice from being arrested in it's course.

5. Such a proceeding having been deemed unobjectionable and determined on by the Court of Foujdaree Udalut as then con= stituted, the Case of Govinda Naik came before them and received their fullest consi= deration. The three Judges who then formed the Court concurred as to the conviction and as to the Sentence to be passed on the Prisoner, their opinions being recorded at great and unusual

unusual length.

6. As now constituted the Court of Foujdaree Udalut are of opinion that Govinda Naik was fully and completely convicted of the Crime laid to his charge, and that the Sentence passed upon him was in all respects just.

7. They consider that no cri= terion can be formed of the Guilt or innocence of the prisoner in the Case, from the fact that the Law Officer acquitted him, since the Judgment of a Law Officer is founded on principles so com= pletely at variance with those which influence an English Judge.

8. In thus expressing the sentiments of the Court, it is necessary to add that they are those of the majority; the present 2d Judge having formerly recorded an opinion of an opposite tenor to which he now adheres;-

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

Secretary to Government, together with the Petition to which they refer, to be submitted to the Most Honorable the Governor in Council.

/Sent in No. 236./

Read letter dated the 24th Ultimo from the acting Joint Criminal Judge of Masulipatam, forwarding the Criminal Reports for the month of January.

/Here enter F.C. No. 334/

Read letter dated the 25th Ultimo, from the acting 3d Judge on Circuit in the Northern Division, reporting his having issued a Precept for the opening of the 2d Sessions of 1842 at Vizagapatam on the 18th Instant.

/Here enter F.C. No. 339/

Read letter dated the 25th Ultimo, from the 2d Judge on Circuit in the Centre Division, reporting that the 1st Sessions of 1843 will be opened at Cuddapah on the 10th April next.

/Here enter F.C. No. 343/

4/3/1

RPV
Cf. Mcp.

F.C.

Saturday 4th March 1843. At a Court of the Foujdaree Adawlut.

Present

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

Read the Criminal Reports for the month of January last submitted by the Acting Criminal Judge of Nellore under date the 13th Ultimo.

(Here enter F.A. No. 265)

Suffl. Report Cases Nos. 102 & 103.

1. The Court of Foujdaree Adawlut do not consider the evidence in these cases as set forth in the Report sufficient to warrant the requisition from the Prisoner of Security.—

2. The Provincial Court on the Northern Division are required to call for and to dispose of the cases as may appear to them proper, reporting the result for the information of the Foujdaree Adawlut.—

Case No. 104

3. The Prisoner in this case is stated to be "evidently a man of notorious bad character"—but no grounds to justify

Secretary to Government, together with the Petition to which they refer, to be submitted to the Most Honorable the Governor in Council.

/ Sent in No. 236. /

Read letter dated the 24th ultimo from the acting Joint Criminal Judge of Masulipatam, forwarding the Criminal Reports for the months of January.

/ Here enter F.C. No. 334 /

Read letter dated the 25th Ultimo, from the Acting 3d Judge on Circuit in the Northern Division, reporting his having issued a Precept for the opening of the 2d Sessions of 1842 at Vizagapatam on the 18th Instant.

/ Here enter F.C. No. 339 /

Read letter dated the 25th Ultimo, from the 2d Judge on Circuit in the Centre Division, reporting that the 1st Sessions of 1843 will be opened at Chingleput on the 10th April next.

/ Here enter F.C. No. 343 /

Extract

R.D.V.
Cf. Mesp.

F.C.

Saturday 4th March 1843. At a Court of the Foujdaree Adawlut.

Present

Henry Dickinson Esqre 1st Puisne Judge.
Mr Malcolm Lewin Esqre acting 2d Puisne Judge
Wmd. F.M. Lewin Esqre acting 3d Puisne Judge.

Read the Criminal Reports for the months of January last submitted by the Acting Criminal Judge of Nellore under date the 13th Ultimo.

(Here enter F.A. No. 265)

Suspl. Report Cases Nos. 102 & 103. 1. The Court of Foujdaree Adawlut do not consider the evidence in these cases as set forth in the Report sufficient to warrant the requisition from the Prisoner of Security.—

2. The Provincial Court on the Northern Division are required to call for and to dispose of the cases as may appear to them proper, reporting the result for the information of the Foujdaree Adawlut.—

Case No. 104 3. The Prisoner in this case is stated to be "evidently a man of notorious bad character"—but no grounds to justify

4th March 1843.

justify such a conclusion are entered in the Report.- The attention of the Criminal Judge is drawn to Fonjdaree Adalut Circular Order of the 6th September 1821- and the Court of Fonjdaree Adalut direct that a full explanation of the circumstances which have led him to form an opinion so condemnatory of the Prisoner be submitted by the Criminal Judge for their information.-

Report No. V.
Case No. 7

4. The excessive delay in the transmission of this Case to the Criminal Court is unsatisfactorily explained- The first Prisoner in the case is also concerned in the subsequent No. 8, and ought to have been sent up alone without delay.-

Ordered that copy of these Proceedings be forwarded to the Acting Criminal Judge of Nellore for his information and guidance.-

(Sent in No. 237)

Ordered also that Extract (paras: 1 and 2) of these proceedings be forwarded to the Provincial Court of Circuit

4th March 1843.

Circuit in the Northern Division- by precept returnable without delay.-

(Sent following Precept No. 238/)

Cadv. W.

W. D.
Cl. Wgs.

Monday 6th March 1843.

In Court of the Fonjdaree Udalut.

Present.

Henry Dickinson Esqre 1st Puisne Judge.
Malcolm Lewin Esqre Acting 2nd Puisne Judge.
and
F. M. Lewin Esqre Acting 3rd Puisne Judge.

Read Return dated the 22nd Ultimo; from the Provincial Court of Circuit in the Centre Division to this Courts Precept of the previous 31st Ult. conveying their orders on the Cuddalore Criminal Reports for the months of December 1842.-

(Here enter F. R. No. 316 of 1843)

Cases Nos. 109, 110-111. 1. In paras: 3 and 4 of the Extract from their Proceedings by which the above Return is accompanied, the Provincial Court have shewn on what grounds they consider the Prisoner charged in these cases, should have been sentenced to two years, instead of to nine months imprisonment, to which extent only sentence was declared by the Sudr Ameen of the Cuddalore Joint Criminal Court.-

2. The Fonjdaree Udalut concur in the view expressed by the Provincial Court of Circuit who it is observed have pointed out that the Prisoner is "not a boy,

"being

6th March 1843. being 18 years of age" and who consequently could not have been entitled to consideration on the score of youth.-

3. As however, the punishment awarded to the Prisoner cannot now be enhanced, the Forjdaree Wakut resolve to desire the Joint Criminal Judge of Cuddalore will impress upon the Sub Ameen of his Court the impropriety of his having passed so lenient a Sentence as that under observation.-

Ordered that Extract from these Proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for their information and for communication to the Joint Criminal Judge at Cuddalore.-

(Sent in No. 241)

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

(Vide Sec. F. R. No. 271)

Case No. 94. 1. With reference to the concluding remarks in this case to the effect that "if an offer of pardon is made to the Prosecutor the

6th March 1843. he will reveal the whole plot," the Officiating Joint Criminal Judge is informed that any application for such a purpose would not be listened to, as the Regulations do not authorize, the tender of a pardon in such cases.-

Case No. 2. 2. Of the Prisoner in this case the Acting Joint Criminal Judge has thought proper to observe "that he appears "to have little more sense than a quadruped"

3. The Court of Forjdaree Wakut regret that any Judicial Officer should require to be informed that such frivolous language is improper and unbecoming his station, and that if literally true the unfortunate person would be rather an object of compassion than a subject for punishment.-

4. The Court request that Mr Lemond will be more cautious for the future in the expression of his sentiments.-

Case No. 4 5. The Officiating Joint Criminal Judge remarks in reference to this case, that,

6th March 1843.

that, in consequence of her having been engaged in some important Civil examinations, it has not been disposed of so early as it should have been.—

6. The Court of Foujdaree Adalut observe that this expense is altogether im=proper, as Civil duties can seldom require such immediate attention as Criminal duties, and never, when like the present, the crime is murder.—

Ordered, that copy of these Proceedings be sent to the Officiating Joint Criminal Judge of Tinnevelly for his inform=ation and guidance.—

(Sent in No. 242)

The Criminal Reports due for the month of January last not having as yet been received from the Agent to the Governor of Fort St. George at Ganjam, the attention of that Officer is drawn to the Courts letter dated the 26th May 1840, in which he was desired to submit the Statements under observation "at the close of each month."

Adverting to the omission on the

6th March 1843.

the part of the Agent to the Governor hitherto to conform with regularity to the requisition in question, the Court of Foujdaree Adalut resolve to direct that, with reference to the rule laid down in No. 40 para: 6. their Circular Orders, the Agent be desired to transmit the usual Monthly Criminal Report so that it may arrive at Madras by the 15th of the month succeeding that for which it is furnished.—

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George at Ganjam by precept returnable in 5 days from and after its receipt.—

(Sent in No. 243)

Read letter dated the 28th Ult. from the Acting 3d Judge on Circuit in the Northern Divi=sion Reporting in answer to Foujdary Adalut letter of 20 Instant, that the various orders given by Foujdary Adalut in Gunjam conspiracy case, were the causes for the 2d Sessions of 1842 not being closed by the end of December 1842.—

(See Letter F.A. No. 350)

F 16

Wednesday 8th March 1843

At a Court of the Foujdaree Udalut for the Present

Henry Dickinson Esqre 1st Puisne Judge.
Malcolm Lewin Esqre Acting 2d Puisne Judge
Act
Fredk M. Lewin Esqre Act. 3d Puisne Judge.

Read return, dated the 17th Instant ultimo, from the 1st Judge of the Provincial Court of Circuit in the Centre Division, to this Court's Precept of the 28th January last conveying their observations on the Chittoor Calendar for the 4th Quarterly Sessions of 1842—

(Here Enter F 16 No. 295 of 1843.)

Adverting to para: 4 of the above reporting return which refers to the translation of the deposition given by the 3rd Prisoner in Case No. 10, before the Joint Magistrate of Chittoor, and which is submitted therewith, the Court of Foujdaree Udalut desire that translation of any other deposition taken before that Officer from the Prisoner in question, may be laid before them for their consideration—

Ordered

Ordered, that Extract from these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Centre Division by first opt returnable in 5 days, from and after its receipt.

/ Sent following Precipt No. 249 /

Read letter under date the 24th February from the Acting 1st Judge of the Northern Provincial Court applying for the Petition referred to in the 4th para of Tondiaroo Udalut's proceedings of the 20th ultimo.

/ Here enter Ffb No. 337 /

The Acting 1st Judge of the Northern Provincial Court is informed that the Petitions referred to in the above communication was forwarded to the Acting Joint Criminal Judge of Jaffna on the 25th ultimo.

Ordered, that Copy of these proceedings be furnished to the Acting 1st Judge of the Provincial Court in the Northern Division for his information.

/ Sent in No. 250 /

Read letter from the Acting Judge of Chilaw, forwarding the Criminal Reports for the month of January 1843.

/ Here enter Ffb. No. 264 /

Case No. 178. 1. The Prisoners in this case are charged with an intent to commit Burglary, and on the ground of strong suspicion, held to security by the Criminal Court.

2. The Tondiaroo Udalut observe that there do not appear to be any grounds for the requisition of security, and that at the termination of the trial the Prisoners ought to have been forwarded to the Magistrate, for an investigation regarding their mode of livelihood and they in consequence direct the Provincial Court to call up the proceedings and revise the Sentence, reporting their decision for the information of this Court.

Case No. 189 & 190. 3. The Prisoner Gungaraaroo is convicted in the former and suspicion would seem to attach to him in the latter case; he has been before held to Security by the Court of Tondiaroo Udalut, and his character is reported by the Acting Criminal Judge to be extremely indifferent under these circumstances the Court see reasons to doubt the correctness

correctness of the sentence awarding him only one months imprisonment, and direct the Provincial Court to look into the cases, pass orders upon them, and communicate their decision for the information of the Tongdaree Udalut.

No. 4. 4. The Prisoners in this case are charged with Burglary, and some of the Stolen articles are found in the room occupied by the 3d Prisoner; and the tendency of the Criminal Judge's remarks is to lead to their conviction.

5. The Tongdaree Udalut in consequence direct the Provincial Court to look into the Case and pass orders thereon, reporting the result of their investigations for the information of this Court.

No. 8. 6. The Court observe that the Head of Vellore Police states that the Prisoner in this case was apprehended and taken before the Arrack punter on the 11th. the Arrack punter, however, does not seem to have forwarded the Prisoner or communicated the circumstances of his apprehension until the 19th.

7. The Court of Tongdaree Udalut desire that an Enquiry may be made respecting the cause

of

of this delay, as, from the statement appended by the Head of Police, it would seem that the Prisoner was detained in the custody of the arrack punter from the 11th to the 19th, or even longer.

Ordered, that Extract of these proceedings paras 1. to 5. be sent to the Provincial Court in the Centre Division by precept returnable without delay from and after its receipt.

/ Sent following Precept No. 251 /

Ordered further, that Copy hereof be furnished to the Acting Criminal Judge of Chittoor for his information and guidance.

/ Sent in No. 252 /

Read Letter dated the 22d ultimo, from the Acting Joint Criminal Judge of Penukonda submitting the Criminal Reports for the month of January 1843.

/ Here enter F.U. No. 319. /

Case No. 2. 1. The Court of Tongdaree Udalut observe that in the indictment the Prisoner is simply charged with having preferred a false complaint without its being specified before whom the false complaint was preferred.

2. In the remarks by the Officiating Joint

8th March 1843.

Joint Criminal Judge, the Complaint is stated to have been brought before the Assistant Magistrate, as the Regulation quoted does not apply to a case sent up by the Magistracy, the Court of Zoujdaree Udalut consider it necessary to order the immediate release of the Prisoner.

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

/ Sent in No. 253. /

Read the Criminal Reports for the month of January last submitted by the Joint Criminal Judge of Coimbatore under date the 31st January 1843.

/ Here Entr Ft. No. 282 /

Report No. 1 Case No. 7.

This Case has been improperly disposed of by the Joint Criminal Judge. The Court of Zoujdaree Udalut observe, that the fine imposed on the 4th and 5th Witnesses is illegal, and that if the said witnesses have falsely and maliciously sworn to an untruth, they must be Committed to take their trial before the Court of Circuit for the Crime of Perjury.

Ordered,

8th March 1843.

Ordered, that Copy of these Proceedings be forwarded to the Joint Criminal Judge of Coimbatore for his information and guidance.

/ Sent in No. 254 /

Read the Criminal Reports submitted by the Criminal Judge of Salem for the month of January 1843.

/ Here enter Ft. No. 279 /

Case No. 20.

The Court of Zoujdaree Udalut do not consider the Expence offered by the Police Officer for the long detention of the Prisoner in this case to be satisfactory, and they direct that he be now called upon for a further and more minute explanation.

Ordered, that Extract from these proceedings be sent to the Criminal Judge of Salem by precept returnable in five days from and after its receipt.

/ Sent following Precept No. 255 /

47 d

F. M.

Thursday,
9th March, 1843. At a Court of the Fongdaree Adalut.

Present,

1st Malcolm Lewin Esqre. Acting 1st Puisne Judge.
2nd F. M. Lewin Esqre. Acting 3rd Puisne Judge.

Read the Sirdee Criminal Reports submitted by the Provincial Court of Circuit in the Western Division for the month of January 1843.—

(Herewith No 306 of 1843)

The above Reports do not appear to call for any remark from the Court of Fongdaree Adalut.—

Ordered therefore, that Extract from these Proceedings be forwarded to the Provincial Court of Circuit in the Western Division for communication to the Principal Sudr Ameen of Sirdee.—

(Sent in No. 257)

Read letter dated 15th Ultimo from the Joint Criminal Judge of Fuzzulpore submitting the Criminal Reports for the month

8.

9th March 1843.

Month of January 1843.

(Recorded in No 272)

Cases Nos 1. 2. 3. 1. The Court of Fouzdaree Adalut observe that the Prisoner in this case — Peramaiven having been convicted of three distinct crimes, deserved severer punishment than has been awarded by the Joint Criminal Judge.—

Case No 4. 2. The Court desire that in all future indictments for Burglary, the manner as well as the act of breaking into the house may be specified.—

Case No 9. 3. The preceding observation refers to a similar omission in the wording of this charge.—

Ordered that Extract from these Proceedings be sent to the Joint Criminal Judge of Cuddalore for his information and Guidance.—

(Sent in No 258)

Read the Criminal Reports for January 1843 submitted by the Acting Criminal Judge of Combaconum.—

(Recorded in No 297 of 1843)

In

9th March 1843.

Report V
Case 2.—

1. In this case it appears from the remark by the Acting Criminal Judge, that Conaren, the 5th Prisoner, had been "committed for Trial for his share "in this and the preceding number". On reference, however, to the Sentence recorded in No. I, the Court of Fouzdaree Adalut do not discover any Statement of the extent to which he was implicated in the charge therein preferred; neither does it appear that the Prisoner in question was com= =mitted for Trial for being accessary to the offence there charged.—

2. The Fouzdaree Adalut would in future wish such explanation to be afforded.—

Case No 9. 3. Adverting to the observation by the Acting Criminal Judge that the Prisoner in No. 9 "appears to have been "a mere tool in Soobbaiá hands and "not to have been actuated by malice" it would seem that he should not once have been acquitted by the Criminal Court; if not, the punishment awarded

is

9th March 1843.

is fair to limit for so abominable a crime as that for which he was brought to trial.—

4. In this view the Court resolve to request the Provincial Court of Circuit in the Southern Division to call up and look into the record of the case and pass such orders as may seem to them to be proper reporting the same for the information of the Lieutenant Governor.—

5. The Statement of "Extra Pens" shows that one Pen has been entertained in excess of 34 the number allowed under the Courts standing orders and it does not appear from and up to what date one other Pen was employed during a fractional part of the month under review &c.

6. The Acting Criminal Judge is requested to submit the necessary explanation of the excess number and to supply the omission of the dates adverted to.—

Ordered that Extract from these Proceedings (paras 3 and 6) be forwarded to

F. M.

9th March 1843. to the Provincial Court of Circuit in the Southern Division by precept returnable without delay.—

(Sent following Precept No 259)

Ordered also, that Extract from these Proceedings be forwarded to the Acting Criminal Judge of Combaconum by precept returnable in 7 days from and after its receipt.—

(Sent following Precept No 260)

No return having been received from the 3d Judge late on Circuit in the Southern Division to the precept of this Court of the 11th Ultimo calling for certain explanations relative to Cases Nos 6 and 10 of the Combaloor Calendar for the 2nd Sessions of 1842.—

Ordered, that the 3d Judge late on Circuit in the Southern Division be required immediately to make a return to the precept aforesaid, and explain the causes of his omission hitherto to conform to the exigency of the Precept first addressed to him.—

(Sent in No 261)

Ent 7/4.

R. D.
ag Regr

9th March 1843.-

March;

Read return dated the 27th Ultimo
from the Agent to the Governor of Fort St George
at Ganjam to the precept of the Foujdary Adawlut
of the 18th Ultimo, observing that they cannot concur
in the propriety of the sentence proposed by the
Agent to be passed on the Prisoners charged with
having kidnapped and sold to Khond Meriahs
for sacrifice as Meriahs certain males and females

(Here enter Pr. 357.)

F. Us.

Friday 10th March 1843.

At a Court of the Foujdaree Adawlut
Present,
Sir Malcolm Lewin Esqre Acting 1st Puisne Judge
and F. M. Lewin Esqre Acting 3d Puisne Judge

Read the Criminal Reports
for the month of January 1843 submitted
by the Acting Criminal Judge of Cuddapah.
(Here enter F. Us. Nos. 327 of 1843)
In this Case, which was dis-
posed of by the Principal Sudr Ameen, it is
observed, that the Prisoner was charged with
having opened "a half Shut door" and stolen
from within the house of the Prosecutrix
property valued at Rupees 8-15-4.

Report No. V. Case 5. Cuddapah

If the door in question was
not in any way fastened, no burglary was
committed by the Prisoner and the Regulation
quoted in support of the sentence passed on
him is, consequently, inapplicable.

The Acting Criminal Judge
will accordingly be pleased to direct the
insertion

insertion of the necessary amendment, reporting it for the information of the Foujdaree Udalut.

Case 10. 4. The Prisoner in Case No. 10 is reported to be charged with having maliciously preferred a false complaint before a head of Police "against the 3d Witness".

5. In the absence of explanation from the Acting Criminal Judge, the Court of Foujdaree Udalut are unable to ascertain whether or not the Case when transmitted to the Criminal Court was accompanied by witnesses, as before the Police Authority the accused party would not have been a Witness.

6. The requisite explanation should, therefore, be now furnished.

Case 15. 7. The Foujdaree Udalut observe from a perusal of the Proceedings assigned by the Police Officer for the delay in sending up to the Criminal Court this Case, extending from the 3d December 1842 to the 22d January, nearly two months, that it has resulted from a reference made to the Magistrate which was objected to by that Officer only on the latter date

date.

8. The Court of Foujdaree Udalut, as at present informed, consider a delay of this nature to be extremely improper, and accordingly resolve to call upon the Magistrate to explain the causes of its occurrence.

9. Adverting to the insertion in the XIth Column of the Report under review, of explanation, in several cases of delay in the transmission of Prisoners to the Criminal Court, which has not extended beyond five days, the attention of the Acting Criminal Judge is requested to the Foujdaree

18th May 1832. Udalut's Circular Order which in future should be conformed to.

Ordered, that Extract from these proceedings be transmitted to the Acting Criminal Judge at Cuddapah by precept returnable in five days from and after its receipt, with instructions to furnish Copies of paras. 7 and 8 to the Magistrate of that District, who will report direct to the

Foujdaree

Tanjdaree Udalut regarding the matter therein referred to.

/Sent following precept No. 262/

Read Return from the Acting 2d Judge late on Circuit in the Northern Division, dated the 22d Ultimo, to this Court's precept of the previous 14th; conveying the observations of the Tanjdaree Udalut on the manner in which the proceedings in Case No. 9 of the Nellore Primary Calendar for the 1st Sessions of 1843 and the letter by which they were accompanied were written and drafted.-

/Here enter F. H. No. 322 of 1843/

1. In para: 2 of the above communication the Acting 2d Judge has observed that as the whole proceedings of the trial under observation were to be laid before the Sudder, "he did not think it necessary to make any comment further than to bether the Prisoner was guilty or not."

2. The attention of the Acting 2d Judge is drawn to the last para: of this Court's Circular Order dated the 14th October 1822 from

from which he will perceive that the precise grounds of reference should have been entered in the Calendar.

para: 4. 3. In this para: it has been assumed by Mr. Glass that the clerical error, on which the Tanjdaree Udalut has commented, was not that quoted in this Court's proceedings of the 14th Ultimo.

4. The Court resolve again to point out that the words entered in the communication which reached the Tanjdaree Udalut were "not prestage".

Para: 5 5. The Tanjdaree Udalut request the Acting 2d Judge will report for their information in what manner he may deem it expedient to notice the neglect which he appears to impute to the subordinates of the establishment of the Court on Circuit.

6. The necessity for a second question to the Law Officer in the Case under remark, having been inculcated on the Acting 2d Judge, the Court of Tanjdaree Udalut infer they shall not again have occasion

to advert to a similar omission on the part of Mr. Glass.

Para 8. 7. The observations which the Acting 2d Judge has permitted himself to make in the 8th para: of his address under reply, are not of that ingenuous description, which it is expected should characterize all communication with this Court.

8. The Judges cannot disconcern from a perusal of their proceedings of the 4th ultimo, that the Acting 2d Judge was thereby required in any way to question the Prisoner on trial before him.

9. It was therein intimated to the Acting 2d Judge that it would have been satisfactory to the Court of Foujdaree Udalut: but had he submitted the information there indicated and which it was supposed he had unavoidably acquired by the investigation in the Court of Circuit of the facts of a Case in which he had been led to propose the infliction of the utmost penalty of the law, and this information it is further to be observed

observed, has to a certain extent been now laid before the Foujdaree Udalut in the communication under review.

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

/Sent following precept No. 263/

Read communication from the Acting Joint Criminal Judge of Trichinopoly dated 2d Instant, explaining the reason why one Peon in excess of the prescribed complement was employed in the Court of Trichinopoly during January last.

/Here enter F.D. No. 352./

Read Return dated 24th Ultimo, from the Provincial Court of Circuit in the Western Division, to the precept of the Foujdaree Udalut of the 11th February 1843 directing them to inspect Cases Nos. 145. 152

and

10th March 1843.

and 156 upon the Canara Criminal Report for the Month of December last, reporting their opinion for the information of the Court of Sanjdarie Adalut.

/Here enter F.R. No. 345/

Read letter dated 1st Instant from the 3d Judge late on Circuit in the Centre Division, forwarding the Original death warrant in Case No. 5 on the Bellary Supplemental Calendar for the 2d Sessions of 1842.

/Here enter F.R. No. 349/

Read letter dated 2d Instant from the 2d Judge on Circuit in the Centre Division, forwarding the Caddapah batta Statement for the 1st Sessions of 1843 together with the explanation for the detention of the parties beyond 4 days.

/Here enter F.R. No. 362/

2d A.J.

A. Dow
Ag. Secy

Monday
13th March 1843.

At a Court of the Sanjdarie Adalut.
Present,

M.L. Malcolm Lewin Esqre ——— Acting 1st Puisne Judge,

T. M.L. T. M. Lewin Esqre ——— Acting 3d Puisne Judge,

Read letter, dated the 2th instant, from the 1st Judge on Circuit in the Southern Division, forwarding the Madura Primary and Supplimental Calendars for the 1st Sessions of 1843.—

(Here enter No. 347.)

The above Calendars not requiring any remarks from the Court of Sanjdarie Adalut.—

Ordered therefore, that Extract from these proceedings be forwarded to the 1st Judge on Circuit in the Southern Division for his information.

(Sent in No. 269.)

Read Return, dated the 3d instant, from the Acting Joint Criminal Judge of Guntoor, to this Courts Precept of the 20th ultimo: conveying their observations on the Guntoor Criminal Report for December 1842.—

(Here enter Pub. No. 356 of 1843.)

Report No. V.
Case 54.

The explanation of the offence charged

charges against the Prisoner in this Case which has been submitted by the Acting Joint Criminal Judge in the above Return, is by no means so clear as could have been desired; but as it is observed, on reference to the Guntoor Criminal Report for January 1843, that on the investigation in the Joint Criminal Court, the Prisoner in question has been released, the Foujdaree Adalat deem further remark to be now unnecessary.—

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

(Sent in Ac 270)

Read letter dated the 11th Instant from the 1st Judge on Circuit in the Southern Division forwarding copies of correspondence between himself and the Officiating Joint Criminal Judge of Eminerly together with transcript of a letter to the latter Officer from the Zillah Surgeon regarding two old and infirm Convicts in confinement in the Jail at that Station.—

(Here enter Cl. No. 364)

1. It appears from the above papers that in consequence of the infirmities and increasing debility of the Prisoners adverted to, the Medical Officer in charge of the Jail at Eminerly, suggested to the Officiating Joint Criminal Judge, on the 30th December 1842, the propriety of releasing them to prevent their becoming "Casualties".—

2. The matter having been brought to the notice of the 1st Judge on Circuit, that Officer has pointed out that he has no power to issue orders of the kind required by the Zillah Surgeon and further intimated to the Officiating Joint Criminal Judge that it is within his discretion, in communication with the Zillah Surgeon, to determine the nature of the confinement to be undergone by the one Prisoner now remaining alive.—

3. The intimation to that effect which has been conveyed to the Officiating Joint Criminal Judge by the 1st Judge on Circuit is considered by the Court of Foujdaree Adalat to be sufficient and in all respects appropriate and proper.—

Ordered that Extract from these proceedings be forwarded to the 1st Judge on Circuit in the Southern Division for his information and for communication to the Officiating Joint

10

Joint Criminal Judge at Ernakulam:—

(Cut in No. 271.)

(Read letter dated the 2nd January 1843 from Mr. H. Babington Esqr., 3d Judge Cuttack Circuit in the Central Division, submitting the Report prescribed by Section XXXVII Regulation VII of 1802 with the Calendars received from the several Magistrates and the proceedings held upon them.—

(Here enter the No. 172 of 1843.)

1. Adverting to the large proportion of acquittals which usually have distinguished the Sessions at Cuddapah, the 3d Judge remarks that he has had occasion to notice the very unsatisfactory manner in which the Heads of Police in that District had prepared cases which stood upon the Calendar; the more especially with reference to their practice of sending in endorsements hastily framed and subscribed, in support of charges which, nevertheless, appeared to be true.—

2. Mr. Babington in, however, enabled to state that during the Circuit now under review, he had observed no instance of such proceedings on the part of the District Police authorities in Cuddapah and is of opinion

opinion the cases received from them were much better got up than those submitted to him in any District in the Centre Division.—

3. The Court of Sudder Adalat regard as highly satisfactory the improvement thus reported in what has formed a characteristic feature in the Police cases of Cuddapah and are gratified to observe that the credit of the change is considered by the 3d Judge Cuttack Circuit to be ontirely due to "the efficient supervision of the present acting Magistrate and his subordinates".—

Paras: 5 and 6: 4. In these points Mr. Babington has coincided an opinion that most of the great robberies committed in the Cuddapah district originate with that class of villagers, bearing the name of Reddy, who although not in official employ, share the Reddy Inams equally with the Moonsiffs and Mirasi Potails and points out that owing to so general a distribution of the Emoluments of those offices it is difficult to place a check on the proceedings of those nominated by the District authorities.—

5. In further adverting to this subject Mr. Babington states that he understands the Board of Revenue have laid it down as a principle that in the

the Cuddalore District a Magistrate" cannot on account of any
"misconduct deprive a Village Monsiff of his share of the Rents
"Inam" and proceeds to observe that "if things were placed
"on a more rational footing, the Magistrate would not be
"necessitated, as at present, to station Peinat Peons all over the
"Taloohs and depend exclusively upon them for checking
"crime and detecting offenders."

6. Assuming Mr. Babington's information to be correct, the Court of Foujdaree Udalut deem it necessary to record their opinion that, with reference to Section VII Regulation VI of 1831, a Magistrate clearly has the power, under the orders of the Board of Revenue, to dismiss from office a village Monsiff and that if he can be so dismissed for misconduct, the Emoluments of the office fall with it.—

7. In thus expressing their sentiments the Court of Foujdaree Udalut, as now constituted, adhere to the opinion of a former Court recorded in their proceedings of the 21st June 1833 the correctness of which was recognized in the Extract from the Minutes of Consultation under date the 16th July of the same year.— para: XI para: 3.

8. In the 8th and 9th paras: of his report Mr. Babington adverts to the doubts entertained by the Joint Magistrate of Cuddalore regarding the correctness of the opinions on two points, which were

elicited from the 3d Judge on Circuit on a review of the Calendars laid before him by the Magistrate of that District, viz. "that Magistrates have no authority "to punish for Peyer offences in districts in which the "Peyer is under Amuneing and have no authority to "require security from persons who are brought before "them charged with specific crimes."—

9. The Court of Foujdaree Udalut would observe for the information of the Joint Magistrate that the opinions delivered by Mr. Babington have their entire concurrence. A Magistrate clearly has the authority in question only in those Districts where the Peyer is rented, a point which has often been decided; and in respect of the 2nd opinion they would remark that whenever a Magistrate may consider there are sufficient grounds for demanding security on account of any specific crime charged the accused parties should be committed to take their trial before the Criminal Court, under Clause second, Section XXII Regulation IX of 1816.—

10. The Court of Foujdaree Udalut approve the orders issued by the 3d Judge directing the refunding by the Joint Magistrate of Cuddalore, of the fines imposed on witnesses for prevarication in his Magisterial Court.— para 9.

11. By the new law now extended Magistrates

Peons

have not the power of fining for prevarication and the Court of Sonjdare did not agree in the opinion which Mr. Covington has expressed that "without great experience "an European is not competent to determine whether a "Native witness is wilfully prevaricating, or whether the "contradictions in his evidence result from confusion "of mind, want of memory, or his natural tone was of "speaking".—

Ordered, that Extract from these Proceedings together with a copy of the above Report be transmitted to the Secretary to Government to be laid before the Most Honorable the Governor in Council.—

(Sent in No. 272)

Ordered also that Extract from these Proceedings be forwarded to the Provincial Court of Circuit in the Centre Division for communication through the Acting Magistrate of Cuddapah to the Joint Magistrate of that District;— and for communication to the 3d Judge late on Circuit in the Centre Division.—

(Sent in No. 273.)

Read letter dated the 7th instant from the 3d Judge of the Prov.l Court of Circuit in the Centre Division transmitting the trial in Case No. 5 of the Chittoor Calendar for the 1st Quarterly Sessions

Sessions of 1843.—

(Here enter No. 348.)

Mr. M. Levin,
and
Mr. E. M. Levin,

The Court of Sonjdare did after a deliberate consideration of the circumstances of the case in evidence before them, and in concurrence with the view taken by the Circuit Judge, being of opinion that the proof against the Prisoner

Moneyen

is sufficient to convict him of the charge of returning from transportation without permission, do, under the provisions of Clause Second, Section IX Regulation XV of 1803. adjudge him to be retransported to such place or places beyond sea, as the Most Honorable the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.—

(Sent following letter No. 274)

Read letter dated the 4th instant from the Register of the Provincial Court in the Centre Division submitting opinions of the 1st and 3d Judges in Case No. 42 on the Chingleput Criminal Report for January 1843.—

(Here enter No. 365.)

Ed 7/4.

A Dyce
Asst Regr.

Ft Uc.

Tuesday 14th March 1843.

At a Court of the Toujdary Adalut.

Present

Malcolm Lewin Esqre — Offg 2d Puisne Judge.

M

Fred: Mortimer Lewin Esqre — Offg 3d Puisne Judge.

F M L

Read Return, dated the 15th ult.o, from the Acting 2d Judge late on Circuit in the Northern Division, to this Court's precept of the previous 10th, conveying their observations and orders on the Nellore Primary and Supplemental Calendars for the 1st Sessions of 1843.

(Vide enter Ft U. No 287 of 1843)

In the above return the Acting 2d Judge has observed, in respect of the conviction previously incurred by the Prisoner Mastoola Naraiareddy, that he "has already been 5 times "sentenced to be imprisoned in irons, 3 times by the "Court of Circuit and 4 times by the "Criminal Judges with stripes".

Primary Calendar Case No 1.

1.

2.

The explanation thus afforded, is considered by the Court of Toujdary Adalut to be altogether insufficient to enable them to test the propriety of the sentence passed on the said

said Prisoner by the Acting 2d Judge, and accord-
=ingly they resolve to require from him a specifica-
=tion of the several Offences for which the Prisoner
has hitherto been punished.-

3. Further, they desired the Acting
2d Judge will lay before them, the draft, whether
in his own hand writing or not, from which the
remarks on the trial under observations were
entered in the Calendar submitted by him to this
Court.-

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

/Sent following precept No. 277./

Read letter dated the 3d Instant
from the Criminal Judge of Rajahmundry-
transmitting the Criminal Reports for the month
of February 1843.-

/Here enter No: 366./

Read letter dated the 7th Instant
from the Acting Criminal Judge of Chingleput,
forwarding

forwarding Criminal reports &c for February
1843.-

/Here enter No: 368./

Read letter dated the 3rd
Instant from the Acting 2d Judge late on
Circuit in the Northern Division - returning
the original death Warrant in Case No 9
on the Nellore Primary Calendar for the 1st
Sessions of 1843 duly executed.-

/Here enter No: 370./

Read Return dated the 9th
Instant from the Acting Principal Sudr
Ameen at Honore, to the precept of the
Foujdary Adalut of the 20th Ultimo, convey-
-ing their observations and notes on the
Criminal Reports for the Month of
December 1842.-

/Here enter No: 375./

Read letter dated the 6th
Instant from the 2d Judge on Circuit in the
Western Division, forwarding a Statement
received from the Acting Criminal Judge of
Malabar, of the Batta paid to the Prosecutors
and witnesses during the first Sessions of 1843.

/Here enter No: 378/

14th March 1843.

Read letter dated the 6th Instant from the 2d Judge on Circuit in the Western Division - reporting the opening of the 1st Sessions of 1843 at Trincomalee -

(Vide enter No. 379. Jor

Ex A.

W D M
Asst.

J. C.

Wednesday, 15th March 1843. — At a Court of the Inquiry Istatute -

- Present -

Sd — Malcolm Lewin Esqre — Hr. 2d Puisne Judge -

J M L. — Fred: Mortimer Lewin Esqre — Hr. 3d Puisne Judge -

Read the Criminal Reports for the month of January 1843 submitted by the Criminal Judge of Batticaloa -

(Vide enter J. C. No. 336 of 1843.)

Report No. 1 Case No. 1. — In support of the sentence of 21 days imprisonment passed on the 1st Prisoner in this case, Clause fourth, Section III Regulation VI of 1822 has been recorded by the Honble the Queen -

2. It should be explained to that Officer that the previous "slight" punishments of the Prisoner by a Head of Police is no reason why the charge should not have been disposed of under Section VII Regulation X of 1816. -

Case 2. 3. It does not appear from the explanatory remarks noted in Column XI of the Report, when and how the Prisoner remained under detention from the 9th until the

the 30th December 1842 on which latter date the case is stated to have come before the Magistrate where he was sitting at Aboné.

4. The Magistrate will accordingly be called upon to submit a full explanation of the circumstances which led to the delay in question.

Case 3. 5. In charges of the nature of that entered in Case No. 3, the Court of Inquiry Udalut desire to be informed in what manner the entry was effected; in order that they may judge of the propriety and applicability of the sentence passed by the Criminal authority.

Case 4. 6. In this case also the offence charged has been described in terms of reprehensible brevity and insufficient explicitness.

Case 5. 7. Although it is to be inferred that the Report in which the disposal of this case is to be exhibited, will throw light on the nature of the false complaint preferred to the Head of Police, that now under review should have contained the necessary information which the Criminal Judge will accordingly be pleased to furnish.

Case 7. 8. In describing a charge of burglary

burglary, the manner of entry into the house robbed and the nature of the breaking should be explained. The term "broken" is considered by the Court of Inquiry Udalut to be too various and comprehensive.

Case 8. 9. The paucity of details which characterizes the charges noticed in the cases adverted to above, is more particularly apparent in Case No. 8 the offence imputed to the Prisoner being thus designated; "having killed a man".

10. It also appears that the date on which the murder charged is supposed to have been committed, has been entered as that of the Prisoner's apprehension.

11. The Criminal Judge will be pleased to supply such further explanation regarding the charge as may be procurable from the record and report the correct date for entry in Column IV.

Case 9. 12. From the remarks appended to this case it would seem that the Prisoner's transmission to the Criminal Court was extremely injudicious and altogether unjustifiable.

13. The report however, does not

respectly the designation of the Officer from whom it was received and which the Criminal Judge should now report for the information of the Sonjdary Adawlut -

Cases 11 and 12. 14. The evidence brought forward against the Prisoner in these cases does not, in the opinion of the Sonjdary Adawlut, seem to have been sufficient to justify his conviction, and they accordingly resolve to desire the Provincial Court of Circuit in the Centre Division to call up and look into the records and having passed such orders as may be necessary report them for the information of this Court -

Case 13. 15. The manner in which property worth 40 Rupees was stolen during the night from the house of the Prosecutor should have been shown and must now be explained -

16. The Magistrate will further be desired to explain why the Prisoner Nursegaudoo was not taken to the Head of Police until 29 days after his apprehension -

Case 15. 17. In Case No. 15 there is an omission of the designation of the authority by whom the Prisoner was forwarded to the Criminal Court

Court, which should be supplied for the information of the Court -

Case 17. 18. With reference to the remarks in Column XI that no reason has been assigned by the Head of Police of Trecpitty for the delay in sending up this case the Criminal Judge is informed that it should have been called for through the Magistrate who will be requested to explain the circumstances of its occurrence direct to this Court -

Case 18. 19. The remarks in respect of Cases 3 and 7 are applicable also to this case -

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Bellary by precept returnable in 7 days from and after its receipt, with orders to forward Copies of paras: 3, 4, 15, 16, 18 to the Magistrate of that District -

Sent following precept No. 278 /

Ordered also, that Extract from these proceedings (para: 14) be forwarded to the Provincial Court of Circuit in the Centre Division by precept returnable without delay

Sent following precept No. 279 /

Read

Read Criminal Reports submitted by the Criminal Judge of Mauritius for the Month of January 1873.

(Here enter Fol. No 3146)

Case No 132. 1. In the minutes recorded by the Criminal Judge in this case it is stated that "money Security having been furnished no advantage would appear to be gained by an order being passed before the case comes under the review of the Sujdary Adalut"

2. The Court of Sujdary Adalut do not consider the reasons assigned by the Criminal Judge a sufficient excuse for not passing definitive instructions on this subject, and they request that immediate orders may now be passed.

Case No 3. 3. The Court observe that there appears to have been excessive delay on the part of the Police Officer in forwarding this case to the Criminal Court, and they direct that he may be called upon to afford some more satisfactory explanation than he has already given.

Case No 4. 4. It is noticed that the dates of apprehension and transmission of the Prisoner

in this case are omitted and must now be supplied.

5. This Prisoner is charged with having received from the Prisoner in the preceding case certain articles which he knew to be stolen.

6. The Court observe that this and the former case really constituted but one charge and were unnecessarily divided, the parties standing towards each other in the light of Principal and accessary.

Case No 5. 7. As great delay is apparent on the part of the Police in sending up the 1st Prisoner in this case, and as he appears to have been brought before the Police authorities on the 4th December, the Court desire that they may be called upon to explain why the Prisoner was detained upwards of a Month in the Talook.

Case No 6. 8. The Court of Sujdary Adalut seeing grounds to doubt the correctness of the sentence passed by the Criminal Judge in this case, determine to direct the Provincial Court to call for the record and pass such orders as they may consider requisite, reporting their

proceedings

15th March 1843.

proceedings for the information of this Court.

Case No 8. 9. The Court desire that the manner of this Prisoner's escape may be more clearly and particularly explained; as the severity of the punishment seems to indicate a more serious resistance than can be surmised from the appended remarks of the Criminal Judge.—

10. Regarding the remarks of the Criminal Judge as to the means of securing Prisoners who have effected their escape, the Court determine to call his attention to Circular Order No 134, where he will perceive that the separation of such from the less troublesome Prisoners is particularly recommended.—

Ordered, that Extract of these proceedings be sent to the Provincial Court Southern Division, and Criminal Judge of Madura by precept returnable in 10 days from and after its receipt.—

(Sent following precept No 280/287)

Ex No 1.

RDM
a/Regt.

No 10.

Friday, 10th March 1843.

At a Court of the Conjeveram District.

Present,

Ath Malcolm Lewis Esqr — acting 1st Judge

Vmd C. H. Lewis Esqr — acting 2d Judge

Read letter dated the 25th Ultimo from the acting 2d Judge late on Circuit in the Northern Division submitting copy of the Quarter Calendar for the 1st Sessions 1843—

(Here enter C. No 36 of 1843.)

Case No 2. 1. The Court of Conjeveram Ordered that record certain remarks in regard to this Case in their proceedings of the 8th Instant—

Case No 3. 2. The Acting 2d Judge assigns as his motive for postponing the trial in this Case "that "the 1st Witness, whose evidence alone is material to "the issue of the trial, is not in attendance but in "a Village about 100 miles distant."—

3. The Court of Conjeveram Ordered that considering the 1st and 2d Prisoners made a confession of their guilt before the Police and before the Criminal Court, and that the evidence of

the

the 2nd Witness is stated to afford date to that of the 1st, the necessity for whose evidence in consequence greatly lessened, they are unable to concur in the view taken by the 2nd Judge on Circuit, and, believing that the evidence before him was sufficient for conviction they regret he did not weigh it with greater judgment and attention before he postponed the trial.—

Ordered that Extract of these proceedings be sent to the 2nd Judge sitt on Circuit in the Northern Division for his information and guidance.—

(Sent in No 282)

Read letter, dated the 2nd instant from the 2nd Judge on Circuit in the Central Division, submitting for the Final orders of the Governor Criminal record in Case No 28 of the Cuddalore Calendar for the 1st Session of 1843.—

(Here enter Min No 361 of 1843.)

1. In the above trial the Prisoners

1st Arnullaadiamay Pedduvagadoo,

2nd Doraey Gungadoo,

3rd Nyaghem Cheddumbarum,

and

4th Chinnaeettee Venkatachee,

were

were charged "with going armed with Knives on the night of the 30th October last and severely wounding the Prosecutor who was lying in the open Verandah near the staircase floor and literally hacking the left and right arm of the 2nd Prosecutor and robbing him of certain property of trifling value."—

2. The Evidence of the Prosecutors & Officials convicted the four Prisoners of having deliberately attended with wounding Concurring in that verdict the 2nd Judge on Circuit recommends that they should be transported beyond the seas for the term of their natural lives.—

3. On an attentive perusal of the record the Court of Judicature Adalat are unable to bring themselves to adopt the view of the evidence brought before him which has been taken by the Sessions Judge.—

4. It appears to them to be quite clear that the 2nd Judge on Circuit has failed in scrutinizing the proceedings before the Police and the Criminal authorities with that attention which is indispensable in all cases laid before him.—

5. We have remarked that the two Prosecutors have consistently adhered to their statements regarding

regarding their recognition of the Prisoners; while the fact is that they are most contradictory; those before the Circuit Court stating, the Coupdaree Adalut have no doubt, quite false.—

6. The statements made by them before the Police authorities and Criminal Court are moreover quite conclusive, in the opinion of this Court, that no recognition took place. They contain a clear and perfect denial of the fact.—

7. The whole of the evidence, is considered by the Coupdaree Adalut, to have been got up by the chief robber was the object of any assault committed. It is evident the parties accused, were not accused till 3 days after the assault charged against them is alleged to have taken place; for which delay, if they had been recognized, there is no explanation.—

8. On this view of the case the Court of Coupdaree Adalut are of opinion that the Prisoners are entitled to be released unconditionally and resolve accordingly.—

Ordered, that Extract from these proceedings be forwarded to the Acting 2nd Judge on Circuit in the Centre Division by precept returnable in XII. days from and after its receipt.—

(Vide following Precept No. 283)

Read

C.C.
16th March 1843.

Read Supplemental Return, dated the 24th Ultimo, from the 1st Judge of the Provincial Court of Circuit in the Centre Division to the Precept of the Coupdaree Adalut under date the 25th January last conveying their observations on the Chittoor Calendar for the 4th Quarter Sessions of 1842.—

(Vide enter S.R. No. 324 of 1843.)

1. Together with the foregoing return the 1st Judge has transmitted the translations of the records of Cases Nos 1 and 2 of the Calendar adverted to therein.—

Case No. 1. 2. In this case the Prisoners

1st Varasooramum

and

2d Koppalan

were charged with Burglary, in having entered the House of the Prosecutor by night, by removing the bolt of its door, and stolen therefrom an article of property valued at Rupees 20-8-0.—

3. On a consideration of the record of the trial the offence of receiving and having in his possession stolen property appears to the Court of Coupdaree Adalut to have been clearly proved against the 2nd Prisoner Koppalan, and they are of opinion that the testimony of the 1st and 5th witnesses

witnesses and the admission of the 2nd Prisoner leave not a doubt of his guilt.—

Case No. 2. 4. In this case the aforesaid two Prisoners and another are likewise charged with burglary, the property robbed being of small value.—

5. A perusal of the record of the trial has satisfied the Court of Appeal that in respect of the 3d Prisoner, Coopooralan, there has been a failure of justice and that his guilt of receiving a property knowing it to have been stolen was clearly made out.—

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

(Sent in No. 284.)

Read letter dated the 9th instant from the 1st Judge on Circuit in the Southern Division requesting to be allowed to substitute the 1st for the 25th instant for the opening of the 1st Session of 1843 at Trincomalee.—

(Here enter No. 381 of 1843.)

Read letter dated the 2d instant from the Acting Joint Criminal Judge of the Eastern Court

Court at Vizagapatam submitting the Vizagapatam Criminal Reports for the Month of February 1843 as prescribed by Section XXXV. Regulation X of 1816 and stating that the Reports No. VII 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. 382 of 1843.)

Read letter dated the 9th instant from the Acting 3d Judge on Circuit in the Northern Division reporting his having opened the 1st Session of 1843 at Rajahmundry on the 11th instant.—

(Here enter No. 392 of 1843.)

Read return dated the 11th instant from the Criminal Judge of Crim to the Registrar of the Soudaree Adalut of the 8th March 1843 requiring further explanation regarding the detention of the Prisoners in Case No. 20 of 1843 by the Police Officer of Chittoor from the 6th to the 20th January 1843.—

(Here enter No. 393 of 1843.)

Read letter dated the 8th instant from the Joint Criminal Judge of Malabar submitting the Criminal Reports for February ult.—

(Here enter No. 383 of 1843.)

Read

16th March 1843.

Read letter dated the 7th Instant 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 January 1843.

(Here enter No 385 of 1843.)

Entered

A. R. Pote
Asst. Reg.

No. 6.

Friday
10th March 1843.

At a Court of the Conjeeveram Adalut.

Present,

Mr Malcolm Lewin Esqre — Acting 1st Principal

Mr L. M. Lewin Esqre — Acting 2nd Principal

Read letter from the 1st Judge of the Provincial Court in the Centre Division — dated the 25th Instant transmitting with reference to the Proceedings of the Conjeeveram Adalut of the 23rd Instant the Record of Case No 6 of the Chittoor Calendar, 4th Quarterly Sessions of 1842 —

(Here enter No 6. A. 325.)

1. The Prisoner,

1st Chinna Mannadoo

2nd Cachegan

and

3rd Pedda Mannadoo

on their arraignment before the Circuit Judge severally pleaded not guilty to the 1st to the Charge of Having robbed and illtreated the Prosecutrix, and the 2nd and 3rd to Having aided and abetted the same —

No

17th March 1843.

2. The Natives of the Law Officer, in which the Judge presiding concurs, convicts the 1st & and acquits the 2nd and 3d Prisoners. The Judge presiding recommends a mitigation of punishment as regards the 1st Prisoner, and orders the release of the 2d and 3d.—

3. The Court of Sudder Adawlut having maturely weighed the evidence in the case before them are of opinion that the 1st Prisoner ought also to be released. It appears to the Court that there was no pretence for a charge of robbery and the maltreatment of any corpse before them accompanied by such doubtful circumstances as to render a conviction impossible. The prosecutrix it appears by her own statement received grain and money in compromise of the matter, and tho she has a husband, it does not appear that the police were made acquainted with the circumstances till a considerable period after their occurrence.—

4. Under these circumstances the Court of Sudder Adawlut resolve to acquit the 1st Prisoner

Ordered, that Certified extracts of these proceedings be sent to the 1st Judge of the Provincial Court in the Eastern Division for his information and guidance.—

(Sent in No 289.)

Read again letter dated the 27th January last from the 3d Judge late on Circuit in the Central Division transmitting for the consideration and final orders of the Sudder Adawlut, the record of the trial in Case No 3 of the Allahabad Supplemental Calendar for the 2nd Sessions of 1842.—

(Here enter S.C. No 110 of 1843.)

Read also communication, dated the 8th instant, from the 3d Judge late on Circuit in the Central Division forwarding, as required in the Court's proceedings of the 17th ultimo a translation of Police Dirgee No 190 addressed to the Joint Magistrate of Bellary by the Head of Police of Proceedings and its accompaniments.—

(Here enter S.C. No 376 of 1842.)

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

Enders,

is insufficient to convict him of the crime of wounding for which according to the Mahommedan Law he stands in Nutwee of their Law Officers, discretionary punishment is awardable, to convict him thereof; and

with

Ex C

17th March 1843.

with reference to the provisions of Clause Third Section VII Regulation XV of 1827 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 (14) fourteen years.

1. The Court of Sudder Adawlut had considered it necessary to ascertain from the Police Papers now laid before them, on what grounds the Superintendent of Police had taken upon himself, in the first instance, to release on bail the Prisoner, who was eventually brought to trial in Case No 3 on the Sessions Calendar of the 2d Division at Bellary for 1842.

2. On a perusal of the document in question it appears that the Head of Police did not only not distrust, but believed, the statement of the mukhtar female that the Prisoner had committed the acts of atrocity of which she complained, but further that the Officer in question expressed his opinion that the Prisoner had absconded to place himself beyond reach of the law and to avoid apprehension.

3. The offence imputed to the Prisoner was not one for which bail could legally be received from him for his appearance when required, and as the Head of Police is shown to have been impressed with an idea that the party was not endeavoring to fly

2

C. 44.

17th March 1843.

by flight to defeat the ends of justice, the Court of Sudder Adawlut are of opinion that Police Officers conduct in temporarily releasing him was doctrinally reprehensible.

4. They accordingly resolve to call the attention of the Magistrate of Bellary to the circumstances above stated with a view to the adoption of such measures as he may consider advisable.

Ordered that Extracts from these proceedings be forwarded to the 3d Judge and Circuit in the Centre Division for his information and guidance and for communication to the Magistrate of Bellary.

(Sent following letter No 290)

Read letter, dated the 28th ultimo from the Magistrate of Bellary reporting the apprehension of a notorious gang of Coiners and soliciting authority for a disbursement of Rupees 150 to be paid as a reward to the parties by whom the discovery and capture of the gang was effected.

(Vide entries Nos 373 of 1843)

Adverting to the distribution of the sum in question which from the communication it is observed the Magistrate is about to make, the Court of Sudder Adawlut deem it sufficient to direct their official attention to this

Court

Court's Circular Order No. 89 dated 15th June 1839 the 10th para: of which authorizes the Magistrate at once to limit of such remuneration as he may consider adequate under the restrictions therein specified.—

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

(Sent in No. 291)

Read Extract from the minutes of Consultation, under date the 18th Ultimo, requiring to be made acquainted with the sentiments of the Court of the Sudder Adawlut on the general results produced by employing Convicts at a distance from their Districts as a measure of punishment its effects on the confirmed character and habits of the persons subjected to it, as well as in the general peace and security of the Country. Vide Para 4.—

(Vide entries Nos. 330 of 1843)

The Court of Sudder Adawlut resolve to forward a copy of this Extract to Messrs Taylor Blair and Babington, who have enjoyed the opportunity of observing the workings of the system under consideration, with a request that they will, if agreeable, submit their sentiments within 10 days after the receipt

receipt of this communication.—

Ordered, that Extract of these proceedings together with copy of the Government communication be sent to Messrs W. K. Babington. W. P. Taylor and K. de. Blair.—

(Sent in Nos. 292-293-294)

Ordered, also that Extract of these proceedings together with copy of the Government communication be sent to the Provincial Court of Circuit in the Western Division for their information.—

(Sent in No. 295)

Read return dated the 2d instant from the Joint Criminal Judge of Coimbatore to the precept of the Sudder Adawlut of the 2d February 1843 requiring him to communicate to the Joint Magistrate of Cottacamund the remarks of the Judge on the apparent delay which had taken place in the transmission to the Court of Sessions Naik Prisoner in Criminal Case No. 94 of 1842 on the file of the Joint Criminal Court and to submit such explanation as that Officer may be enabled to furnish on the subject.—

(Vide entry No. 350 of 1843.)

Read letter dated the 4th instant from

from the 1st Judge on Circuit in the Southern Division reporting his having given notice for opening the 1st Session 1843 at Combaconum on the 25th Instant.—

(Here enter No. 353 of 1843.)

Read return dated the 7th instant from the Officiating Joint Criminal Judge of Tinnevelly in the precepts of the Conjeveram Adalut of the 9th Ultimo on the review of the Criminal Report for the Months of December 1842.—

(Here enter No. 400 of 1843.)

Read letter dated the 15th instant from the Acting Criminal Judge of Trichinopoly transmitting the Criminal Reports for February last.—

(Here enter No. 408 of 1843.)

Exd WH

RDR
Off. Key

At a Court of the Conjeveram Adalut.

Present

Saturday 18th March 1843.

ML Malcolm Lewin Esqr ——— Acting 1st Puisne Judge

JML. J. M. Lewin Esqr ——— Acting 3d Puisne Judge

Read letter from the Acting 3d Judge on Circuit in the Northern Division under date the 9th instant submitting the Record in Case No 2 on the Regular Summary Criminal Calendar for the 2d Session of 1842.—

(Here enter No. No. 391.)

The Court of Conjeveram Adalut after mature consideration of the evidence adduced in support of the prosecution in this Case, being of opinion that the Prisoner

Nanney Sahib

is guilty of the charge of having uttered a forged document purporting to be an order of the Zillah Court of Rajahmundry to one Moorthada Pennaya for payment to him (Prisoner) of certain money, correct sum thereof, and, in concurrence with the 3d Judge on Circuit, and under the provision of Clause 1st Section III Regulation XI of 1811 and Section V

Regulation

JML. J. M. Lewin

Regulation I of 1825 sentence him to be imprisond and kept to hard labor in irons on the public roads or other public works, for and during the period of 4 (four) years.—

Having disposed of the above trial the Court of Sessions Adalut consider it necessary to remark that, as there is strong reason to suspect that Chetrupoo Nursamah, (son of a Pleader attached to the Zillah Court) was the writer of the forged document, and was held to security by the Criminal Judge, if any additional evidence can be procured to warrant the Criminal Judge proceeding against him he should be brought to trial.—

Ordered, that extract of this proceedings be sent to the Acting 3d Judge on Circuit in the Northern Division, to be communicated to the Criminal Judge of Rajahmundry.—

(Sent following letter No 296)

Read letter dated the 11th instant from the 3d Judge of the Provincial Court of Circuit in the Centre Division, submitting the trial in Case No 4 of the Chittoor Calendar 1st Quarterly Sessions of 1843.—

(Here enter No 402 of 1843)

Mr. M. Irwin.

The Court of Sessions deliberate on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion in concurrence with that expressed by the 3d Judge presiding at the Sessions that the Prisoner

Veerabadrum

when labouring under temporary insanity, shot to death the Prosecutor's daughter, a child aged four months, do acquit him of the charge of murder; but considering that his release would be unsafe and improper, that he be placed under charge of the Zillah Surgeon for a further period of six (6) months, under the rules prescribed in para 7 of the Circular Order of the 1st June 1829 and that he be on no account released without the previous orders of the Sessions Adalut.—

(Sent following letter No 297)

1. The Acting Register lays before the Court the following statements drawn up in his Office from the returns received this day from Provincial Courts of Circuit, exhibiting the operations of the Village and District Police and the Magistracy of the

18½ March 1843.

the Criminal Courts and of the Courts of Circuit as instituted; and he submits also an Abstract of the operations of this Court from the 1st of January to the 30th of June 1842 prepared according to the forms approved by Government (Vide enter No 1 to 9.)

Village Police. 2. Statement No 1, with the returns in No 2, exhibits the number of persons summoned before the Village and District Police and Magistrates, 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 July to the 31st December 1841, is as follows.—

	Persons Summoned	Persons acquitted		Persons punished.
From the 1st July to the 31st December 1841	8272	1525	1823	4738
From the 1st of January to the 30th June 1842	6942	1471	1158	4583.

4. Of the 4583 persons punished by the

18½ March 1843.

Village Police 3,662 were confined in the Village Choultry and 931 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 6942 persons brought before them, 6114 were for Petty assaults or affrays, and 828 for Petty thefts; of the former 3851 were punished, of the latter 732.—

District Police. 7. The total number of persons brought before the District Police from the 1st January to the 30th June 1842, for petty offences punishable by themselves was 54,769. besides whom there were also 987, whose cases were not disposed of at the close of the previous report.—

8. In the preceding half year, the number of persons summoned before the District Police was 57,758.—

9. The subjoined is a comparative Statement of the acquittals and convictions by the District Police during the period under review, and the last six months of the year 1841.—

From—

From 1st July to 31st December 1841.	38697	1964	22140	11572	1349	57710	-	787
1st January to 30th June 1842.	55755	19374	19854	13909	1221	52358	25	1373

Vide

10. In the number of persons acquitted, as above, are included those against whom the complaint was considered to be wilfully false and malicious, amounting to 573; an increase compared with the preceding half year of 188 persons considered to have been falsely accused before the District Police of petty offences.

11. The following statement exhibits the number of persons punished, and the nature of the punishment, by the District Police, for the offences above referred to, exclusive of those punished after reference to the Magistrate.

Punishments.	half year ending 31st December 1841.	half year ending 30th June 1842.
Fined	13915	13774
Confined in the Gaol by with or without labor	4588	4684
Confined in the Stocks	167	126
Flogged	167	126
	18921.	15130.

12. With reference to the 126 persons entered as having been flogged by the District Police it is necessary to explain, with reference to Clause 1st Section V Regulation XII of 1832, that those persons were subjected to corporal punishment by order of the Magistrate, upon reference made to that authority under the provisions of Clause 2d Section IX Regulation IV of 1821.—

Magistracy. 13. Before the Magistracy there were brought during the half year under review 3998 persons for petty offences, besides whom there were 44 persons whose cases had not been disposed of at the close of the previous six months, making in that * 4388 × 4042 346. decrease. number 4388.—

14. The following is a statement of the number of persons acquitted and convicted by the Magistracy and subjoined to it is a statement of the nature of the punishments inflicted by the Magistracy during the 1st half of the year 1842.—

	Persons Summoned and under examination	acquitted	discharged upon Recognizances or dismissed for default or other cause	Convicted	Total disposed of	Persons under examination at the close of the year	Total
From 1st of January to 30th June 1842	4042	207	586	1341	4028	14	4042

Statement of

18th March 1843.

Statement shewing the manner in which the persons convicted before the Magistracy were punished.

	Fined	Imprisoned	Flogged	Total Punished.
From 1st of January to 30th of June 1842.	906	378	57	1341.

15. Of the 2107 persons acquitted by the Magistracy, there were 48 persons against whom the accusations were considered to be wilfully false and malicious: the number of persons considered to have been falsely and maliciously accused before the Magistracy during the previous half year was 96.—

16. Of the 4772 persons charged with Petty offences, 3691 persons were brought up for Petty Larceny, 223 persons for petty thefts, and 87 persons for abuse of authority. Of those last only 23 were committed and punished, 39 by fine and 5 by imprisonment.—

17. The following is a general statement in which the number of persons brought before the Village and District Police, and the Magistrates for Petty offences, with the number acquitted and punished during the last half of the year 1841 and

No. 6.

18th March 1843.

the 1st half of the year 1842, have been contrasted.—

	During the half year ending 31st December 1841.				During the half year ending the 30th June 1842.			
	Summoned and depending	Acquitted	Discharged upon Reparation made &c.	Punished	Summoned and depending	Acquitted	Discharged upon Reparation &c.	Punished.
Village Police	8072	1525	1809	4738	6942	1171	1188	4583
District Police	58697	19649	22140	15921	55756	19374	19854	15130
Magistracy	4388	2039	843	1462	4742	2107	586	1341
	71157	23213	24792	22121	66740	22646	21628	21054

18. The above Statement exhibits a decrease as compared with the preceding half year of 4417 persons brought before the Native Police officers and Magistracy.—

19. The sums remitted to the Magistrates by the District Police officers on account of the 1334 persons who were fined by them, amount in the aggregate to £366 12s 2d.—

Crimes and Misdemeanors.

20. The total number of Crimes and Misdemeanors committed during the half year ending on the 31st December last, as exhibited in the statement, No 3, with its details in No 4, amounts to 3334, in which it is calculated 2590 persons were concerned; being 231 Less than in the preceding six months.—

21. Of the 12,590 persons suspected to have been concerned in the cases ascertained to have occured during the period embraced in this report, 7225 persons appear to have escaped apprehension, which is 2492 persons more than are supposed to have eluded apprehension during the previous six months.—

22. The following statement exhibits the cases of Serious Crimes committed during the 1st half of the year 1842.—

	Half year ending the 30th June 1842.	
	Cases	Persons.
Murder	99	332
Culpable Homicide	7	18
Robbery and Murder	10	93
Gang Robbery attended with or without aggravating circumstances	389	3813
Robbery by a single individual	86	88
House breaking by day	39	55
Do. by night	1136	2466
Theft	644	1485
Forgery	28	37
Perjury	3	4
Maiming or Wounding	125	200
Rape	187	304
Rape	29	61
Revenue Laws (Breaches of certain)	13	27

Statement

Nos 5 and 6.

Criminal Courts.

23. Statement No 5, with the details in No 6, exhibits the operations of the Criminal Courts from the 1st January to the 30th June 1842.—

24. The total number of cases brought before the Criminal Courts during the above period, including those not disposed of at the close of the preceding report, is 1378, including 2920 prisoners.—

25. In the preceding half year the total number of cases was 1539, including 3117 prisoners, being a decrease in the half year under review of 161 cases and 197 prisoners.—

26. Of the cases brought under depending before the Criminal Courts, 70 were cases of Murder, 18 of Culpable Homicide, 13 of Robbery and Murder, 115 of gang Robbery attended with aggravating circumstances, 33 of Gang robbery without aggravating circumstances, 14 of Robbery by a single individual, 26 of House breaking by day, 130 of House breaking by night, 210 of Theft, 37 of Receiving stolen goods, 33 of Arson, 2 of Coining, 10 of Rape, 2 of Adultery, 9 of Procuring abortion, 18 of Perjury, 46 of Perjury, 9 of Subornation of Perjury or Forgery, 90 of maiming and wounding, 98 of a Breach of the Revenue Laws &c &c.—

of

18th March 1840.

27. Of the 2920 persons brought before the Criminal Courts—

876 were released unconditionally.

against only 1 of whom the charge was considered wilfully false and malicious.—

36 were released on security.

50 were detained on demand of security

761 were convicted and punished in cases cognizable by the Criminal Courts.

28. In cases cognizable by the Courts of Circuit—

399 were released by the Criminal Courts

against 38 of whom the charge was considered wilfully false and malicious — } In cases punishable by the Court of Circuit.

149 were released on security —

36 were detained on demand of security

930 were committed for Trial

207 were under examination

10 Died

1 Absconded on assurance

1 Punished in another case

2920.

P.16.

18th March 1840.

29. Of the 761 persons who were convicted and punished by the Criminal Courts—

434 were Imprisoned

238 were Fined

34 were Imprisoned and Fined

55 Imprisoned and flogged

761

30 The number of persons convicted and punished by the Criminal Courts in the preceding half year was 987;— the number committed was 773; and the number unconditionally released, in cases either punishable by themselves, or by the Courts of Circuit, was 1055;— in the half year under review this number, as shown above, was 976.—

31. In conformity to the instructions conveyed in para 4 of the Minutes of Consultation, under date the 24th October 1839, No 853, the Statements exhibiting the operations of the Criminal Courts are accompanied by a report upon the manner in which the Zillah Ameens attached to those Courts have exercised the Criminal Jurisdiction conferred upon them by Regulation III of 1838.—

32. These Reports shew that generally the Zillah Ameens have exercised their duties as Criminal Judges

Judges, satisfactorily.—

Courts of Circuit

Statements Nos. 7 and 8.

32. The Statements Nos. 7 and 8 exhibit the operations of the Courts of Circuit from the 1st January to the 30th June 1842.—

34. The cases of every description which came before those Courts during the six months under review were 379, including 988 persons; 286 persons more than were brought before the Courts of Circuit during the 2nd half of the year 1841.—

35. Of the 988 persons who were committed for trial, 390 were released unconditionally of whom only 1 was considered to have been afflicted, and 20 maliciously accused; 67 were released on recognizance and 318 were convicted and punished.—

36. Of these Viz.

9. were flogged and imprisoned for a term of exceeding 7 years.—

10. were flogged for a term not exceeding 7 years.

73. were imprisoned for 7 years and upwards without flogging.—

226 were imprisoned for 7 years and under without flogging.—

37. There were 68 cases including 186 prisoners referred to the Conjdare Statute; 4 cases containing 6 prisoners were postponed by the Court of Circuit; 4 prisoners were discharged without trial, 2 prisoners were returned to the Criminal Courts in view to the charges against them being further investigated; 8 prisoners were returned to those Courts to be disposed of by them; 2 prisoners were punished in other cases, and 5 prisoners died.—

38. The greatest number of cases was brought before the Court of Circuit in the Central Division, Viz. 162, of which 38 cases were referred to the Conjdare Statute.—

39. In the Southern Division the number of Cases was 122, of which 12 were referred to the Conjdare Statute.—

40. In the Western Division there were 71 Cases; of which 12 were referred; and in the Northern Division 24 cases; of which 6 were referred to the Conjdare Statute.—

41. Of the 68 Trials referred to the Conjdare Statute by the Circuit Courts, the Charges delivered by their Law Officers, were concurred in by the Court of Circuit in 60 trials, but the nature of the Offences made the trials of majesty responsible; and 28

Cases

Cases were refused, because the Court of Circuit did not approve of the Advice of their Law officers.—

Conjoara Gdalat

Statement No. 9.

42. Statement No. 9 exhibits the operations of the Conjoara Gdalat during the 1st half of the year 1842.

43. It shews that at the last of the last report, there were 4 Cases (including 23 prisoners) which had not been disposed of, and that there were record during the half year under observation 70 Trials including 137 prisoners; making together 74 Trials and 160 prisoners; whereof 38 were Trials for Murder, 3 cases of Robbery and Murder, 4 Cases of Gang Robbery attended with aggravated circumstances, 4 Cases of Gang Robbery without aggravating circumstances, 1 Case of Robbery and attempt to commit Murder, 1 Case of House breaking by night, 1 Case of Theft, 1 Case of Forgery, 1 Case of Rape, 1 Case of Adultery, 3 Cases of Perjury, 5 Cases of Perjury, 1 Case of Subornation of Perjury or of Forgery, 1 Case of escape from custody, 3 Cases of maiming and wounding, 1 Case of Assault and wounding, 1 Case of exposure of a child in vein to cause the death, 1 Case of thieving intoxicating drugs in food and Robbery, and 1 Case of receiving money.—

44. Of the 74 Trials, 70 were disposed of

of within the half year under review, leaving 4 un-
= disposed of at the close of the report—

45. Of the 70 cases containing 157 prisoners in which the Court of Conjoara Gdalat proceeded to Judgment.—

31. prisoners were released unconditionally	} Of whom 26 were considered convicted by the Judge of Circuit.
119. were convicted and sentenced to punishment	} Of whom 2 were considered not con-= victed by the Judge of Circuit.

1 was insane

157.

46. Of the 119 prisoners convicted.

37. were sentenced to suffer death.

16. Transported without flogging.

12. Flogged and imprisoned for more than 7 and not more than 14 years.

18. Imprisoned for more than 7 and not more than 14 years without flogging.

36. Imprisoned for 7 years and under without flogging.

119.

47. In conformity to the instructions contained in the 22d. para: of the Extract from the Minutes of Consultation under date the 8th August 1834, the Judges beg leave to explain that out of the 37 cases referred to the Conjoara Gdalat

18th March 1843.

No. 15.
18th March 1843.

the Governor in Council—

(Entd in Act. Dgs)

Read letter dated the 25th December 1842
from the Agent to the Governor of St. Georges at
Guyana submitting the half yearly Statements of the
operations of Police within the Jamaica Districts of Guyana
from 1st January to 30th June 1842—

(Recorded No. 25 of 1843.)

Read letter dated the 2nd July 1842 from
the Agent to the Governor of St. Georges at Guyana
submitting Statements exhibiting the operations of the Police
and Agency for the 1st Half of 1842—

(Recorded No. 1153 of 1842)

Read letter dated the 7th August 1842
from the Provincial Court of Circuit in the Western
Division transmitting the half yearly Criminal State
=ments for the 1st Half of 1842—

(Recorded No. 1272 of 1842.)

Read letter dated the 1st September 1842
from the Provincial Court of Circuit in the Northern
Division forwarding the Criminal Statements for the
1st Half year of 1842—

(Recorded No. 1383 of 1842)

Read letter dated the 7th September 1842
from
the Provincial Court of Circuit in the Southern
Division transmitting the Criminal Statements for
the 1st Half year of 1842—

(Recorded No. 1384 of 1842)

Read letter dated the 7th September
1842 from the Provincial Court of Circuit in the
Central Division transmitting the same Statements
for the 1st Half Year of 1842—

(Recorded No. 1407 of 1842.)

Ordered, because the Presiding Judge did not approve of the Extract of the Law Officer, the decision of the Judge of Circuit was affirmed by the Original Ordered in 29 cases.—

48. The subjoined Statement exhibits the information required by the Honorable the Court of Directors in the 41st para of their General letter under date the 29th March 1833, as to the "number of days "passed by each Judge of the Original Criminal Sessions "sitting singly or whether more than one Judge sat "present."—

		Single	Conjointly		
The Honorable John Reid Esqre Chief Judge			2.		
H: Richmond Esqre	1st Judge	11	57	During the year, and	
Gt: Causmaker Esqre	2nd Judge	11		From 1st January to 25th December 1842.	
H. Lewin Esqre	3rd Acting 2nd Judge	1	35	H. Lewin to 35th June 1842	
C. de Rozario Esqre	acting 3rd Judge	1	33	C. de Rozario to 30th June 1842	
H. Macleod Esqre Additional Judge appointed under Section IX Reg. III of 1823			1.		

49. A Statement is also appended exhibiting the number of reference heads which have actually been referred to the Original Criminal Sessions under review, and showing what has been the average number of days lying in the disposal of

of those trials, as required by the 33rd para of the General letter from the Honorable the Court of Directors dated 29th of March 1833.—

50. 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 further to submit two Statements marked A and B shewing the extent to which the Magistrates have themselves discharged their Police duties, and how far it has been delegated by them to their Assistants.—

51. Accompanying the Statements submitted for the consideration of Government will be found Statements in abstract exhibiting the State of Crime, during the 1st half of 1842, in the separate tracts of the Zillah Jessore and Sunderbunds Districts, placed under the jurisdiction of the Government Agents.—

Ordered, that Extract from these proceedings together with copies in triplicate of all Statements connected therewith be forwarded to the Secretary to Government, for the purpose of being laid before the most Honorable the

18th March 1843.

the Governor in Council.—

(Sent in No. 298)

Read letter dated the 28th December 1842 from the Agent to the Governor of Fort St. George at Ganjam submitting the Half yearly Statements of the operations of Police within the Zemindary Tracts of Ganjam from 1st January to 30th June 1842.—

(Here enter No. 26 of 1843.)

Read letter dated the 21st July 1842 from the Agent to the Governor of Fort St. George at Vizagapatam submitting Statements exhibiting the operations of the Police and Agency for the 1st Half of 1842.—

(Here enter No. 1153 of 1842)

Read letter dated the 17th August 1842 from the Provincial Court of Circuit in the Northern Division transmitting the Half yearly Criminal Statements for the 1st Half of 1842.—

(Here enter No. 1272 of 1843.)

Read letter dated the 15th September 1842 from the Provincial Court of Circuit in the Northern Division forwarding the Criminal Statements for the 1st Half year of 1842.—

(Here enter No. 1383 of 1842)

Read Letter dated the 17th September 1842 from

6

No. 8.

18th March 1843.

from the Provincial Court of Circuit in the Southern Division transmitting the Criminal Statements for the 1st Half year of 1842.—

(Here enter No. 1384 of 1842.)

Read letter dated the 24th September 1842 from the Provincial Court of Circuit in the Central Division transmitting the same Statements for the 1st Half Year of 1842.—

(Here enter No. 1407 of 1842.)

F. Ms.

Monday 20th March 1843 At a Court of the Fongdaree Adalut

Present

The Honble John Bird Esqre Chief Judge

Malcolm Lewin Esqre Acting 1st Puisne Judge

At Fma 2 F. Ms Lewin Esqre Acting 3rd Puisne Judge

Read letter under date the 25th Ultimo from the Acting 3rd Judge on Circuit Northern Division applying for the opinion of the Fongdaree Adalut as to the propriety of a Mahomedan Law Officer appearing in Court with his feet covered either with Slippers, Shoes or boots.-

(Here enter F. Ms No 338)

In the above communication

1. Mr Walker expresses his conviction that his Mahomedan Law Officer Hajee Mahomed Yacoob Ally, by appearing before him in Slippers intended a personal insult.-

The Court of Fongdaree Adalut

2. Adalut do not concur in this opinion of the Acting 3rd Judge, as their experience on

on many occasions convinces them of its futility — The Law Officers are generally men of high family and have an undoubted right to appear in the presence of Mr Walker as they have appeared in the presence of other Circuit Judges with their hat covered; and it must be regretted that Mr Walker should be the first to perceive an insult in a practice, which has at least the sanction of time, not less than the silence of preceding Judicial functionaries! —

3. The Law Officers are not only Gentlemen, but form part of the Court; and altho' they do not preside at the trial - they have nearly the same authority as the presiding Judge in the investigation which brings it to a conclusion —

4. The present is a subject of too trivial a nature to awaken feelings of suspicion in the breast of a Circuit Judge or elicit any heightened remarks from

from the Forejour Magistrate would recommend to all subordinate authorities a regard to the efficiency rather than the pageantry and pomp of office —

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

(Sent in No. 304.)

Read letter from the Acting Judge of Nellore under date the 10th March 1843 submitting the Criminal reports for February —

(Hereunder F. & E. No. 384)

Case No. 10

1. The Prisoner in this case, Ittepully Nursegandoo, is charged with having struck his wife once or twice upon the cheek, in consequence of which she shortly afterwards drowned herself —

The Acting Criminal Judge

2. in his remarks observes that the blows

were

20th March 1843.

were extremely slight – that provocation had been given, and that the Prisoner was in a sickly and prewrick state of health" –

3. Under such circumstances the Court of Fonjdaree Adalut consider the punishment awarded to be uncalled for and ill-judged, and order the release of the Prisoner –

Ordered, that Extract from these Proceedings be sent to the Acting Criminal Judge of Nellore by precept returnable in 2 days, from and after its receipt –

(Sent following Precept No 389)

Read letter dated the 11th March 1843 from the Acting Criminal Judge of Combaconum, reporting the grounds upon which he has requested the authority of this Court to offer in succession a conditional pardon to the 3rd, 4th, 2nd and 6th Prisoners in Case No 26 in the Calendar for the 2nd Sessions of 1842 –

(Vide extract P.C. No 397 of 1843)

Under

20th March 1843.

Under the explanation offered in the foregoing communication, the Court of Fonjdaree Adalut will not withhold their sanction to the offer of a conditional pardon being made to the 3rd Prisoner; but they do not consider it expedient, in the event of failure on his part to perform the conditions of the pardon, that a similar offer should be made to the other three prisoners referred to –

The Court of Fonjdaree Adalut would impress on the Acting Criminal Judge the necessity for extreme caution in all cases where it falls to the part of an officer holding judicial employ, to stimulate evidence in trials under investigation before him –

In the instance under observation there is a more particular necessity for the observance of such caution as the Prisoners to whom the Acting Criminal Judge has proposed to offer the conditional pardon are, the Court of Fonjdaree Adalut apprehend, principals in the murder charged against them, in the first degree –

The

20th March 1843.

The Judges would wish to be informed of the result of the offer now sanctioned to the 3rd Prisoner.—

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

(Sent in No. 306)

Read letter from the Acting Joint Criminal Judge of Cochin dated the 8th instant, submitting the Criminal Reports for the month of February.—

(Here enter F. R. No. 390)

Case No. 3. The Court of Sessions Wadakancherry having reason to doubt, from the remarks recorded by the Acting Criminal Judge, the propriety of demanding security in this case, resolve to direct the Provincial Court to look into it and pass such orders as may appear necessary, referring this proceedings for the information of the Sessions Wadakancherry.—

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

20th March 1843. in the Western Division by precept returnable with the least possible delay.

(Sent following Precept No. 307)

Ordered also, that Extract of these Proceedings be sent to the Acting Joint Criminal Judge of Cochin for his information

(Sent in No. 308)

Read Miscellaneous Petition presented on 20th February 1843 by Sashadree Iyengar of Zillah Chittoor complaining of his landed property having been unjustly sold for arrears of Revenue, and praying, since the Collector together with the Zillah and Provincial Courts have failed to grant him redress, that the Court of Sessions Wadakancherry will, after an investigation of the circumstances, punish the persons who fabricated the accounts that led to the sale of his land, restore the property, and recover the losses he has sustained.—

(Here enter Mt. No. 14 of 1843)

The above Petitioner is informed that if he complains against any order of the lower Courts he is required

20th March 1843. required by the Regulations to produce the order.—

Ordered, that this Petition be dismissed, and Extract of these Proceedings be furnished to Petitioner on application.—

Read Miscellaneous Petition presented on the 1st Instant by V. Krishniah of Masulipatam.—

(Here enter M. P. No. 15 of 1843)

Returning to his previous Petitions Nos. 45 of 1843 and 4 of 1843 this Petitioner prays the Court to reconsider their orders and reverse the Sentence of the Lower Courts by which he has been deprived of the means of supporting himself and family.—

In this Petition he has attempted to be shown that Petitioner's Conduct was not censurable, and that in presenting an improper Vakalutnamah he was deceived by the misrepresentations of his enemies.—

The Petitioner is again referred to the Proceedings of the Court of Sessions at Guntur, under date the 30th June 1842 and 31st January 1843 and informed that no further

20th March 1843. further orders will be passed.—

Ordered, that this petition be dismissed, and copy of these proceedings granted to Petitioner on application.—

Read letter dated the 8th instant from the Principal Sudr Ameen of Ellapore transmitting the Criminal Reports for the month of February 1843.—

(Here enter No. 398)

Read letter dated the 10th instant from the 2nd Judge on Circuit in the Centre Division, reporting the Conclusion of the trial of the Case No. 13 of the Calendar, and forwarding a copy of the Futwah.—

(Here enter No. 399)

V. Krishnah of Masulipatam moves the Court to return the measures in his Miscellaneous Petition No. 15 of 1843

Ordered accordingly.—

WDK
Cl. Reg

21st March 184

F. C.

Tuesday
21st March 1843. Ma Court of the Foujdaree Adalut.

Present

Mr Malcolm Leurin Esqre Acting 1st Puisne Judge
pmt F. M. Leurin Esqre Acting 3rd Puisne Judge

Read the Criminal Reports
for the month of February 1843 forwarded
by the Acting Principal Sudr Ameen
of Hansee.—

(Here enter F. C. No. 405 of 1843)

Report No. V
Case No. 11

Adverting to the remark
by the Acting Principal Sudr Ameen in
this case, that the Prisoner has been
sentenced to imprisonment for no more than
eight (8) months in consideration of his
previous good character and of "his having
"confessed," the Court of Foujdaree Adalut
resolve to point out for that officers
information that a confession cannot
be admitted as grounds for leniency in the
punishment to be awarded by the
authority passing sentence.—

Ordered, that Extract from

these

21st March 1843. these Proceedings be transmitted to the Acting Principal Sudr Ameen of Poonah for his information and future guidance.

(Sent in No. 313.

Read the Criminal Reports for the month of February 1843 forwarded by the Acting Joint Criminal Judge of Sholapoor.—

(Here enter F. C. No. 409)

Report No. V
Case No. XI.

On a perusal of the Sentence by the Pundit Sudr Ameen in this Case, the Court of Sirdarees Adalut are not impressed with the necessity of increasing by two years the Sentence of imprison=ment for seven years which was originally passed against the Prisoner Sayed Mahomed. They therefore, resolve to call for an explanation of the cir=cumstances under which he effected his escape from the Jail at Ootacamund and a Statement of the grounds requiring the exercise in his Case of any peculiar severity

21st March 1843 severity, should such exist.—

Award, that Extract from these Proceedings be forwarded to the Acting Joint Criminal Judge of Sholapoor by precept returnable in five days from and after its receipt.—

(Sent following Precept No. 314)

Read communication dated the 14th instant from the Acting Criminal Judge of Nellore, submitting the explanation required in the Proceedings of the Sirdarees Adalut dated 4th March 1843 of the cir=cumstances which led that Officer to form an opinion that the Prisoner in No. 104 of 1842 was a man of notorious bad character.—

(Here enter F. C. No. 410 of 1843)

The explanation afforded by the Acting Criminal Judge requires no further remark by this Court.—

They resolve, however, to point out to that Officer the irregularity of his communicating by letter instead

21st March 1843

of by proceedings in a matter of the nature of that under observation.—

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

Sent in No. 315.

Read letter dated the 17th instant from the Acting Criminal Judge of Cuddapah, furnishing explanation regarding certain cases in the Criminal Report for January 1843.—

(Here enter No. 433)

Read Return dated the 16th instant from the Acting Criminal Judge of Cuddapah in pursuance of the Precept of the Fouzdaree Adalut of the 9th March 1843 on perusal of the Criminal Reports for the month of January 1843.

(Here enter No. 430)

Read Supplemental Return dated the 18th instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Fouzdaree

21st March 1843 Fouzdaree Adalut of the 8th instant, calling for the translation of any other deposition taken before the Joint Magistrate of Chittoor, from the 3rd Prisoner in Case No. 10 of the Chittoor Calendar for the 4th Quarterly Sessions of 1842.—

(Here enter No. 428)

Read Return dated the 16th instant from the Acting Magistrate of Salem, to the Fouzdaree Adalut's proceedings dated 18th February 1843 in Case No. 5 of the Salem Calendar, 2nd Sessions of 1842.—

(Here enter No. 437)

Read Communication dated the 15th instant from the 3rd Judge late on Circuit in the Southern Division, stating that he forwarded a Return to the Precept of the Fouzdaree Adalut of the 11th February last on the 11th instant.—

(Here enter No. 427)

Read Return dated the 16th Instant from the 1st Judge of the Provincial Court

of by proceedings, in a matter of the nature of that under observation.—

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

(Sent in No. 315.)

Read letter dated the 17th instant from the Acting Criminal Judge of Cuddapah, furnishing explanation regarding certain cases in the Criminal Report for January 1843.—

(Here enter No. 433.)

Read Return dated the 16th instant from the Acting Criminal Judge of Combaconum, to the Receipt of the Fowjdaree Adalut of the 9th March 1843 in lieu of the Criminal Reports for the month of January 1843.

(Here enter No. 430.)

Read Supplemental Return dated the 18th instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, to the precept of the Fowjdaree

Adalut of the 8th instant, calling for the translation of any other deposition taken before the Joint Magistrate of Chittoor, from the 3rd witness in Case No. 10 of the Chittoor Calendar for the 4th Quarterly Sessions of 1842.—

(Here enter No. 428.)

Read Return dated the 16th instant from the Acting Magistrate of Salem, to the Fowjdaree Adalut, proceedings dated 18th February 1843 in Case No. 5 of the Salem Calendar, 2nd Sessions of 1842.—

(Here enter No. 427.)

Read communication dated the 15th instant from the 3rd Judge late on Circuit in the Southern Division, stating that he forwarded a return to the Precept of the Fowjdaree Adalut of the 11th February last on the 14th instant.—

(Here enter No. 427/a.)

Read Return dated the 16th instant from the 1st Judge of the Provincial Court

21st Mar

21st March 1843

Court of Circuit in the Centre Division
to the precept of the Tongaland Udalut of
the 8th instant calling for the translation
of any other deposition taken before the
Joint Magistrate of Chittoor from the
3rd Prisoner in Case No. 10 of the Calendar
for the 4th Quarterly Sessions of 1842.-

(Here enter No. 386)

F. 16.

Wednesday,
22d March 1843.-

At a Court of the Tongaary Udalut.

Present

Hon Malcolm Lewin Esqre — acting 1st Puisne Judge.
Mr A Fred: Mortimer Lewin Esqre acting 2d Puisne Judge.

Read letter, dated the 10th instant,
from the 2d Judge on Circuit in the Western
Division, submitting the trial in case No. 2 on
the Trangalore Calendar for the 1st Sessions
of 1843.-

(Here enter F. 16 No. 397 of 1843.)

In the above trial. the Prisoner
1. Dewa, late Duffadar of Soolleah, was charged
with Treason and Rebellion against the State.
The Futwah of the Mahomedan
2. Law officer is stated to have declared the
Prisoner guilty. and liable to Ookoobut. in
which finding the 2d Judge on Circuit has
not acquiesced. this concurred.-

1. In the above trial. the Prisoner
Dewa, late Duffadar of Soolleah, was charged
with Treason and Rebellion against the State.
2. The Futwah of the Mahomedan
Law officer is stated to have declared the
Prisoner guilty. and liable to Ookoobut. in
which finding the 2d Judge on Circuit has
not acquiesced.-

22d March 1843.

from the correspondence" which is noted in the margin of the 2d Judges communication "and the whole of the circumstances attending the insurrection in Canara being before this Court

4. The Tanjore Adalut would observe that the 2d Judge must himself be in possession of the information to which he alludes as being before them, and accordingly resolve to direct the return to him of the trial under remark with a view to his conforming to the rules laid down in the Circular Order of the 11th March 1834 for a departure from which they do not on the present occasion recognize any necessity.

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

4th Read.

(Sent in Pro. No. 38. Jan.)

A. No.

Saturday, 25th March, 1843.

At a Court of the Tanjore Adalut.

Present,

Act. Malcolm Lewin Esqre. ..... Actg. 1st Puisne Judge,
Act. Alexr. Maclean Esqre. ..... Actg. 2d Puisne Judge,
Act. J. M. Lewin Esqre. ..... Actg. 3d Puisne Judge.

Read Criminal Reports for the Month of February received from the officiating Joint Criminal Judge of Tinnevelly.

(Here enter J. A. No. 415 of 1843.)

Case No. 99.

1. The Prisoners in this case are charged with having stolen 4 Buffaloes valued at 34 Rupees, and acquitted in consequence of the evidence being unworthy of credit.

The Court of Tanjore Adalut

2. seeing reason to suspect the correctness of the decision in this case, direct the Provincial Court to look into it, pass such orders as may appear requisite, and report the result of their Proceedings for the information of the Court.

No. 6

The Prisoner in this case is charged

3. with murder, and acquitted for the reasons assigned in the remarks appended by the Officiating Joint Criminal Judge.

The Court of Tanjore Adalut

4. doubt

doubt the correctness of the decision in this case, and consequently direct the Provincial Court to look into both of the requisite orders, and report their proceedings for the information of this Court.

Cases 8 & 9. 8 The former of these Cases appears to have been 19, and the latter 18 days under investigation by the Joint Criminal Judge; and in addition to this it is observed that 8 Cases out of ten in the present Calendar remain "not disposed of."

6 The Court direct the Officiating Joint Criminal Judge to explain the Circumstances which have led to such delay and apparent dilatoriness.

Ordered that Extract from these proceedings be sent to the Officiating Joint Criminal Judge of Tumurella by precept returnable in 5 days from and after receipt.

/Sent following precept No. 320/

Ordered further that Extract from these proceedings (paras 1, 2, 3, and 4) be forwarded to the Provincial Court in the Southern Division for their information and guidance by precept returnable with the least possible

possible delay.

/Sent following precept No. 321./

Read letter dated the 9th Instant from the 2d Judge on Circuit in the Centre Division forwarding copy of the Bellary Calendar for the 1st Sessions of 1843.

/Here enter Pl. No. 401 of 1843/

The above Calendar not requiring any remarks from the Court of Sunderee Adalut.

Ordered that Extract from these proceedings be forwarded to the 2d Judge on Circuit in the Centre Division for his information.

/Sent in No. 322./

Read letter dated 11th Instant from the Acting Joint Criminal Judge of Guntoor forwarding the Criminal Returns for the Month of February 1843.

/Here enter Pl. No. 420 of 1843/

Case No. 8. The Acting Joint Criminal Judge remarks with reference to the 2d Judge in this case that the only proof against Prisoner is

against him is the crimination of the 1st.

2 The Court of Sowdaree Udalut observes that the declaration of one Prisoner is not sufficient to criminate another, or warrant the requisition of Security; and, as in the present instance, the Acting Joint Criminal Judge states that the evidence of the 1st is the only proof against the 2d Prisoner, the Court direct that the bail bonds be cancelled and the 2d Prisoner released from confinement.—

Ordered that Extract of these proceedings be sent to the Acting Joint Criminal Judge of Guntoor by precept returnable in 3 days from and after its receipt

/Sent following precept No 223/

Read the Criminal Reports for the Month of February last forwarded by the Acting Criminal Judge of Chittoor

/Here enter F.H. No 207 of 1863/

Case No. 16. 1 The Prisoner is charged with having effected his escape from the Custody of the Police Peons, under whose charge he was as a Vagrant

The

2 The Court of Sowdaree Udalut having grounds for doubting the legal incarceration in this case, resolve to direct the Provincial Court to look into it, pass such orders as may appear necessary, and report their proceedings for the information of the Court.—

Case No. 17. 3 The two Prisoners in this case are charged with having opened a box and stolen therefrom Rs. 38-15-11 and for certain reasons assigned by the Acting Criminal Judge, the 2d Prisoner is required to give Security for his appearance when required.—

4 The Court of Sowdaree Udalut considering that the grounds for demanding Security were insufficient, direct the Provincial Court to look into the case, pass the requisite orders, and report their proceedings for the information of the Court.—

Case No. 19. 5 In this case the Prisoner is charged with Murder and directed to find Security under Suspicion of having committed unintentional homicide.—

6 The Court of Sowdaree Udalut having reason to doubt the correctness of the decision

25 | 25th March 1843.

decision in this case direct the Provincial Court to look into it and pass the requisite orders, reporting their proceedings for the information of the Court.-

Case No. 23. 7. The Head of Police assigns as the reason for delay in this case from the 28th January to the 13th February the necessity of a reference to the Magistrate. This, observes the Honorable Addlut, is not a sufficient excuse for delay, as the reference could and might to have been made, after the case had been committed to the Criminal Court, whereas, by the course pursued the parties were exposed to unnecessary detention, trouble and expense.-

8. The Court direct that this expression of their sentiments may be communicated to the Head of Police at Chittoor.-

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

/Sent in No. 324/

Ordered also that Extracts from these proceedings /paras 1 to 6/ be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance by

25 March 1843.

by precept returnable with the least possible delay.-

/Sent following precept No. 325/

Read letter dated the 8th Instant from the Acting Joint Criminal Judge of Trichinopoly, annexing copy of a letter from the Magistrate of Trichinopoly intimating the dismissal of the Peshcar by whom the delay in Criminal No. 5 of 1843 was occasioned.-

/Here enter Fl. No. 380 of 1843/

Read letter dated the 15th Instant from the 2d Judge of the Court of Circuit in the Southern Division, forwarding copy of the Calendar of the person who has been committed by the Acting Joint Criminal Judge of Trichinopoly to take his trial at the 1st quarter Sessions 1843 together with a copy of the translation of the Futwa.-

/Here enter Fl. No. 420 of 1843/

Read the Criminal Reports dated the 28th Ultimo forwarded by the Acting Joint Criminal Judge at Coimbatore for the month of February 1843.

/Here enter Fl. No. 426 of 1843./

Read

25th March 1843.

25

Read letter dated the 15th Instant from the acting Agent to the Governor of Fort St George dat Vizagapatam, submitting the Criminal Reports for the months of February 1843.

/Here enter F.H. No. 1430 of 1843/

Read letter dated the 19th Instant from the Acting Magistrate of Cuddapah, submitting an explanation as to the cause of the delay in case No. 76 Report No. 7

/Here enter F.H. No. 1464 of 1843/

Exd. W.D.H. Asst. Regr.

F.H.

Monday 27th March 1843. At a Court of the Foujdaree Udalut

Present

Mr. Malcolm Lewin Esqre. Actg. 1st Puisne Judge.

Mr. Alexr. Maclean Esqre. Actg. 2d Puisne Judge.

J. Mr. Lewin Esqre. Actg. 3d Puisne Judge.

Read the Criminal Reports submitted by the Acting Joint Criminal Judge of Masulipatam for the Month of February 1843.

/Here enter J.M. No. 425 of 1843./

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

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

/Sent at No. 329./

Read the Criminal Reports for the month of February 1843 submitted by the Acting Criminal Judge of Combaconum.

/Here enter F.H. No. 413 of 1843/

This

2 27th March 1843.

Suppl. Report Case No. 23.

1. This Case as reported in the Calendar under review is not set forth as it ought to be. The charge preferred should be entered in the 3d. column, in the same manner as in the case in which the original charge was exhibited in the first instance.

2. The Acting Criminal Judge will accordingly be pleased to forward a supplemental sheet containing the information shown in the preceding para. to be deficient.

Case No. 25.

3. The Offence charged against the 1st Prisoner in this case not being punishable under the general Regulations, it was ascertained from the Mahomedan Law Officer that, under Mahomedan Law, the Judge was competent at his discretion, to award imprisonment and stripes, to the extent of 195.

4. The Acting Criminal Judge has accordingly sentenced the 1st Prisoner to confinement with hard labor for two years and to receive 50 Lashes.

5. The

27th March 1843.

maximum period of imprisonment which it is competent to a Criminal Judge to award, under the above stated circumstances is six months. The Court of Tongdaree Udalut resolve therefore to desire the Provincial Court in the Southern Division to call for the record of the trial and having passed such orders as may appear to them to be necessary, report the same for the information of this Court.

Case No. 30.

6. In regard to Case No. 30 the Tongdaree Udalut request the adoption by the Provincial Court of a similar proceeding, the Prisoner therein, who is charged with Burglary, having been sentenced by the Acting Criminal Judge to imprisonment only for six months.

Case No. 34.

7. The Acting Criminal Judge has remarked that the four Prisoners in this case "were concerned in the preceding Case No. 33, and were committed for trial before the Court of Circuit."

8. The mode of disposal of Case No. 34 does not, however, appear as the reports now stand. The Court of Tongdaree Udalut are

27th March 1843.

are not informed whether, as regards the charge therein preferred, the Prisoners have been released or committed for trial; or whether, in the event of there being released by the Court of Circuit they will be sentenced by the Criminal Court and to what extent.—

Cases Nos. 35 & 36. 9. The foregoing observations applying mutatis mutandis to the Cases noted in the margin. Regarding these and No. 36 the Acting Criminal Judge is requested to require from the Assistant Criminal Judge an explanatory statement exhibiting the particulars which have been omitted by him in the sentences as they now appear in the Returns.—

Ordered that Extract from these proceedings be forwarded to the Acting Criminal Judge of Combaconum by Precept returnable in V days from and after the receipt

/Sent following Precept No. 330/

Ordered also that Extract from these proceedings /paras 3, 4, 5, and 6/ be transmitted to the Provincial Court of Circuit in the Southern Division by Precept returnable without delay

/Sent following Precept No. 331/

Read

27th March 1843.

Read the Salem Criminal Returns for the Month of February.

/Here enter J.C. No. 16 of 1843/

The Court of Fouzdaree Adalut observe that the charge in this

Case No. 29. case is not made sufficiently explicit, and they direct that in the next Calendar it may be more distinctly shewn in what manner and to what extent the Prisoner is implicated with the parties tried in No. 12. of the present year

As there is nothing which leads

Case No. 30. 2. to a supposition of the 3d Prisoner in this case having acted in Concert with or by the advice of the 1st and 2d the charge was distinct in its nature and ought to have been separately investigated.—

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

/Sent in No. 332./

Read Communication dated the 10th Instant, from the Joint Magistrate at Combaconum forwarding an Extract from the Audit of the accounts of the Combatore Collectorate

Collectorate for Fasly 1251 and requesting that their
special Sanction of Government may be obtained
for the amount therein retrenched, viz: Rupees
1398-13-8.

/Here enter J. Ct. No. 399 of 1843/

1. The Item referred to in the above address appears to have been expended by the Joint Magistrate on account of the Convicts in the Jail under his charge at Cuttacummd and on the payment of the Prison Establishment entertained there.

2. But it is observed that an item is entered showing Rupees 48 to have been disbursed in feeding a female child the daughter of a Convict.

3. The Court of Foujdaree Udalut would in the first instance point out to the Joint Magistrate, that under their Circular Order he should have submitted for Sanction, Quarterly, a contingent Bill of the expences incurred for bringing up the child of a Convict and accordingly they now request he will explain the omission to conform to that rule.

Circular Order 50. dated 24th August 1835

4. They further request he will explain under what circumstances the child in question has become an inmate of the Jail under his management in which it is obviously essential that no others than able bodied Convicts should be incarcerated.

5. It appears also to the Court of Foujdaree Udalut that the expenditure of 48 Rupees or 6 Rupees per measem, stated to have been incurred in maintaining a female child is so high and so unusual, that without full and particular information they will not feel justified in submitting it with their recommendation for Sanction by Government.

Ordered that Extract from these proceedings be forwarded to the Joint Magistrate at Cuttacummd for his information and guidance by Precept returnable in days from and after its receipt.

/Sent following Precept No. 333./

Read letter from the Joint Criminal Judge of Cuddalore submitting the Criminal Reports for the month of February.

/Here enter J. Ct. No. 406 of 1843/

Rec

27th March 1843.

1 The Joint Criminal Judge in merely remarking in this case that the charge is proved has omitted the abstract of evidence required to be recorded in all Criminal Cases by Circular Order 17th April 1823.

2 The Court of Foujdaree Udalut direct that the omission now noticed be rectified, in order to enable the Judges to test the correctness of the Sentence.

Ordered that a Copy of these proceedings be furnished to the Joint Criminal Judge of Cuddalore by Precept returnable in 3 days from and after its receipt.

/Sent following precept No 334/

Read letter dated the 18th Instant from the Acting 3d Judge on Circuit in the Southern Division, reporting his having opened the 2d Sessions of 1842 at Vizagapatam on the above date.

/Here enter Ltr No 445 of 1843/

Read letter dated the 16th Instant from the Provincial Court in the Western Division transmitting translations of the Criminal Reports received from the Principal Sudr Ameen of Salem for last month.

/Here enter Ltr No 447 of 1843/

W.D.M.
of Rep

No.

Wednesday 29th March, 1843. At a Court of the Foujdaree Udalut.

Present,

Act Malcolm Lewin Esqre Actg 1st Puisne Judge.

Act Alexr Maclean Esqre Actg 2d Puisne Judge.

Act F. Mc. Lewin Esqre Actg 3d Puisne Judge.

Read communications dated the 2d and 9th Ultimo from the 2d Judge of the Provincial Court of Circuit in the Southern Division stating in reply to the Proceedings of the Foujdaree Udalut of the 30th January 1843 that he has looked into the proceedings held on Cases Nos 162, 163 and 173 of the Salem, Nos 80 and 82 of the Coimbatore and Nos 74 and 75 of the Tinnevelly Criminal Reports for the month of October 1842, and recorded such orders thereon as have appeared to him to be proper, and that as soon as they shall have received the concurrence of another Judge they will be issued to the Criminal Judge of Salem and copy thereof submitted for the information of the Court of Foujdaree Udalut.

/Here enter Ltr Nos 240, 242 & 243 of 1843/

Adverting to the delay which has

F.C. 29th March 1843.

has already occurred in procuring the commencement of another Judge in the opinions stated to have been recorded in the cases adverted to, by the 2d Judge of the Provincial Court sitting alone, the Court of Foujdaree Adalut resolve to direct that the records of the several cases under observation be transmitted to Mr Harington the 1st Judge now on Circuit in the Southern Division with a view to their being finally disposed of by that Officer, who, the Court feel satisfied, will be able without great inconvenience to take them up in addition to the duties devolving on him at the present time.

Ordered that Extract from these proceedings be forwarded to the Criminal Court of Circuit in the Southern Division by Freight returnable without delay.

/Sent following Freight No 336/

Ordered also that Extract from these proceedings be forwarded to Mr Harington the 1st Judge on Circuit in the Southern Division for his information.

/Sent in No 337/

Read Criminal Report for the Month of February Submitted by the Criminal Judge

2d March 1843.

Judge of Madura

/Here enter F.C. No 644 of 1843/

Case No 12.

The Judges of the Court of Foujdaree Adalut observe that the remarks recorded in this case by the Acting Assistant Criminal Judge are not such as are required by the 16th November 1831 Circular Orders, which, under the term of "Abstract" contemplated a clear and concise sentence.

Such diffuse remarks as those under notice whilst they materially add to the labors of the Zillah Court Establishments are from their prolixity of trifling advantage to the Foujdaree Adalut.

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

/Sent in No 338/

Ed W.

Thursday 30th March, 1843. At a Court of the Foujdaree Udalut.

Present,

Act. Malcolm Lewin Esqre. Actg. 1st. Puisne Judge,

Ath. Alexr. Maclean Esqre. Actg. 2d. Puisne Judge,

TMA. H. M. Lewin Esqre. Actg. 3d. Puisne Judge,

Read the Criminal Reports for the months of February 1843 submitted by the Criminal Judge of Canara.

/Here enter FH. No. 426 of 1843/

Report No. V Case No. 10. 1. The delay of twenty (20) days which is shown by the above Report to have occurred in the transmission of this case to the Criminal Court, is neither adverted to by the Criminal Judge nor does it appear that any explanation of the circumstance has been received from the Joint Magistrate of Canara.

2. It is, accordingly, resolved to order its being now submitted, direct to this Court.

Case 14 3. The sentence of imprisonment for four months with hard labor which has been adjudged to the Prisoner in this case appears to the Court of Foujdaree Udalut to be excessive with reference to the circumstances under

under which the bundle stolen by the Prisoner was removed from the bank of the river and to those under which he at once gave it up again on his apprehension.

4. They therefore request the Provincial Court will call for the record and pass such orders as may appear to them to be proper reporting the same for the information of this Court.

Ordered that Extract from these proceedings be forwarded to the Criminal Judge of Canara who will transmit a copy of paras 1 and 2 to the Magistrate of that District

/ Sent in No. 339. /

Ordered also that Extract from these proceedings / paras 3 and 4 / be forwarded to the Provincial Court of Circuit in the Western Division by precept returnable without delay

/ Sent following precept No. 340 /

Read Extract from the Minutes of Consultation dated the 27th Ultimo No. 704 conveying the observations of Government on the Circuit Report of the 3d Judge on Circuit in the Western Division for the 1st Sessions of 1842 and on the manner in which that Officer's communication had been disposed of by the Court of Zeujdaree Adalut

30th March 1843. Adalut in their Proceedings of the 25th January 1843.

/ Vide letter T.M. No. 335 of 1843 /

1. Adverting to the remarks recorded in the foregoing Extract from the Minutes of Consultation, the Court of Foujdaree Adalut deem it incumbent on them respectfully to represent for the information of the Most Honorable the Governor in Council that in submitting the Report of the 3d Judge on Circuit for the consideration of the Government and thereby placing at its disposal all the information which that communication contained, the Judges conceived they had sufficiently discharged the duty devolving on them - They regret now to find that the having abstained from recording at length their remarks upon the Proceedings of the Judge on Circuit has been considered by the Government to be an omission.

2. The belief in Magic and Sorcery to which Mr A. Morris' attention appears to have been directed, unhappily prevails in a more or less degree in every District of the Madras Province, nor can any remedy or any amelioration of it, so far as the Judges are aware, be expected or devised, until

30th March 1813

until the progress of knowledge and enlightenment among the Native Population, shall have become more perceptible from education and the gradual advancement of civilization.—

3. The Subject has much engaged the attention of the Local Officers of the districts of Malabar and Canara— and very conflicting opinions have been expressed as to the Medium of providing a remedy. Indeed it forms the subject of this Courts Circular Order No. 167— and the Foujdaree Adalut attribute to the inexperience of the Circuit Judge of the circumstances of those districts, that such matters should have attracted his notice, as novelties.—

4. The Court consider that the diminution of Gang Robbery in Malabar is not traceable to any immediate cause operating at the present time; they are more disposed to regard it as the result of the influx of civilization and general prosperity— and they apprehend that an enquiry would shew, during a long succession of years a gradual progress of order in place of the lawless habits which once characterized the inhabitants of Malabar—

30th March 1813.

5. The Court do not believe that the crimes of Perjury and Forgery exist to a greater extent in Canara than in other Districts under the Madras Government and they are of opinion that more matured experience in other provinces, (and they would draw attention to Mr Blanes reports on Cuddapah) would have satisfied the Judge on Circuit of the extent to which these crimes have elsewhere prevailed, especially in populous Districts, such as Tanjore, where Sales and Transfers of Land, as in Malabar and Canara, are of common occurrence and they are unable to imagine a greater or more effectual check to this pernicious evil than the enactment recently passed, providing for the universal Registration of Deeds of Sale and Transfers of Property—

6. The Judges observe that the subject of Forgery and perjury, in connexion with the registration of deeds, has long occupied the attention of nearly all grades of the Service and forms a prominent feature in the labors of Mr Greene when Commissioner of Malabar and Canara.—

7. The Court of Foujdaree Adalut

more

were satisfied that the results obtained from the opening of the Road in the woody tracts South of Honore - the stimulus thereby given to Commerce and Trade, tending to an increase of every kind of communication and to effect, by the clearance of the Jungle, the disturbance of the Haunts of Robbers had been anticipated by the Government when that measure was resolved upon; but the Court were not altogether satisfied that such a subject should properly form a part of a Report by a Judge on Circuit.

8. With respect to the arrangement of the details of the Jail at Mangalore, the Judges are not disposed to place much confidence in the result shewn by Mr Morris's Statements. The Jail of Mangalore is situated in a most healthy position and is incapable of inhaling the noxious influence of bad air from the miasmas on which it stands - various means have at different times been employed to render it healthy. These have regarded cooking as well as other details, and yet it is well known that at no jail has there been occasionally more fatal instances of mortality. The Judges cannot attribute to a mere change of cookery so important a

a result as has been ascribed to it by the Sessions Judge on Circuit -

9. The representations of the Prisoners, to which Mr Morris has referred, are such as are usually made when the Judges on Circuit visit the Jails within their range.

10. An increase of food and indulgences, such as Betel and Betel Nut, and less labor, form that invariable subject of the Prisoners complaints on these occasions and are so common as rarely to receive notice by the visiting Judge.

11. The demands for more Pay made by the Jail Guard at Sirsy are not entitled to the favorable consideration of Government.

12. The Monthly allowance of these guards is sufficient for their maintenance, as might easily be proved by the almost universal desire to obtain the Office.

13. In respect to the Proceedings of the Assistant Magistrate in Canara in Case No. 36 of the punished Calendar, laid before the Judge on Circuit, the Court of Sessions Adalut would observe that they received at

these

30th March 1843.

their hands the fullest examination, but that, taking into consideration the Proceedings of the Judge on Circuit; the thorough investigation instituted by that Officer and the explanations which were afforded by the Assistant Magistrate in reply to the Strictures conveyed to him, the Court were of opinion that it was not necessary further to notice the errors into which the Assistant Magistrate had fallen and of which they were satisfied the censures of the Judge of Circuit would prevent a repetition.—

14. The Court have no reason to doubt that all cases of Punishments inflicted, are entered in the Calendars of the Magistrates, and they are prepared to see that no infraction of this rule is ever permitted.—

15. The unsettled state of the law regarding the relationship between Master and Servant has not escaped the anxious observation of the Judges of the Foujdaree Udalut.

16. Instances have not been wanting to shew that where printed references on this Subject have been made to them, no satisfactory rules

Could

31

30th March 1843.

could be laid down for the guidance of the Magistrates and Criminal Courts in reply; but the desire they have felt to bring this Subject to the Notice of Government with a view to place the Law on a more definite footing, has been checked by the conviction that no similar desire had been evinced by the Indian Law Commissioners.—

17. Indeed the Judges of the Foujdaree Udalut find a contrary tendency in the Sentiments expressed in the Notes of Penal Code Note P Page 89.—

18. The Judges, however, are not prepared to say that the regulations quoted in the Minutes of Council is not applicable to certain breaches of contract on the part of a Servant and they recorded that opinion in their proceedings—but it is difficult to define, on a Subject where all is indefinite.—

Ordered that Extracts from these Proceedings be forwarded to the Secretary to Government in the Judicial Department for the purposes of being laid before the most Honorable the Governor in Council.—

(Sentence No. 348) Read

30th March 1843.

Read return dated the 23d Instant from the Assistant Judge in charge of the Hillah Court of Hillah, to the precept of the Zoujdaree Udalut of the 20th Instant, remarking on their observations and orders on the Criminal Reports for the Month of February last.

/Here enter F.U. No. 154 of 1843/

Read Extract from the Executive Consultations under date the 23d March 1843 from the Acting Chief Secretary to Government stating with reference to the Proceedings of the Zoujdaree Udalut of the 3d instant that Government see no reason for interfering with the case of Mosbat Nuck.

/Here enter F.U. No. 155 of 1843/

Read return dated the 20th Instant from the Provincial Court of Circuit in the Northern Division to the precept of the Zoujdaree Udalut dated the 4th Instant, directing them to call for the records in cases No. 102 and 103 on the Hillah Criminal Reports for January last and to dispose of them as may appear proper.

Hereunder F.U. No. 158 of 1843.

Friday, 31st March 1843.

At a Court of the Zoujdaree Udalut.

Present,

Mr. Malcolm Lewin Esqre. Actg. 1st Puisne Judge,

Mr. Alexr. Maclean Esqre. Actg. 2d Puisne Judge,

Mr. F. Mc. Lewin Esqre. Actg. 3d Puisne Judge,

Read letter from the Acting Criminal Judge of Cuddapah dated 15th Instant forwarding Criminal Reports for the Months of February 1843.

/Here enter F.U. No. 122 of 1843/

Case No. 30

The Court of Zoujdaree Udalut observe, with reference to the remarks made by the Joint Magistrate in this case, that the course pursued towards the Prisoners, in transferring them from one authority to another, was uncalled for and very oppressive, and they direct that the Head of Police may be informed that he had full authority to dispose of it without a reference to the Magistrate.

Ordered that copy of these proceedings be sent to the Acting Criminal Judge of Cuddapah and furnished by him

to

31st March 1843.

to the Head of Police for his information and guidance.—

/Sent in No. 344/

Read letter dated the 22d. Instant from the Criminal Judge of Salem submitting with reference to the Proceedings of the Tondiarpet Adalut under date the 12th December 1842 a further report from the Zillah Surgeon at that Station regarding Colundapyen, Prisoner in Case No. 5 on the Salem Calendar for the 1st Sessions of 1839, and requesting instructions as to the disposal of that individual.

/Here enter F.H. No. 463 of 1843/

In the Statement which accompanies the communication above recorded the Zillah Surgeon has declared that he considers it highly desirable for reasons assigned that the Prisoner Colundapyen should be sent to the Lunatic Asylum at Madras. The Court of Tondiarpet Adalut accordingly direct that Colundapyen be forwarded under proper custody to the Superintendant of Police at Madras in order

31st March 1843.

order to his being lodged in the Lunatic Hospital at the Presidency.—

2. The Prisoner will of course be accompanied by the requisite certificate from the European Medical Officer regarding his case.—

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

/Sent in No. 345./

Read letter dated the 22d. Instant from the Acting 2d. Judge late on Circuit in the Northern Divisions, forwarding explanation in Case No. 3 on the Cuttack Primary Calendar.

/Here enter F.H. No. 459 of 1843/

Read letter dated the 20th Instant from the 3d. Judge late on Circuit in the Southern Division, forwarding copy of a letter from the Criminal Judge of Salem reporting the execution of the Prisoner Ramman in Case No. 7 of the Salem Calendar, 2d. Sessions of 1842 together with the Original Warrant.

/Here enter F.H. No. 462 of 1843/

Read

31st March 1843.

Read return dated the 20th Instant from the Criminal Judge of Madura, to the precept of the Tongdaree Udalut of the 15th March 1843 conveying their observations and orders on the Criminal Reports for the month of January 1843.

/Here enter T.C. No. 161 of 1843/

Read return dated the 24th Instant from the Criminal Judge of Bellary, to the precept of the Tongdaree Udalut of the 15th March 1843 remarking on the Criminal Reports for the Month of January 1843.—

/Here enter T.C. No. 162 of 1843/

Read letter dated the 25th Instant from the 2d Judge of the Provincial Court of Circuit in the Southern Division, forwarding a copy of the Calendar of persons who have been committed by the Acting Joint Criminal Judge of Trichinopoly to take their trial at the 1st Criminal Sessions of 1843, together with a copy of the translation of the Tubwa.—

/Here enter T.C. No. 163 of 1843/

Cad W.

W.D.M. Off. Wt.

T.C.

Saturday 1st April, 1843.

At a Court of the Tongdaree Udalut.

Present,

Mr. Malcolm Lewin Esqr. ——— acting 1st Criminal Judge

Mr. Alexr. Maclean Esqr. ——— acting 2d Criminal Judge

Mr. C. L. Lewin Esqr. ——— acting 3d Criminal Judge

Read return dated the 13th March 1843 from the 3d Judge late on Circuit in the Southern Division to the Precept of the Tongdaree Udalut of the 11th February 1843 calling for certain explanations relative to Cases Nos. 6 and 10 of the Coimbatore Calendar for the 2d Session of 1842.—

(Here enter T.C. No. 164)

Case No. 6

1. The Court of Tongdaree Udalut consider the above Return as regards this case to be highly unsatisfactory, and they are surprised that the Judgment of the 3d Judge late on Circuit did not lead him to refer it for the consideration of this Court.—

2. The comments on the evidence of the witnesses do not affect the main fact of the deceased having met his death by torture, and it is even admitted by the Circuit Judge himself that there is sufficient evidence to show that the deceased was

tortured

"the victim of wanton cruelty" and that the Prisoners were
"all more or less Principals or accessaries in the crime".—

3. Under such a view of the case the sentence of 3 years imprisonment appears altogether inadequate to the offence, and in passing it the conduct of the Circuit Judge was highly reprehensible.—

4. The Court consider the Law Officer entitled to the attention of the 3d Judge the case all to the Evidence for which there was not the slightest occasion.—

Case No. 10. 5. The observations of the Circuit Judge in this as in the preceding case are considered highly unsatisfactory.—

6. In the present, as in the former case, the Judge on Circuit should have allowed his own judgment to direct him and not have been, as appears from the Return he was, influenced by what he conceived analogous cases.—

7. Whatever objections the Circuit Judge may have felt and now raises to the evidence, it is clear that he concurred in the conviction of the 1st and 2d Prisoners, and their crime, the intent to commit Burglary, and stabbing and wounding the Prosecutor who pursued

pursued them was of a heinous nature.—

8. A sentence of 3 years imprisonment for the 1st and 6 months imprisonment for the 2d under a conviction for such offence is unjust lenient, and in passing such a sentence the Circuit Judge manifestly failed in the proper discharge of his duty.—

9. Nor are the Soojdara Adalut by any means satisfied that there has not been a failure of justice in respect of the 3d Prisoner altho' they observe that he was acquitted by the Law Officer.—

10. If the 1st 2d and 3d Prisoners together with the 2d Prosecutor identified all the Prisoners including the 3d, the Soojdara Adalut are unable to conceive on what grounds the Circuit Judge could arrive at the same conclusion as the Law Officer, and they think that in differing with him on this point and referring the case for the final orders of the Soojdara Adalut he would have only exercised a sound discretion.—

Ordered, that Extract from these proceedings be forwarded to the 3d Judge Circuit on Circuit in the Centurion Division for his information.—

(Centurion No. 319) —

Ent'd

"the victim of wanton cruelty, and that the Prisoners were
"all more or less Principals or accessories in the crime".—

3. Under such a view of the case the sentence passed appears altogether inadequate to the offence, and in passing it the conduct of the Circuit Judge was highly reprehensible.—

4. The Court consider the Law officer ought in pressing on the attention of the 3d Judge the case alluded to in Erchinfoss for which there was not the slightest occasion.—

Case No 10. 5. The explanations of the Circuit Judge in this as in the preceding case are considered highly unsatisfactory.—

6. In the present, as in the former case, the Judge on Circuit should have allowed his own judgment to direct him and not have been, as appears from the Return he was, influenced by what he consider=ed analogous cases.—

7. Whatever objections the Circuit Judge may have felt and now raises to the evidence, it is clear that he concurred in the conviction of the 1st and 2d Prisoners, and their crime, the intent to commit Burglary, and stab and wound the Prosecutor who pursued

pursued them was of a heinous nature.—

8. A sentence of 3 years imprisonment for the 1st and 6 months imprisonment for the 2d under a conviction for such offence is unjust lenient, and in passing such a sentence the Circuit Judge manifestly failed in the proper discharge of his duty.—

9. Nor are the Soujdars Adalut by any means satisfied that there has not been a failure of justice in respect of the 3d Prisoner altho' they observe that he was acquitted by the Law officer.—

10. If the 1st 2d and 3d Prisoners together with the 2d Prosecutor identified all the Prisoners including the 3d, the Soujdars Adalut are unable to conceive on what grounds the Circuit Judge could arrive at the same conclusion as the Law officer, and they think that in differing with him on this point and referring this case for the final orders of the Soujdars Adalut he would have only exercised a sound discretion.—

Ordered, that Extracts from these proceedings be forwarded to the 3d Judge Circuit in the Western Division for his infor=mation.—

(Certified No 349)

A. Reid
Sd/ W.H.

F. U.

Monday,
3d April, 1843.

At a Court of the Foujdaree Udalut.

Present,

Act Malcolm Lewin Esqre — Actg 1st Puisne Judge,

A. M. Alexr. Maclean Esqre — Actg 2d Puisne Judge,

J. M. L. J. M. Lewin Esqre — Actg 3d Puisne Judge,

Read Communication dated the 24th Ultimo from the Acting Criminal Judge at Combaconum reporting in conformity with the orders of the Foujdaree Udalut, under date the 20th Ultimo, the result of the offer of a conditional pardon made to the 3d Prisoner in Case No 1 of the Calendar for the 1st Sessions of 1843.

/Here enter F. U. No 466 of 1843/

The above communication shows that the 3d Prisoner in question has stated nothing more, under the offer of a pardon, than what he had said before when he disclaimed all connection with or knowledge of the murder, charged against him and others. Under these circumstances he has of course forfeited all right to the pardon, which the Foujdaree Udalut were otherwise prepared to grant

The

2.

The Court accordingly desire the Acting Criminal Judge will now follow in respect of the 3d and the other Prisoners in Case No 1, the course which the law dictates as they are not prepared to approve the further offer of a conditional pardon to either of the parties accused who are now awaiting their trial.

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

/Sent in No 350./

Read Miscellaneous Petition presented on the 13th Instant by Sreenewasa Chary and Appala Chary of the Zillah of Chittoor.

/Here enter H.M.C. No 21 of 1843/

The Petitioners complain that having received a bullock and a gunny bag from one Collapa Chetty in payment of a bond debt of 8½ Rupees, that individual subsequently complained to the Head of Police that Petitioners had illegally obtained possession thereof. Such complaint however was dismissed by the

the Police Officer at Salem.

2. That on an Appeal by Collapa Chetty to the Joint Magistrate of North Arcot, Petitioners were, by that Officer, directed to restore to Collapa Chetty the bag and bullock; against which decision they state they made an ineffectual Appeal to the Provincial Court of Circuit in the Centre Division.

3. Submitting a copy of the order in the matter passed by that Court, Petitioners pray the Zoujdaree Adalut will interfere on the grounds that a forgery committed by Collapa Chetty has escaped detection by the Joint Magistrate although it is, they allege, obvious by clear and easy of proof.

4 The Petitioners are informed that it is necessary they should produce a copy of the Order of the Joint Magistrate against which they complain before any orders can be passed by this Court.

Ordered that the above be communicated to the Petitioners and copy of these Proceedings granted to them on their application.

Read Miscellaneous Petition presented

3d April 1843.

presented on the 1st March 1843 by Shashuffpah
of the Zillah of Bellary.

[Here enter F.H. M.P. No. 16 of 1843]

Adverting to the proceedings by
this Court, under date the 31st January last, in
which the Foujdaree Udalut declined, for reasons
assigned, to call up the record of a trial with a
view to the release of the Petitioner's brother, the
2d Prisoner therein, the Petitioner prays for a recon-
sideration of his application and the issue of the
order originally solicited.

No. 12 Bellary Criminal Cal. for the 2d Sessions of 1842.

2 The Petitioner's request has already
been duly considered and disposed of by the Foujdaree
Udalut who accordingly refer him to their former order,
which is final.

Ordered that a copy of these proceedings
be furnished to the Petitioner on his application.

Read Miscellaneous Petition pre-
sented on the 20th February 1843 by Sheik Hoden
of Zillah Chittoor.

[Here enter F.H. M.P. No. 17 of 1843]

1 The Petitioner complains of having
for the space of 6 months been unjustly detained
in close confinement by the Cutwal of Chittoor
and

2/ F.H.

3d April 1843.

and that his application for redress to the Magistrate
and a Court of Circuit was unavailing. The Magistrate,
it is stated, referred his Petition, to the Head of
Police who, as a friend of the Cutwals, neglected
to take all the necessary evidence, and the Circuit
Court rejected his prayer under the erroneous im-
pression that a full investigation had been made
by the Magistrate.

2 Petitioner prays that the Foujdaree
Udalut will be pleased to issue instructions to the
Provincial Court to call for the records of proceed-
ings held before the Head of Police and pass
orders thereon.

3 The Magistrate and Court
of Circuit seem to have investigated the charge
brought forward in the present Petition with
sufficient attention, and to have branded the
Petitioner with the epithet of Swindler.

4. Under such circumstances the
Foujdaree Udalut see no cause to interfere and
dismiss the Petition.

Ordered that Extract from these
proceedings be granted to Petitioner on application.

Read Miscellaneous Petition
presented

3d April 1843.

presented
by the
Pr
from the Pr Sudr & by Ramabhagavada
& Petit Petition -

/ Here enter F. No Nos 468 of 1843 /

the Pr
referr
to the
Sudr &
Sessions Judge
Bellary Pro-
vincial Catr for the
2d Sessions of 1842.

Referring to his previous Petition
of the 30th on the Petitioner prays the Court
of Sessions will reconsider the sentence
pass'd by them on that occasion and cancel the
2 Punishments awarded by the Pr Sudr & Sessions Judge
Sudr against him & Son in Case No 16 of the Calendar
for

The reading matter assigned for
stating a reconsideration of the previous order
in that the evidence on which he & son were convicted was contradictory & the Prosecution a personal &
malicious one and the Witnesses actuated by bribery -

The Sessions Judge refer this
Petitioner to the order passed on the 31st of January
on his Petition No 2 and as no Satisfactory
reasons are given to show the necessity of changing
those orders must be considered final -

Ordered that this Petition be dis-
missed and copy of these proceedings granted
to Petitioner on application -

Dead letter dated the 21st Ultimo
from the 2d Judge on Circuit in the Western
Division -

3d April 1843

Division, submitting for the consideration and
final sentence of the Sessions Adalut on -
English translation of the record of the trial
in case No 4 on the Mangalore Calendar
for the 1st Sessions of 1843 -

/ Here enter F. No Nos 468 of 1843 /

The Court of Sessions Adalut,
on a deliberate consideration of all the circum-
stances of the case in evidence before them,
being of opinion that the proof against the
prisoners,

1st Billa Doggay / female /

2d Cartha

and

3d Bunt Moothiya

is sufficient to convict them of the crime of
having caused Death by practices intended to
procure abortion, for which according to the
Mahomedan Law, as declared in the Futwa
of their Law Officers, discretionary punish-
ment is awardable, do convict them thereof,
and, under the provisions of Clause third Sec-
tion VII Regulation XV of 1803, adjudge the
prisoners,

1st Billa Doggay / female /

to

3d April 1843.

presented on the 6th Instant by Ramabhagaverta Ramiah of Tellah Chittoor.-

/ Here enter F.H. M.P. No. 18 of 1843 /

1 Referring to his previous Petition No. 2 of this year the Petitioner prays the Court of Sanjarow Adalut will reconsider the order passed by them on that occasion and cancel the punishment awarded by the 1st Judge late on Court against his Son in Case No. 16 of the Chittoor Calendar.-

2 The leading motives assigned for soliting a reconsideration of the previous order are that the evidence on which his Son was convicted was contradictory,- the Prosecution a personal one,- and the Witnesses actuated by bribery.-

3 The Sanjarow Adalut refer the Petitioner to the order passed on the 31st of January on his Petition No 2 and as no satisfactory reasons are given to show the necessity of changing those orders must be considered final.-

Ordered that this Petition be dismissed and copy of these proceedings granted to Petitioner on application.-

Read letter dated the 21st Ultimo from the 2d Judge on Circuit in the Western Division.

3d April 1843

Division, submitting for the consideration and final sentence of the Sanjarow Adalut an English translation of the record of the trial in case No 4 on the Mangalore Calendar for the 1st Sessions of 1843.-

/ Here enter F. No No. 168 of 1843 /

The Court of Sanjarow Adalut,

on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners,

1st Billa Doggay / female /

2d Cartha

and

3d Bunt Maothiyan

is sufficient to convict them of the crime of having caused Death by practices intended to procure abortion, for which according to the Mahomedan Law, as declared in the Futwa of their Law Officers, discretionary punishment is awardable, do convict them thereof, and under the provisions of Clause third Section VII Regulation XV of 1803, adjudge the prisoners,

1st Billa Doggay / female /

to

3rd April 1843

to be imprisoned and kept at hard labor suitable to=
her sex on the public roads or other public works for
and during the period of [5] five years, and
the prisoner,

2nd Kaantha,

to be imprisoned and kept to hard labor in irons
on the public roads or other public works for and
during the period of [5] five years, and the pri=
-soner,

3rd Bunt Moothiya,

to be imprisoned and kept to hard labor in
irons on the public roads or other public works for
and during the period of [7] Seven years.

Sent following letter No 351.

Ent'd

Sashuppah of the Zillah of
Ballary, moves the Court to return the enclosure
in his Miscellaneous Petition No 7 of 1843.

Ordered accordingly.

Ent'd

E. 16.

Tuesday
4th April 1843.

At a Court of the Supreme Court.

Present

Sir Malcolm Lewin Esq^re _____ Acting 1st Puisne Judge

A. K. Alex^r Maclean Esq^re _____ Acting 2nd Puisne Judge

W. L. E. H. Lewin Esq^re _____ Acting 3rd Puisne Judge

1. No further return having been received from the Provincial Court of Circuit in the Northern Division to the precept of the Supreme Court of the 20th February 1843 directing them to call for the Record in Case No 40 of the file of the Joint Criminal Court at Guntoor, and to pass such orders thereon as may be deemed necessary reporting the result for the information of this Court.

2. It is resolved that the Provincial Court be required at once to lay before the Supreme Court a report of any orders which may have been passed by them; and if none have been passed, to dispose of the case without any further delay.

3. It cannot have escaped the observation of the Provincial Court that the Prisoner in the Case adverted to has been sentenced to imprisonment

for

for a period of three (3) months commencing on the 22d December last and to further imprisonment in commutation of a fine which he was then ordered to pay.—

4. A careful investigation of the record of the Court Criminal Judge's Proceedings on the trial is thus essentially requisite for the ends of justice.—

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

(Cent following Precept N° 353)

Read letter dated the 15th Ultimo from the Criminal Judge of Bellary transmitting the Criminal Reports for the Month of February 1843.—

(Here enter N° 423.)

Cases N°s 19 and 20. 1. It has been ruled on more than one occasion by the Court of Sudder Adawlut that when a Prisoner is convicted in two or more cases the punishments should be cumulative, and awarded in one and not in each separate charge.—

2. The Court will not in the present instance disturb the sentence adopted by the Criminal Judge but merely direct him on future occasions to pursue the course now pointed out.—

4th April 1843.

3. It is observed that the charge in Case N° 20 is defective in consequence of the omission to state where the children were when the theft was perpetrated.—

Case N° 21. 4. The Sudder Adawlut direct that in the Calendar for the ensuing Month the Criminal Judge will be careful to enter in the charge not merely the accusation, but also the purport of the false complaint, in order to enable the Judges more correctly to estimate the merits of the evidence.—

Case N° 26. 5. The Court direct that the Head of Police be called upon to explain the reasons for reference to the Magistrate in this case, and, at the same time, that he be instructed that if in the first instance there was sufficient evidence for committal, the Prisoner ought to have been forwarded to the Criminal Court before the witnesses who were subsequently examined.—

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

(Cent in N° 354)

Ed W H
W. H. Reg.

J. U.

Thursday
6th April 1863. At a Court of the Foujdaree Udalut.

Present,

M L — Malcolm Lewin Esqre — Actg 1st Puisne Judge,

A. M — Alexr Maclean Esqre — Actg 2d Puisne Judge,

J. M. L. — J. M. Lewin Esqre — Actg 3d Puisne Judge,

Read letter dated the 20th February last from the Acting 2d Judge on circuit in the Northern Division requesting that the Proceedings held in Case No 9 on the Nellore Primary Calendar for the 1st Sessions of 1862 with the letter by which they were accompanied may be returned.—

/Here enter F.U. No 313 of 1863/

Read also again return dated the 22d February last from the Acting 2d Judge on circuit in the Northern Division to the precept of the Foujdaree Udalut of the 16th February last containing their remarks on the manner in which the proceedings in Case No 9 of the Nellore Primary Calendar for the 1st Sessions of 1862 and the letter that accompanied it were written and drafted.—

/Here enter F.U. No 322 of 1863/

Read

Read also return dated the 13th Ultimo from the Acting 2d Judge late on Circuit in the Northern Division to the precept of the Soujdaree Udalut of the 10th Ultimo conveying their observations upon his return to the precept of the Soujdaree Udalut of the 14th February last relative to the proceedings held by him in Case No 9 of the Nellore Primary Calendar for the 1st Sessions of 1842.

/Here enter F.C. No 103 of 1843/

Read also letter dated the 17th Ultimo from the Acting 2d Judge late on Circuit in the Northern Division forwarding the rough Draft of the letter and Proceedings in Case No 9 on the Nellore Primary Calendar for the 1st Sessions of 1842.

/Here enter F.C. No 459 of 1843/

1 A perusal of the communications above recorded has satisfied the Soujdaree Udalut that in submitting to this Court a recommendation that the Prisoner in the Case adverted to should be sentenced to suffer death Mr Glass had not before him the original draft of the letter recording his opinion on the trial

trial, and that he had not perused, before signing it, the letter which was transmitted to this Court.

2 He has moreover ineffectually attempted to justify an unusual and highly objectionable system of destroying all official communications recorded in his own handwriting.

3. Admitting the absence of the 1st draft to have occurred in the manner stated, the extreme inefficiency of the Office Establishment, described in Mr Glass' return under date the 13th Ultimo, should have rendered it the more imperative on him carefully to scrutinize and supervise the labors of the Servants who accompanied him on Circuit, instead of heedlessly affixing his signature to a document, without so far as it can be inferred, having been at the pains previously to ascertain its purport and contents.

4. The omission of the additional caution so obviously necessary under the circumstances stated by Mr Glass, especially when the life of a Prisoner was involved, clearly proves in the matter under observation the continued existence

existence of that negligence and indifference to responsibility on the part of that Gentleman, by which his Career as a Judge of Circuit has hitherto been characterized.-

After a deliberate consideration of the foregoing papers, the Judges have with difficulty persuaded themselves that it is not incumbent on them to submit to the Government a report of the circumstances under remark;- they, however, refrain from the adoption of that proceeding at present, only on the understanding that unless in future a marked difference is observed in the manner in which Mr Glass conducts his Judicial duties, they will recommend his removal from the Judicial department.-

Ordered that Extract from these proceedings be forwarded to Mr Glass for his information and guidance.-

/Sent in No 353/

Read return dated the 17th Ultimo from the Agent to the Governor of Fort St George at Vizagapatam to the precept of the Foujdaree Adalut of the 6th March 1843 calling for the Criminal Reports for the Months of January

J. C.

6th April 1843.

January last and drawing his attention to their letter of 26th May 1840 and stating that the instructions contained therein should be duly attended to.-

/Here enter J. C. No 1520 of 1842/

The Agent to the Governor having failed to conform to the instructions issued to him on the 6th Ultimo, the Court of Foujdaree Adalut resolve again to draw his attention to their orders of that date and to desire that the Criminal Reports for the Months of January last be submitted to them within five days from the date of receipt by that Officer of this communication.-

2 The Court of Foujdaree Adalut trust that a more ready obedience to their requisitions on the part of the Agent to Governor will obviate the necessity of a more formal notice of his continued disregard of them hitherto.

Ordered that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St George at Vizagapatam for his information by precept returnable in

6th April 1843

April 1843

5 days from and after its receipt.

Sent following precept No 356.

Read letter dated the 18th Ultimo from the 2d Judge of the Provincial Court of Circuit in the Southern Division, stating that he has looked into the Proceedings held in Case No 111 of the Madura Criminal Reports for November last and recorded such orders thereon as have appeared to him to be proper, and that as soon as they shall have received the concurrence of another Judge they will be communicated to the Criminal Judge of Madura and copy thereof submitted for the information of the Court of Zoujdaree Adalut.

Here enter F Cl No 445 of 1843

Read letter dated the 25th Ultimo from the 2d Judge of the Provincial Court of Circuit in the Southern Division, submitting with reference to the proceedings of the Zoujdaree Adalut dated 20th January last copy of the orders passed by him with the concurrence of the 1st Judge of the Court in Case No 111 of the Madura Criminal Reports for the Months of November last.

Here enter F Cl No 481 of 1843

2d Do.

F Cl

Friday,
7th April, 1843.

At a Court of the Zoujdaree Adalut.

Present,

Malcolm Lewin Esqre Actg 1st Puisne Judge,

Alexr Maclean Esqre Actg 2d Puisne Judge,

H M Lewin Esqre — Actg 3d Puisne Judge

Read return from the Acting Joint Criminal Judge of Tinnivelly under date 27th Ultimo to the precept of the Zoujdaree Adalut of 21st March 1843 calling for explanation of the circumstances under which Syed Mahomed, Prisoner in Case No 11 of 1843 effected his escape from the Jail at Coilcammul, and a Statement of the grounds for increasing by 2 years, the sentence of 7 years imprisonment originally passed against him.

Here enter F Cl No 476 of 1843

The Acting Joint Criminal Judge observes that the sentence in the present instance was awarded "under the impression that, "with reference to the temptation to and facilities of escape afforded by the nature of the country

d.

"as the Kirlghurry Hills a less punishment would be inapplicable"

2. The Court of Foujdaree Udalut consider the punishment in this case of 2 years additional imprisonment unnecessarily severe, and consequently resolve to reduce it to Six Months.—

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

/Sent in No. 360./

No reply having been received from the Provincial Court in the Southern Division to the Proceedings of this Court of the 16th February last directing them to call for the Proceedings in case No. 193 in the Salem Supplemental Report for the Month of December 1862, and dispose of it as they may think proper reporting the result for the information of this Court.—

Ordered that the Provincial Court in the Southern Division be directed to make

make a reply to the above Proceedings without further delay.

/Sent in No. 361./

Read letter dated the 29th Ultimo from the 2d Judge on Circuit in the Western Division, stating that as the witnesses in the most important cases committed for trial by the Principal Sudr Ameen of Salem reside at a great distance from Homore, and as from the nature of another case under investigation and likely to be committed for trial by that Officer it would be desirable that the cases should be tried at Salem, the Judge on Circuit proposes opening the Sessions at that station on the 25th proximo; and requesting an early reply to this letter.—

/Here enter F.R. No. 402 of 1863./

Read return dated the 30th Ultimo from the Acting Joint Criminal Judge at Guntoor to the Precept of the Foujdaree Udalut of the 25th March 1863 directing the release of the 2d prisoner in case No. 8 on the Criminal Reports for the Month of February 1863 and to cancel the bail bonds.

/Here enter F.R. No. 404 of 1863./ Read

7 April 1843.

Read return dated the 1st Instant from the South Criminal Judge of Tuddalore to the precept of the Foujdaree Adalut of the 27th March 1843 conveying their observations and orders on the Criminal Reports for the month of February 1843.—

[Here enter F.A. No. 493 of 1843]

Read letter dated the 1st Instant from the 1st Judge on Circuit in the Southern Division, intimating his intention to open the 1st Sessions of 1843 at Salem on the 3d Proximo

[Here enter F.A. No. 495 of 1843]

Read letter dated the 30th Ultimo from the Magistrate of Bellary, submitting explanations regarding the delay noticed in the proceedings of the Foujdaree Adalut of the 15th March 1843. on the Bellary Criminal Report for the Month of January 1843.—

[Here enter F.A. No. 501 of 1843]

Ent. F.A.

F.A.

Saturday 8th April 1843.

At a Court of the Foujdaree Adalut.

Present

Malcolm Lewin Esqre.— Actg. 1st Puisne Judge

Alexr. Maclean Esqre.— Actg. 2d Puisne Judge

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

Read communication, dated the 24th Ultimo, from the Magistrate of Bellary soliciting the instructions of this Court regarding the disposal of a case transmitted to him by the Superintendent of Police at that station

[Here enter F.A. No. 472 of 1843]

1 It appears from the above address that the Commissariat Officer in charge of the Military Police at Bellary has forwarded to the Magistrate an individual charged with receiving certain old Basins from Sepoys of a Regiment of Native Infantry.—

2 The accused, it is stated, has denied having purchased the said articles and his assertion that he had engaged to substitute, being a brazier, new for worn out basins, is corroborated by the admissions to that effect

of

of the Sepoys themselves.-

3. The Magistrate intimated to the Superintendent of Police that under the circumstances of the case, if there was any infraction of orders prohibiting such transactions it was in his opinion chiefly on the part of the Sepoys, to which the Superintendent replied that he considered Regulation XIV of 1832 had been framed as recognizing the view that it is "easier and more efficacious to punish the receiver than the seller."

4 The Magistrate of Bellary was nevertheless still doubtful whether the law quoted authorizes the Sepoys to be sent up as "accusers and only the receivers to be punished" and argues with reference to the prevalence of the practice of selling Soldiers' necessaries that the proper mode to check it, is to proceed against both parties.-

5 Under the circumstances represented the Foujdaree Adalut are of opinion there can be no doubt that the party in question has rendered himself liable to the penalties indicated in the Regulation prohibiting the practice of Soldiers' accessories. The degree

Regulation XIV of 1832

of guilt involved in the offence imputed to the accused, must be decided by the Criminal authorities before whom he is to be tried, after a consideration of all the circumstances of the case; but ignorance of the law cannot be alleged as an excuse.

6 In thus disposing of the point submitted by the Magistrate of Bellary for determination by this Court, the Judges would call Mr Miller's attention to the irregularity of his communication being forwarded to them direct, instead of through the channel of the Provincial Court of Circuit in the Centre Division.-

Ordered that Extract from these proceedings be transmitted to the Magistrate of Bellary for his information and guidance

/Sent in No 365/

Read letter dated the 27th Ultimo and its enclosures from the Criminal Judge of Canara transmitting copy of an Extract from the proceedings of the 2d Judge on Circuit of the same date, and in accordance with the instructions therein contained requesting the sanction of the Court to offer a conditional pardon to Ballolicar Soobbaya, 3d Prisoner

to

8th April 1843.

8th April 1843.

in Case No 2 on the Additional Calendar for the 1st Sessions of 1843.

/Here enter F.M. No 183 of 1843/

The Court of Foujdaree Adalut having maturely considered the circumstances represented in the Communication from the Criminal Judge and the opinion of the 2d Judge on Circuit that, as the 5th Prisoner in the case has declined to avail himself of the pardon tendered to him, "the only course now open to pursue, "is for the Criminal Judge of Canara to ask for "for permission to admit the 3d Prisoner as an "approver," resolve under the authority vested in them by Section XII Regulation XIII of 1832 to sanction the offer of a pardon to the Prisoner

Ballolican Soobbaya

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

para 2.

2. As regards the propriety of allowing the case in question to be now or to be taken up, after the adoption of the proceeding now authorized, by the 2d Judge on Circuit on his return to Mangalore from Honore, the Court of

8th April 1843.

Foujdaree Adalut think it desirable the trial of the case should no longer be delayed and accordingly they resolve to request the 2d Judge will take it up on his return through Mangalore

Ordered that Extract from these proceedings be forwarded to the Criminal Judge of Canara and to the 2d Judge on Circuit in the Western Division for their information and guidance.

(Sentence No 366.)

Read letter dated the 25th Ultimo from the 2d Judge of the Provincial Court of Circuit in the Southern Division, submitting with reference to the proceedings of the Foujdaree Adalut dated 28th November 1842 copy of the orders passed by him with the concurrence of the 1st Judge of the Court on Cases Nos 80 and 82 of Coimbatore Criminal Reports for the month of October last

/Here enter F.M. No 478 of 1843./

Read letter dated the 25th Ultimo from the 2d Judge of the Provincial Court of Circuit in the Southern Division, submitting with reference to the proceedings of the Foujdaree Adalut dated 5th December 1842 copy of the orders passed by him with the Concurrence of

of

8th April 1843

in Case No. 2 on the Additional Calendar for the 1st Sessions of 1843.

/Here enter J.U. No. 483 of 1843/

The Court of Sonjdaree Adalut having maturely considered the circumstances represented in the Communication from the Criminal Judge and the opinion of the 2d Judge on Circuit that, as the 4th Prisoner in the case has declined to avail himself of the pardon tendered to him, "the only course now open to proceed, is for the Criminal Judge of Canara to apply for permission to admit the 3d Prisoner as an approver," resolve under the authority vested in them by Section XII Regulation XIII of 1832 to sanction the offer of a pardon to the Prisoner

Ballolicar Soobhaya

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

para 2.

2. As regards the propriety of allowing the case in question to lie over or to be taken up, after the adoption of the proceeding now authorized, by the 2d Judge on Circuit on his return to Mangalore from Honore, the Court of

8th April 1843.

of Sonjdaree Adalut think it desirable that trial of the case should no longer be delayed and accordingly they resolve to request the 2d Judge will take it up on his return through Mangalore

Ordered that Extract from these proceedings be forwarded to the Criminal Judge of Canara and to the 2d Judge on Circuit in the Western Division for their information and guidance.-

(Sent in No. 366.)

Read letter dated the 25th Ultimo from the 2d Judge of the Provincial Court of Circuit in the Southern Division, submitting with reference to the proceedings of the Sonjdaree Adalut dated 28th November 1842 copy of the orders passed by him with the concurrence of the 1st Judge of the Court in Cases Nos. 80 and 82 of Coimbatore Criminal Reports for the month of October last

/Here enter J.U. No. 478 of 1843/

Read letter dated the 25th Ultimo from the 2d Judge of the Provincial Court of Circuit in the Southern Division, submitting with reference to the proceedings of the Sonjdaree Adalut dated 5th December 1842 copy of the orders passed by him with the Concurrence of

of

8th April 1843.

of the 1st Judge of the Court on Cases Nos. 162, 163 and 173 of the Salem Criminal Reports for the months of October 1842.

/Here enter F.H. No. 480 of 1843/

Read letter dated the 1st Instant from the 1st/II Judge on Circuit in the Southern Division, intimating his arrival and opening the 1st Sessions of 1843 at Combaconum and that a Primary Calendar of 35 cases with 98 Prisoners have been laid and that there is a prospect of a Supplemental Calendar of 2 Cases being also presented.-

/Here enter F.H. No. 497 of 1843/

Read letter dated the 3d Instant from the 1st Judge on Circuit in the Southern Division, reporting with reference to the Sanjdarce Adalut's proceedings of the 29th Ultimo, that he has examined all the cases on which his Judgment was required in confirmation of that of the 2d Judge.

/Here enter F.H. No. 504 of 1843/

Read return dated the 1st Instant from

8th April 1843.

from the Provincial Court of Circuit in the Southern Division, to the precept of the Sanjdarce Adalut of the 29th March 1843 directing that the records of Cases Nos. 162, 163 and 173 of the Salem Nos. 80 and 82 of the Coimbatore and Nos. 74 and 75 of the Tinnevelly Criminal Reports for the Months of October 1842 be transmitted to the 1st Judge now on Circuit with a view to their being finally disposed of by that Officer.-

/Here enter F.H. No. 570 of 1843/

Read return dated the 4th Instant from the Acting Criminal Judge of Combaconum, to the precept of the Sanjdarce Adalut of the 27th Ultimo, on the review of the Criminal Reports for the Month of February 1843.-

/Here enter F.H. No. 511 of 1843/

Ex 7th

Cy. 10 Cy.

8th April 1843.

Monday,
10th April 1843.

At a Court of the Zunjdary Cutcherry.

Present.

A.L. Malcolm Lewin Esqre — Acting 1st Puisne Judge

J. M. Alexander Maclean Esqre Acting 2d Puisne Judge.

J.M.L. Fred. Mortimer Lewin Esqre Acting 3d Puisne Judge.

Read Miscellaneous Petition presented on the 1st March 1843 by Tirushtia Dos of Zillah Cuttack.

(Referred to Mr. Register 1843)

1. This Petitioner states that under the influence of one Balaram Sing certain persons committed a robbery and stole amongst other things the Summud Pea under which he (Petitioner) holds his property. that on this document being produced before the Collector a Takeed was procured and Balaram Sing declared the legitimate proprietor of the disputed property.

2. Petitioner further states that he is able to adduce evidence in proof of his rightful claim, but in consequence of the influence of the Sheristedar, his complaint has not met with the attention it deserved, and he now prays that the Court of Zunjdary Cutcherry will

will be pleased to investigate the matter, punish those persons who perpetrated the robbery, and prevent the disposal of his patrimony.

3. The Court of Foujdary Adalut observe that nothing is adduced before them to justify their interfering in the present instance.

Ordered, that this Petition be dismissed and Copy of these proceedings granted to Petitioner on application.

Read Miscellaneous Petition presented on 6th Ultimo by Lutchmiah Rat Mother of 2d Prisoner in Case No. 17 on the Chittoor Calendar for the 4th Quarterly Sessions of 1842.

(Here enter F.R. No. 19. 1843.)

The above Petitioner complains of the injustice of the Sentence of 7 years imprisonment inflicted upon her son by the 1st Judge late on Circuit in the Carnatic Division and prays the Court of Foujdary Adalut to order his release.

2. The Petitioner is referred to the Proceedings of the Court of Foujdary Adalut under date the 1st March 1843 on her Petition No. 18 no grounds being shewn in the present application for any revision of the order therein recorded.

Ordered, that this Petition be dismissed

dismissed and Copy of these proceedings furnished to Petitioner on application.

Read letter dated the 24th Ultimo from the Acting Agent to the Governor of Fort St. George in the Vizagapatam District submitting, with reference to the rules framed by Government for his guidance, a summary of the evidence taken in the trial of one Basavanbyah Shanbhogandoo, charged with having on the night of the 23d February 1843 at Govindwarah in the Vizianagaram Zemindary, assaulted the Prosecutrix Basavanbyah Golly with a knife, inflicting sundry severe wounds on her throat and person, to the effusion of her blood and danger of her life - and communicating his opinion as to the punishment which he suggests should be passed on the prisoner.

(Here enter No. 473.)

The Court of Foujdary Adalut having maturely considered the summary of the evidence taken before the Acting Agent, the statement of the grounds for the conviction, and his opinion as to the punishment to be passed on the prisoner, resolve to confirm the sentence of eighteen Months imprisonment with hard labor

10th April 1843.

labor in more on the prisoner

"Kasanatayah Chinchigandoo"

Ordered that Extract from 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 368.)

Read communication from the Magistrate of Malabar dated the 29th ultimo transmitting the account particulars of rewards paid in that District in July 1251 1841/42 amounting in the aggregate to Rupees 30 and requesting the special sanction of Government may be obtained thereto.-

(Here enter F.D. No 487 of 1843)

1. It is observed that the Account Particulars received from the Magistrate, exhibits an item of Rupees 30 paid for the apprehension "of a Murderer Mahajan Reagen" which was distributed amongst eight individuals.-

2. It does not however appear that Mahajan Reagen was a "Dacoit" which circumstance alone would justify the entry as a reward for his apprehension, of more than Ten Rupees.-

para 10 Gen Regn dated 13 June 1827.

3. It is also observed that a sum of twenty

F.D.

10th April 1843.

twenty (20) Rupees has been disbursed on account of the apprehension of "Prisoner Choomby Chetan".

4. The Magistrate has not explained whether Choomby Chetan was a Prisoner under sentence of imprisonment for a period exceeding seven years. If not a report should be submitted setting forth the circumstances under which the Magistrate has expended in this and the instances above noticed more than the amount authorized under existing rules.-

C.O. No 104 dated 8th March 1839.

Ordered that Extract from these proceedings be forwarded to the Magistrate of Malabar by precept returnable in x days from date after its receipt.-

(Sent following Precept No 369.)

Read Return dated the 29th Ultimo from the acting 2d Judge late on Circuit in the Northern Division to the precept of the Friday Adalut of the 10th of February calling for the Depositions of the Prosecutor and of the village Inotand therein referred to in Case No 2 on the Nellore Primary Calendar for the 1st Session of 1843.

(Here enter F.D. No 488)

1. In the above Return the acting

2d

10th April 1843.

10th Apl

2d Judge late on Circuit enters at some length into the reasons that led him to believe the Prosecutor in Case No 2 guilty of grossprevarication and deserving of punishment

2.

The Judges of the Supreme Court dissenting from the conclusions drawn by the 2d Judge late on Circuit in respect to the innocence of Prosecutor in Case No 2 on the Hilton Spinary Calendar, direct that the fine imposed upon him be immediately remitted.

Ordered, that Extract of these proceedings be sent to the Acting 2d Judge late on Circuit in the Northern Division by precept returnable in XX days from and after the receipt thereof (Seal following precept No 370 /43

Eq. Ad.

Nov 1843

C. No

Present

The Chief Justice Presiding

Hon. Archibald Lewis Esqre ——— Acting 1st Puisne Judge

Hon. Archibald Maclean Esqre ——— Acting 2d Puisne Judge

Hon. Archibald Maclean Esqre ——— Acting 3d Puisne Judge

Hon. Archd. Lewis Esqre ———

Read letter dated the 10th Octobr from the 2d Judge on Circuit in the Western Division submitting the trial in Case No 2 on the Hongaline Calendar for the 1st Term of 1843 and recommending for reasons assigned that the Prisoner be sentenced to 14 years imprisonment in the common Gaol and hard labor in irons.

(Recorded No 1690 of 1843.)

Read also letter dated the 9th October from the 2d Judge on Circuit in the Western Division enclosing, to register, an extract from the Proceedings of the Court of Oyer and Terminer held at the 22d March, and forwarding the trial of case No 2 on the Calendar filed in Court and an amended letter

(Recorded No 1691 of 1843.)

The Court of Oyer and Terminer took into consideration all the circumstances of the case as minuted before them, and were of opinion that the proof

Sir Archd. Lewis

for the

the Gilbert

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out there,

Assistant

Circular Order

received in

visited for

proceedings

in charge

formation

proof against the prisoner

"Deva"

is sufficient to convict him of the crime of Treason and Rebellion, do convict him thereof and under the provisions of Sections III and III Regulation I of 1834 sentence the said prisoner 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.—

The Court of Sujdaree Adalut direct that their sentence in the trial No. 2 from the Court of Circuit in the Western Division together with the whole of the proceedings held in the case, be transmitted to the Secretary to Government in the Judicial Department for the purpose of being laid before the Hont. Honorable the Governor in Council, to the intent that the Court may in conformity with the provisions of Regulation I of 1834, Section V Regulation XX of 1802, and Section V Act No. V of 1841, receive the orders of Government before they direct their sentence to be carried into effect.—

(Cont in No. 372)

Read letter from the Assistant Criminal Judge in charge of the Zillah Court of Nellore under date the 3d April requesting that the sanction

sanction of Government may be obtained for the Principal Collector of Nellore to transmit to the Zillah Court the sum of 1500 Rupees for the purpose of furnishing the annual supply of grain for the Prisoners in the Gaol of Nellore.—

(Here enter D. L. No. 499.)

The Court of Sujdaree Adalut direct, with reference to this application from the Assistant Criminal Judge in charge, that by para. 2 of Circular Order March 16th. 1835 the Zillah Judge is empowered to draw on the Collectors for the funds requisite for providing the annual supply of grain—

Ordered that copy of this proceeding be sent to the Assistant Criminal Judge in charge of the Zillah Court of Nellore for his information and guidance.—

(Cont in No. 373)

Exd 7/4.

RDM
a/pees

Wednesday 12th April, 1843.

At a Court of the Conjdaree Odalatt.

Present

MM Malcolm Lewin Esq^re —— A.P.M. Prime Judge,

AM Alex^r Maclean Esq^re —— A.P. 2d Prime Judge,

WML C^t M. Lewin Esq^re —— A.P. 3d Prime Judge,

Read the Primary and Additional Calendars for the T^m Session of 1843 at Eminully & Submitted by the T^m Judge on Circuit in the Southern Division —

(Here enter C. of G. No 45 of 1843.)

Primary Calendar. 1. In this case 5 Prisoners were charged with dacoity and robbery and by the Mahommedan Law Officer were declared liable to discretionary punishment —

Case No 2

2. The T^m Judge concurred in that finding as regards the sufficiency of the evidence to conviction, but, in reference to the opinion of the Conjdaree Odalatt expressed on the 31st August 1842, intimated his intention of submitting the case for the final judgment of this Court —

3. On reference to the Calendar next to the circumstances of the offence charged, it appears

to the Court of Enquiry at Port Elizabeth that the ends of justice will be satisfactorily met by such punishment being inflicted as the Judge on Circuit is competent to award:—
the facts proved against the Prisoners not amounting to robbery, they are liable only for the assault.—

4. It is accordingly resolved that instructions to the above effect be issued to the Th. Judge on Circuit in order to his personally disposing of the case and not referring the trial.—

Case 3. 5. In regard to the sentence of five years imprisonment without irons with labor on the roads or other public works, which has been passed against the Prisoner in this case, Vetkat, a female, the Court of Enquiry at Port Elizabeth are of opinion that it should be undergone within the Walls of the Gaol with labor suitable to her sex.—

Case 11. 6. The Prisoner brought to trial in this case was one

Salomon

charged with having on the high road, during the absence of the Prosecutors on their lands and robbed the 1st & 2nd Prosecutor of sundry articles of property including money, valued at Rixdollars 17—11—

7. The offence is considered by the 1st Judge

Judge on Circuit to be established by the evidence as adduced and a sentence of 14 years imprisonment with Hard Labor has been passed by that officer under Clause third, Section IV Regulation XV of 1803.—

8. He, however, remarks that a the "degree of violence used" in the commission of the crime charged does not appear to have been great whilst the value of the property stolen was inconsiderable and under these circumstances he submits his opinion that seven (7) years imprisonment will be a sufficient punishment to meet the ends of justice—

9. The Court of Enquiry at Port Elizabeth are pleased to accede to the proposition of the Judge on Circuit and accordingly sanction the mitigation of the sentence declared, to the extent suggested—

Ordered, that Extract from these proceedings be forwarded to the 1st Judge on Circuit in the Eastern Division for his information and guidance—

(Sent in Dft 376.)

Read letter dated the 22nd Ultimo from the Acting 2nd Judge Circuit in the Northern Division transmitting the Circuit Report presented

prescribed by Section XXXVII Regulation VII of 1832 for the 1st Sessions of 1843 at Nellore and Guntoor.—

(Here enter No. 503.)

The above Report not appearing to call for any remark from the Court of Foujdaree Adawlut—

Ordered that Extract from the Proceedings together with a copy of the above report be forwarded to the Secretary to Government in the Judicial Department to be laid before the Most Honorable the Governor in Council—

(Sent in No. 377)

Read Return dated 18th Ultimo from the 3d Judge Cuttack Circuit in the Southern Division in reply to the Proceedings of the Foujdaree Adawlut of 15th February 1843 relative to the Calendar 2d Sessions of 1842.—

(Here enter S. H. No. 442)

Case No. 5. 1. The Court of Foujdaree Adawlut observe under the circumstances detailed by the Circuit Judge that he was warranted in acquitting the Prisoners in this case & at the same time they consider the charge of murder to have been well founded, and the evidence said to have been made by the Police to extract the truth highly probable—

Calendar Cuttack No. 1. 2. It appears that the recognizances have been collected from all but the 3d Witness in this Case who is said to be absent; it is presumed that on his return he

he will be made similarly responsible with the other witnesses.—

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

(Sent in No. 378)

Read letter dated the 1st instant from the Agent to the Governor of Fort St George in Ganjam transmitting the Criminal Statements of his Court for the first Quarter of the year 1843 and of the Acting Principal Assistants Office, for January and February 1843.—

(Here enter No. 512 of 1843.)

Read letter dated the 7th instant from the Acting Criminal Judge of Chingleput transmitting the Criminal Reports for the Months of March 1843.—

(Here enter No. 518 of 1843.)

Read letter dated the 7th instant from the Assistant Criminal Judge in charge of the Zillah Court of Nellore transmitting the Criminal Reports for March 1843.—

(Here enter No. 522 of 1843.)

Read

proceeded by Section XXXVII Regulation VII of 1832 for the 1st Sessions of 1843 at Nellore and Guntoor.—

(Here enter No. 503.)

The above Report not appearing to call for any remark from the Court of Sudder Adawlut—

Ordered that Extract from these proceedings together with a copy of the above report be forwarded to the Secretary to Government in the Judicial Department to be laid before the Most Honorable the Governor in Council—

(Sent in No. 377)

Read Return dated 18th Ultimo from the 3d Judge 1st Circuit in the Eastern Division in reply to the Proceedings of the Sudder Adawlut of 18th February 1843 relative to the Salem Calendar 2d Sessions of 1842.—

(Here enter S.A. No. 442)

Case No. 6. 1. The Court of Sudder Adawlut observe, under the circumstances detailed by the Circuit Judge, that he was warranted in acquitting the Prisoners in this case—at the same time they consider the charge of murder to have been well founded, and the violence used to have been used by the Police to extract the confession of the Prisoners.

Sup. Cal. No. 1. 2. It appears that the recognizances have been collected from all but the 3d Witness in this case who is dead to the Country; it is pronounced that on his return he

he will be made similarly responsible with the other witnesses.—

Ordered, that Extract from these proceedings be sent to the 3d Judge 1st Circuit in the Southern Division for his information and guidance.—

(Sent in No. 378)

Read letter dated the 1st instant from the Agent to the Governor of Fort St. George in Ganjam transmitting the Criminal Statements of his Court for the first Quarter of the year 1843 and of the Acting Principal Assistants Office, for January and February 1843.—

(Here enter No. 512 of 1843.)

Read letter dated the 7th instant from the Acting Criminal Judge of Chingleput transmitting the Criminal Reports for the Month of March 1843.—

(Here enter No. 518 of 1843)

Read letter dated the 7th instant from the Assistant Criminal Judge in charge of the Zillah Court of Nellore transmitting the Criminal Reports for March 1843.—

(Here enter No. 522 of 1843.)

Read

12th April 18

12th April 1843.

Read return dated the 6th instant from the Officiating Joint Criminal Judge of Cuddapah to the Precept of the Fojdaree Udalut of the 28th March 1843 conveying their observations and orders on the Criminal Reports for the month of February 1843.

(Here enter No. 523 of 1843.)

Read letter dated the 10th instant from the 2nd Judge on Circuit in the Centre Division reporting the opening of the Sessions of 1843 at Chingleput on the above date.

Ent'd

(Here enter No. 531 of 1843.)

Case

Sup. Ct.

J. Ud.

Saturday 15th April 1843.

At a Court of the Fojdaree Udalut

Present.

Malcolm Lewin Esqre Acting 1st Puisne Judge

" A. Maclean Esqre Acting 2nd Puisne Judge

" F. McLaren Esqre Acting 3rd Puisne Judge.

Read the Criminal Reports submitted by the Criminal Judge of Rajahmundry for the month of March 1843:—

(Here enter F. Ud. No. 513)

The above reports do not appear to call for any remark from the Court of Fojdaree Udalut.—

Ordered therefore, that Extracts from these Proceedings be forwarded to the Criminal Judge of Rajahmundry for his information.—

(Sent in No. 380)

Read letter dated the 17th

Letter from the 2nd Judge on Circuit in the Western Division, submitting the record of a Murder Case No. 1 on the Mangalore Calendar for the 1st Sessions of 1843.

and

15th April 1843.

and recommending, for reasons assigned, that the 1st and 2nd Prisoners be sentenced to death and the 3rd and 4th to fourteen years imprisonment respectively.—

(Hereunto No 449)

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

Mr. H. Lewin and Mr. A. Maclean.

1st Balesa
2nd Rajah
3rd Fakeera
4th Ibrain

is sufficient to convict them of the crime of Murder, do severally convict them thereof, and under the provisions of Section X Regulation VIII of 1802, sentence the Prisoners

1st Balesa
(and)
2nd Rajah

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

a. 1

15th April 1843.

and under the provisions of Clause Second Section VI Regulation I of 1825

the Prisoners

3rd Fakeera
and
4th Ibrain

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

(Sheet in No 381)

Read letter, dated the 31st Ultimo, from the Acting 3rd Judge on Circuit in the Northern Division, transmitting the record of the trial in Case No 9 on the Rajahmundry Calendar for the 2nd Sessions of 1842.

(Hereunto No 515)

The Court of Foujdaree Adalut on a deliberate consideration of

Mr A. Macleans and Mr F. M. Lewin

the

15th April 1843.

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

Cuntay Vurkeah

is sufficient to convict him of the crime of wounding, for which according to the Mahomedan Law as declared in Fetwas of their Law Officers discretionary punishment is awardable, do convict him thereof and with reference to the provisions of Clause third Section VIII 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 eighteen months.

1. In the above trial the Prisoner

Cuntay Vurkeah.

was charged with wounding with a knife, in twelve places, the Prosecutrix his Wife.

2 The Mahomedan Law Officer declared the Prisoner to be convicted on his own

15th April 1843.

own confession, of the crime for which he was brought to trial, but considered it also proved that the outrage imputed to him had been committed whilst he was in a state of insensibleness and insanity and that under these circumstances he was entitled to be released.

3. The Acting 3rd Judge concurred with the Mahomedan Law Officer as to the conviction of the offender, but, for reasons stated, and in the general propriety of which, the Fouzdaree Adawlut fully agree with the Judge on Circuit, he was of opinion that no credible testimony had been adduced to justify a doubt in respect of the Prisoner's soundness of intellect at the time of committing the deed charged against him.—

4. In this view of the Office, the Acting 3rd Judge on Circuit has recommended that sentence be passed on the Prisoner to the extent of three

(3)

15th April 1843

(3) years imprisonment with hard labor in irons.—

5. On a deliberate consideration of the facts of the case as they appear from the communication above recorded, and from the Proceedings on the trial, the Court of Fouzdaree Adalut are of opinion that the ends of justice will be sufficiently met by sentencing the Prisoner Cuntay Cuttiah to a less period of imprisonment, than that proposed by the Acting 3rd Judge on Circuit and accordingly they direct, under the authority vested in them by Clause fifth Section IV Regulation XV of 1803 that he be confined to eighteen months, and that the necessary instructions be issued to the authorities by whom it is to be carried into effect.—

Ordered, that Extract from these Proceedings be transmitted to the Acting 3rd Judge on Circuit in the Northern Division

15th April 1843. Division for his information and guidance.

(Letter No. 382)

Read Return dated the 7th instant from the Provincial Court of Circuit in the Western Division, to the Precept of the Fouzdaree Adalut of the 20th March 1843, directing them to look into Case No. 3 in the Cochin Criminal Reports for the month of February 1843 and to pass such orders as may appear necessary, reporting their Proceedings for the information of the Fouzdaree Adalut

(Here enter No. 548)

Read letter dated the 1st Ultimo from the Chief Magistrate and Superintendt of Police at Madras, transmitting the Report of cases tried under Act XXII of 1837 in the month of February 1843.—

(Here enter No. 549)

Read letter dated the 15th instant, from the 2nd Judge on Circuit in the Centre Division, forwarding the Bellary Batta Statement for the 1st Sessions of 1843 together

15th April 1843 together with the explanation for the detention of the parties beyond 4 days.—

[Here enter No. 544]

Read letter dated the 7th instant from the Acting Agent to the Governor of Fort St. George at Vizagapatam, forwarding the Calendar of Cases disposed of during the Quarter ending on the 31st March 1843.—

[Here enter No 538]

Read letter dated the 5th instant from the 1st Judge on Circuit for the Southern Division, transmitting the Statement of Batta paid to the Prosecutors and Witnesses by the Officiating Joint Criminal Judge of Tinnevelly for the 1st Sessions of 1843, amounting to Rupees 32 : 8 —

[Here enter No. 534]

Ejd

Dy. Regr.

F. 86.

Tuesday
18th April 1843. At a Court of the Foujdaree Adalut

Present,

Hd Malcolm Lewin Esqre Acting 1st Puisne Judge

A. Mc A. Maclean Esqre Acting — 2nd Puisne Judge

F. M. L. F. M. Lewin Esqre Acting 3rd Puisne Judge

Read a Miscellaneous Petition

presented on 13th March 1843 by D. Sashadry Iyengar of Tillah Chittoor.

[Here enter F.H. No. 20 of 1843]

This Petitioner states that he preferred a complaint before the Joint Magistrate in consequence of finding that, during his absence at Madras, his house had been entered and his property removed that on enquiry being made his complaint was substantiated, but no satisfactory order given that he, in consequence, appealed to the Magistrate and Circuit Judge, but with no better success, and he now prays that the Foujdaree Adalut will be pleased to call for and peruse the record and order the restoration of his property, which appears to have been erroneously placed under

under attachment in liquidation of a debt contracted by another person.—

The Court of Fouzdaree Adalut observe that there is nothing before this Court to make interference on their part necessary.—

Ordered, that a copy of these Proceedings be given to Petitioner on application.—

Read letter dated the 6th instant from the Acting Joint Criminal Judge of Cochin, Submitting the Criminal Reports and Statement of Convicts &c. for the month of March 1843.—

(Here enter No. 536)

Read letter dated the 7th instant from the Joint Criminal Judge of Malabar, Submitting the Criminal Reports for March last.—

(Here enter No. 541)

Read Return dated the 10th instant from the Provincial Court of the Centre Division, in the precept of the

the Fouzdaree Adalut of the 25th Ultimo directing them to look into the cases Nos. 16, 17 and 19 of the Chittoor Criminal Reports for the month of February last and pass such orders as may appear necessary.—

(Here enter No. 557)

Read Extract from the Minutes of Consultation under date the 10th instant from the Acting Chief Secretary to Government, Communicating Extract from the Proceedings of the Board of Revenue on the Half Yearly Criminal Reports of the Court of Fouzdaree Adalut for the 2nd half of 1842. on the subject of the increase of the Police Establishment of the Talook at Mangalore, and stating that the incentive to Smuggling Tobacco in the District of Malabar does not arise from the importation by Government of inferior Tobacco, but from the great disparity in price which exists between the Monopoly and Contraband articles.—

(Here enter No. 558)

Read

18th April 1843.

Read letter dated the 12th instant from the 2nd Judge on Circuit in the Centre Division, reporting that the 1st Sessions 1843 will be opened at Cuddalore on the 3rd May 1843.—

(Here enter No. 540)

Read letter dated the 3rd instant from the Acting Joint Criminal Judge of the Auxiliary Court at Vizagapatam informing that the Quarterly Statements 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.—

(Here enter No. 535)—

Wednesday 19th April 1843.

No.

At a Court of the Zoojdary Adalut.—

Present.—

At — Malcolm Lewin Esqre. — Off. 1st Civil Judge.—
A.M. — Alexander Maclean Esqre. — Off. 2d Civil Judge.—
J.M.L. — Fred: Mortimer Lewin Esqre. Off. 3d Civil Judge.—

Read again letter, dated 21st January last, from the acting 2d Judge on Circuit in the Northern Division, transmitting copies of the Primary and Supplemental Calendars of the Zillah of Nellore for the 1st Sessions of 1843 together with copies of Tutwahs.—

(Here enter No. 129.)

Read also again Return, dated 15th February last, from the acting 2d Judge on Circuit in the Northern Division, to the precept of the Zoojdary Adalut dated the 15th February 1843 conveying their observations and orders on the Nellore Calendars for the 1st Sessions of 1843.—

(Here enter No. 287.)

Read also Return, dated 29th March last, from the acting 2d Judge late on Circuit in the Northern Division, to the precept of the Zoojdary Adalut of the 14th March 1843 requiring him to submit a specification of the

Received

several offences for which the prisoner in Case No. 1. Kellore Primary Calendar 1st Sessions of 1843 has hitherto been punished and the draft of the remarks recorded by him on the above case.-

(Here enter No. 579.)

1. In their proceedings of the 11th February last and 11th ultimo, the Court of Tenjoary Udalut expressed their doubts as to the justice and propriety of the sentence passed on the Prisoner Maurlola Nursaredy and required from the Acting 2d Judge, late on Circuit, the submission of such specific information in regard to the previous convictions of the accused, as would enable them to test the justice of the punishment, seven (7) years imprisonment with hard labor, which that officer had awarded.-

2. Under the explanation afforded in the foregoing return of the 29th ultimo, the Prisoner M. Nursaredy is shown to be a hardened offender, and the Court of Tenjoary Udalut resolve no further to interfere with the sentence originally declared by the Judge on Circuit and which accordingly, should now be carried into full effect.-

3. The enclosure to the communication

from

19th April 1843.

from the Acting 2d Judge last recorded is ordered to be returned.-

Ordered, that Extract from these proceedings be forwarded to the Acting 2d Judge late on Circuit for his information and guidance.-

(Sent in No. 589.)

Read letter dated the 8th Instant from the Agent to the Governor of Fort St. George in the Ganjam District, submitting with reference to the rules framed by Government for his guidance, a summary of the evidence taken in the trial of one Mahunt Dalaboo, charged with breaking into the house of the Prosecutor Bandajee Besoyee during the night, with intent to steal, and with having inflicted with a knife, dangerous wounds on the person of the Prosecutor; and recommending that he be sentenced to imprisonment with hard labor in irons on the public roads for the period of 10 years.-

(Here enter No. 566.)

4. The Court of Tenjoary Udalut having maturely considered the summary of the evidence taken before the Agent, the statement of the grounds for the conviction, and sentence

of the

18

19th April 1843.

opinion as to the punishment to be passed on the Prisoner, resolved to authorize that Officer to pass a sentence of 14 years' imprisonment with hard labor in irons on the Prisoner

Mahum Kaleadoo,

being of opinion in reference to the nature of the crime and the character of the offender that in this instance the ends of justice will not be satisfied by the infliction of a less severe sentence.

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

Sent in Rs. 390/-

RDN
Off. Sec.

Thursday 20th April 1843.

At a Court of the Fauzdaree Adalut

Present

Mr. Malcolm Lewin Esqr. Agt. 1st Judge

Mr. Alexander Macleane Esqr. Agt. 2d Judge

Wm. L. Mr. Lewin Esqr. — Agt. 3d Judge

Read communication, dated 3d Instant, and its enclosures, from the 3d Judge of the Provincial Court of Circuit in the Western Division, submitting the Calendars of the 1st Quarter Sessions of 1843 at Tellicherry

(Hereunder No. 530 of 1843)

4th Additional Calendar Case No. 1.

1. In this Case the Prisoner Chalil Oopoo was charged with stealing during the day of the 3d March 1843, snatched a gold bangle valued at Rupees 3 from off the arm of a Child aged six years, whom he at the time seized by the throat.

2 The 3d Judge presiding concurred with the Mahomedan Law

18

19th April 1843.

opinion as to the punishment to be passed on the Prisoner, resolved to authorize that Officer to pass a sentence of 14 years' imprisonment with hard labor in irons on the

Read petition dated the 17th Instant from the Acting Joint Criminal Judge of Tinnevelly forwarding the Petition of the Inhabitants of Cunnakoor the Native Prisoner, to the precepts of the Sudder Adawlut of the 25th March 1842, directing them to call up and look into the Records of Cases and Hand 12 of the Bellary Criminal Reports for the Month of January 1843, and to pass such orders as may appear necessary

/Here enter J. B. No. 528/

Read letter dated the 11th Instant from the Acting Joint Criminal Judge of Tinnevelly forwarding Statement of the produce of Labor of Prisoners for the 1st Quarter of 1843.

/Here enter J. B. No. 561/

W. D. N. of W.

In the Court of the Sudder Adawlut.

Present,

Malcolm Lewin Esqre. Actg. 1st Puisne Judge,

Alex.r Maclean Esqre. Actg. 2d Puisne Judge

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

Read letter, dated the 6th Instant, from the Acting Criminal Judge of Malabar forwarding a translation of the Depositions, given before the Police, as witness, of one Karee, and requesting, under the circumstances represented, the authority of this Court to offer to the said Karee a conditional pardon in a Case of Murder with which three individuals are charged and of which Karee seems to have had a guilty knowledge—

/Here enter J. B. No. 537 of 1843/

Having deliberately considered the testimony given before the Police Officer by the individual adverted to, the Court of Sudder Adawlut are of opinion that the present case is one in which the exercise of the authority vested in them by Section XII. Regulation XIII. of 1832

Law Officer in the conviction of the Prisoner on his own confessions subscribed as it was by testimony adduced, but has deferred final sentence, being of opinion that the punishment prescribed by Law is too severe.

3.

The mitigated punishment which the Law Officer has proposed should be passed on the Prisoner, is imprisonment with hard labor in irons for seven (7) years.

4

The grounds of the recommendation are that the accused is a young man not by habit or reputed a thief and that no particular violence was offered by him to the Sikh robbed.

5.

Under the authority vested in them by Clause third, Section III Regulation I of 1825 the Sirdars Udalut are pleased to sanction the mitigation recommended.

5th Additional Calendar. Case 81.

6.

In the case recorded in the margin the Prisoner "Embrammadathil Soopan Potter"

was charged with Perjury founded on Statements made on oath and under solemn affirmation in two depositions given before a District Moonsiff - which Statements were in direct and positive contradiction of each other.

7.

The 3rd Judge holding the Sessions concurred with the Law Officer assisting at the trial in regard to the conviction of the Prisoner, but submits as the accused is an old man, apparently 60 years of age, not previously punished, and as the offence imputed to him is easy of proof and not important in its results; that a mitigated punishment of three (3) years imprisonment with hard labor in irons will meet the ends of justice.

8.

The course of proceeding proposed by the 3rd Judge is approved by the Sirdars Udalut who by virtue of the power vested in them by the Regulation quoted above, sanction the mitigated sentence recommended.

Order

20th April 1843.

Ordered, that Extract from the said Proceedings be sent to the 3d Judge of the Provincial Court of Circuit in the Western Division for his information and guidance.

(Sent in No. 391)

Read petition dated the 10th Instant from the Provincial Court of Circuit in the Central Division, to the precept of the Sungdaree Udalut of the 15th March 1843, directing them to call up and look into the Records of Cases tried & decided by the Bellary Criminal Judge for the Month of January 1843, and to pass such orders as may appear necessary.

(Here enter F.H. No. 538)

Read letter dated the 11th Instant from the Acting Joint Criminal Judge of Trichinopoly, forwarding) Statements of the produce of Sales of Prisoners for the 1st Quarter of 1843.

(Here enter F.H. No. 539)

Recd of Wm

Friday, 21st April 1843.

S. U.

At a Court of the Sungdaree Udalut.

Present,

Malcolm Lewin Esqre Actg 1st Puisne Judge,
Alexr Maclean Esqre Actg 2d Puisne Judge,
T. M. Lewin Esqre Actg 3d Puisne Judge,

Read letter, dated the 6th Instant, from the Acting Criminal Judge of Malabar forwarding a translation of the depositions, given before the Police, as witness, of one Karee, and requesting, under the circumstances represented, the authority of this Court to offer to the said Karee a conditional pardon in a Case of Murder with which three individuals are charged and of which Karee seems to have had a guilty knowledge—

(Here enter F.H. No. 537 of 1843)

Having deliberately considered the testimony given before the Police Officer by the individual adverted to, the Court of Sungdaree Udalut are of opinion that the present case is one in which the exercise of the authority vested in them by Section XII. Regulation XIII. of 1832

is not likely to be attended with the advantages
expected: and accordingly they resolve to decline
sanctioning the offer of a conditional pardon
to the witness.

Karee

for which the Criminal Judge has applied.

Ordered, that Extract from
these proceedings be forwarded to the Acting
Criminal Judge of Malabar for his informa-
tion and guidance.

/Sent in No. 393/

Read the Criminal Reports
submitted by the Acting Joint Criminal Judge
at Masulipatam for the Month of March 1843.

/Here enter J.R. No. 575 of 1843/

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

Ordered therefore, that Extract
from these proceedings be forwarded to the Acting
Joint Criminal Judge at Masulipatam for his
information.

/Sent in No. 394/

End

Read

Read Letter dated the 8th Instant
from the Acting 3d Judge on Circuit in the Northern
Divisions, transmitting the Record of the Trial
in Case No. 10 on the Rajahmundry Criminal
Calendar, for the 2d Sessions of 1843.

/Here enter J.R. No. 578 of 1843/

The Court of Foujdaree Adalut,
on a deliberate consideration of all the circum-
stances of the case on evidence before them
being of opinion that the proof against the
prisoner

Peetala Seroopaty

is sufficient to convict him of the crime of
murder, do convict him thereof, but considering
that there are alleviating circumstances in
the case which could justify the Court in
passing on the prisoner a less severe sentence
than that to which he is liable, - do, under
the provisions of Clause Second, Section VI -
Regulation I of 1825 adjudge him to be im-
prisoned and kept to hard labor, in irons,
on the public roads or other public works

for

25th April 1843.

for and during the period of eight years.—

/ Sent following letter No. 395 /

End 18.

R.D.V.
Ag Secy

Saturday
22nd April 1843. At a Court of the Singdaree Adalut

Present,

1st Malcolm Lewin Esqre Actg 1st Provl Judge
2d A. Maclean Esqre — Actg 2nd Provl Judge
3rd F. McLeun Esqre — Actg 3rd Provl Judge

Read letter dated the 10th instant from the acting 1st Judge of the Provincial Court of Circuit in the Northern Division, transmitting the Circuit Report prescribed by Section XXXVII Regulation VII of 1802 for the 1st Quarterly Sessions of 1843.—

(Seventeen Nos. 568)

The above Report not affording to call for any remark from the Court of Singdaree Adalut.—

Ordered, that Extract from these Proceedings together with a copy of the above Report be forwarded to the Secretary to Government in the Judicial Department to be laid before the Most Honorable the Governor in Council.—

/ Sent in No. 396 /

Rec'd

22nd April 1843.

Read letter, dated the 3rd instant
from the Acting Sessions Criminal Judge of the
Auxiliary Court at Vizagapatam, submitting
the monthly Criminal Reports of that
Court for the month of March 1843, as
prescribed by Section XXXV Regulation X
of 1816 and stating that the Reports
Nos. VIII and IX have not been sent, there
being no entry to be made in them.

/Herewith No. 534/

Read letter dated the 10th instant
from the Acting Agent to the Governor of Fort
St. George at Vizagapatam, submitting
Criminal Reports for the month of March
last.—

/Here enter No. 563/

Read letter dated the 13th instant
from the Acting Criminal Judge of Chittoor,
forwarding Criminal Reports for the month
of March 1843.

/Here enter No. 563/

Read letter dated the 15th instant
from the Acting Principal Sudder Ameen of Bimlipatam
forwarding Criminal Reports for last month.

/Here enter No. 589/

WDU
afwcp

F. 46.

Monday
24th April 1843.

At a Court of the Foujdaree Adawlut.

Present,

1st Malcolm Lewin Esqre. Actg. 1st Puisne Judge
2d A. Maclean Esqre. — Actg. 2nd Puisne Judge
3rd F. M. Lewin Esqre. — Actg. 3rd Puisne Judge

Read letter, dated the 13th instant from the 1st Judge on Circuit in the Southern Division, submitting the 3rd and 4th Supplemental Calendars and No. 18 of the Principal Calendar for the 1st Sessions of 1843 at Madura.—

/Here enter No. 581 of 1843/

In this case the Prisoner

3d Supplemental Calendar Case No. 1.

Panaadum,

a female, was charged with Perjury in having when examined under solemn affirmation before the Magistrate and Criminal Judge of Madura, given three depositions containing statements in direct contradiction of each other.—

She observed that the

2.

Statements made by the accused had

Referred

24th April 1843.

referred to the circumstances attending the charge of Forgery brought in the case noted in the margin and in which, by the Proceedings of the Faydaree Court of this date, the Prisoner Hootoo Chella Thaver has been considered the victim of a conspiracy and intrigue and accordingly ordered to be set at liberty.—

Vide No. 1 Madras Supplemental Calendar for the 1st September of 1843.

3. On a review of the Calendar now before the Court and of the facts elicited in the trial of the Prisoner Hootoo Chella Thaver, the Faydaree Court are impressed with the conviction that the deposition given by the Prisoner Parvadum before the Judge on Circuit is quite true and that the Statements made by her before the Magistrate are utterly valueless and wholly insufficient as a foundation thereon to institute judicial Proceedings.—

4. They accordingly recommend under the Provisions of Clause second Section VI Regulation I of 1825 to direct her unconditional

Release.

24th April 1843.

Release.—

Ordered, that Extract from these Proceedings be forwarded to the Puttee Judge on Circuit in the Southern Division for his information and Guidance.—

(Sudder No. 400.)

Read Miscellaneous Petition presented on 23rd January 1843 by T. Oppiah, Vakeel on behalf of Sadasiva Lall of Jaw Gunter.—

(Here enter J. Ms. Mo. No. 9 of 1843.)

1. The Petitioner, adverting to his previous application in Miscellaneous No. 61 of 1840 and the order of the Faydaree Adalut passed thereon, presents a copy of the Memorial objected to by the 3rd Judge on Circuit, and prays that the fine of 50 Rupees imposed upon him may be remitted.—

Petition

2. From the accompanying papers it appears that on the 5th February 1838 this Petitioner presented a Petition

to

24th April 1843.

to the 3rd Judge then on Circuit in the Northern Division, complaining of certain proceedings on the part of the Magistrate of Guntoor, by which he considered himself aggrieved, and the Circuit Judge being of opinion that the Petition, as regarded the Magistrate, was "couched in disrespectful" terms, directed a fine of 50 Rupees to be levied from the Petitioner.—

3. The Court of Foujdaree Adalut observe that after a careful perusal of the Petition objected to by the Circuit Judge, they have been unable to discover the disrespectful which could warrant the imposition of a fine, which they accordingly direct may be remitted.—

Ordered, that Extract from these Proceedings be forwarded to the Provincial Court in the Northern Division by precept returnable in 10 days, from and after its receipt.—

(Sent following Precept No 107)

Ordered

24th April 1843.

Ordered further, that copy be granted to Petitioner's Vakeel on his application.—

Sashadry Iyengar of the Zillah of Chittoor, moves the Court to return the enclosures in his Miscellaneous Petition No 14 of 1843.—

Ordered accordingly.—

Read letter, dated the 11th instant, from the 1st Judge on Circuit in the Southern Division, forwarding for the final judgment of the Court of Foujdaree Adalut the trial of Case No 1 on the Madura Supplemental Calendar for the 1st Sessions of 1843.—

Mr M. Levin and Mr A. Buchan

(Here enter No 554 of 1843.)

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

Mootoo Chella Thaver

is not convicted on presumptive proofs, or on the evidence of credible witnesses, or on his own confession, of the crime of having, in the

a

24th April 1843.

a fraudulent intent, caused the marks of three individuals to be forged and affixed to a blank sheet of Stampt paper in order to its being used as a Vakalutnamah, do acquit him thereof, and, under the authority vested in them by the provisions of Clause Sixth Section II Regulation XI of 1803, do hereby direct that he be unconditionally released.-

1. In the foregoing trial the Prisoner Mootoo Chetta Thaver, late manager of the Ramnad Zemindary, was charged with having caused the marks of Rauze Parataverndany Nattathan and of two others, as attesting witnesses, to be forged and affixed to a blank sheet of Stampt paper and with having instructed his Vakeel Sinnasammy Syer to have the paper in question filled up and used as a Power of Attorney in favor of the fraudulent assumption of large Sums of money to the detriment of the Ramnad Estate then under his trust.-

2. The Mahomedan Law Officer

24th April 1843.-

deemed the Prisoner liable only to strong Suspicion, a view of the case which was not concurred in by the 1st Judge presiding who, accordingly referred the trial for determination by the Sudder Adalut omitting, however to state the specific punishment which he would recommend should be adjudged to the Prisoner, of whose guilt he was satisfied.

3. The Sudder Adalut having deliberately and maturely considered the observations of the 1st Judge on Circuit and attentively perused the record of the proceedings before that Officer, and the subordinate Criminal authorities, are of opinion, that the accusation on which the Prisoner has been arraigned, is, beyond a doubt, the result of a conspiracy and intrigue supported throughout by a tissue of false and fabricated statements and testimony.-

4. In this view they regard the failure on the part of the 1st Judge on Circuit to discover the truth on the

Enquiry

enquiry held by him, and at once to release the accused, as exhibiting a want of discrimination and decision which the Tongdaree Walut did not expect from a functionary of his acknowledged experience, whatever may have been the error in judgment of the Criminal Judge, by whom the case was in the first instance committed.—

The Court of Tongdaree Walut are of opinion that the execution of the Sakalumah by the Rajah is clear from all the circumstances which prove the object and her intention of executing it, and they consider that the defensive allegations made by the accused to prove his innocence and to bear the real merits of the case, to have been fully and satisfactorily sustained by the evidence adduced in their support while nothing appears to shew what purpose can be effected by the fraudulent Sakalumah so much, a document, when executed, likely of arrest, always capable of being set

set aside and annulled, and of which the enforcement was obviously impossible, unless with a publicity which would not have been fatal to the fraud.—

6. Finally, the Judges of the Tongdaree Walut deem the proceedings now before them to reflect greatly on the functionaries in the Province of Madura, whose judgment, closed to the plainest truths and most ready inferences, has rendered them in the hands of the members of a vindictive faction, the tools of malevolence and intrigue.—

7. In ordering, under these impressions, the immediate unconditional release of the Prisoner, the Court of Tongdaree Walut resolve further to call the attention of the officer who now conducts the Magisterial duties of the Madura District, to the necessity of instituting a most close and searching investigation into the circumstances which

24 24th April 1843.

which attended the institution of the
Complaint on which the Prisoner was eventually committed for trial, in order that the individuals implicated therein, either as principals or accessories may receive the punishment due to their offence, should the evidence procurable afford a reasonable probability of their conviction being ensured.

Ordered, that Extract from these Proceedings be forwarded to the 1st Judge or Circuit in the Southern Division for his information and guidance, and for communication to the Criminal Judge and Magistrate for the time being of Kadur

/ Sent in Person /

W.D.M
Ag. Wyff.

F. 16.

F. 16.

Hon Court of the Fojdaree Adalat

Present

Monday 24th April 1843.

Mr Malcolm Lewis Esq. Acting 1st Puisne Judge
Mr Alexander Maclean Esq. Acting 2d Puisne Judge
Mr F. H. Lewis Esq. Acting 3d Puisne Judge

Read letter dated the 3d Inst. from the 2d Judge on Circuit in the Western Division reporting the close of the 1st Sessions of 1843 at Mangalore and transmitting Copies of the Calendars and Translations of the Fatwas.

Referred F. 16. No. 57.

Case No. 3. 1.

The Prisoner, Manjoonatha, Coree is convicted of wilful perjury, and the Judge on Circuit, in consideration of his having already passed six Months in Jail, proposes that a Sentence of one years imprisonment with Labor in irons, should be passed upon him.

2. The Court of Fojdaree Adalat, concurring in the view taken by the Judge on Circuit do, under the provisions of Clause

Clause first Section III Regulation VII of 1811 and Section V Regulation I of 1825, sentence the Prisoner Munjoonatha, to the mitigated punishment of imprisonment for one year with hard labor in irons.-

Case No. 5. 3. The Court of Enquiry Udalut, for the reasons assigned, consider that the Circuit Judge acted judiciously in not placing the Prisoners in this case upon their trial.-

Case No. 19. 4. The Prisoner, Kuppenarayi, was charged with having, on the 26th of January last, assaulted the Prosecutrix, Seersumma, and robbed her of Gold and Silver Ornaments of the value of Rupees 20—0—0.

5. The Judge on Circuit in approval of the last Finding given by his Law Officer, and, in consideration of certain extenuating circumstances, recommends a mitigated sentence of 8 years imprisonment.

6. The Court of Enquiry Udalut sanction the mitigated punishment recommended by the Judge on Circuit and under the provisions of

of Clause third Section III Regulation I of 1825 sentence the Prisoner Kuppenarayi to imprisonment and hard labor in irons for the period of eight years.

Supplemental Calendar Case No. 1. 7. The Prisoner Lingoo, a Female, is charged with having whilst a Witness for the prosecution in a Murder Case No. 1. on the Calendar for the 1st Sessions of 1843, committed wilful perjury.

8. The Judge on Circuit, approving of the Conviction by the Law Officer, sentences the Prisoner to five years imprisonment with hard labor in irons.

9. The Court of Enquiry Udalut observe that the punishment appears unnecessarily severe; the Prisoner is a Female and consequently less aware of the consequence of her crime than a man, and more liable to be inveigled into its commission.

10. Under such circumstances the Court would suggest to the Circuit Judge the desirableness of reducing his sentence to two years imprisonment. Should the Circuit Judge decline to accede to the suggestion

25th April 1843.

Suggestion he will send the record of the trial for the orders of the Court of Foujdaree Udalut.

Additional Calendar Case No. 4.

11. The Court of Foujdaree Udalut consider the sentence in this case, of three years imprisonment to the 1st and two years to the 2d Prisoner, disproportioned to the crime which, from the circumstances recorded by the Judge on Circuit has nothing about it to justify so leniant a sentence.-

Ordered that Extract from these proceedings be forwarded to the 2d Judge on Circuit in the Western Division by first Dak returnable with the least possible delay.-

/Sent following Precept No. 406/

Read letter from the 1st Judge of the Provincial Court of Circuit Centre Division dated the 11th Instant, Submitting Copy of the Chittoor Calendar for the 1st Quarter of 1843 together with translations of Futwas of the Law Officer.-

/Here enter F.H. No. 3403/

Case No. 3 1. The Prisoner in this Case "Ramadoss" on his arraignment before the Judge presiding at

at the 1st Quarterly Sessions of 1843 pleaded not guilty to the charge of having on the 1st of January last wilfully or maliciously set fire to and destroyed the house of the Prosecutor Condapa Naidoo.

2. The Law Officer in his Futwa convicts the Prisoner, and declares him liable to Ookoobat.-

3. The presiding Judge concurs in the conviction of the Futwa and sentences the Prisoner to four years imprisonment with hard labor in irons.

4. From the circumstances recorded by the presiding Judge in the above case it does not appear to the Court of Foujdaree Udalut that the crime of arson is established, although the fact of firing the house may be substantially true.-

5. If this view of the case is correct; a milder punishment than that awarded by the Circuit Judge would seem justifiable, and the Court accordingly determine to call upon the Circuit Judge to afford a more detailed account in order

order to enable them to decide as to the correctness or incorrectness of his sentence.

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

/Sent following precept No. 207/

Read the Criminal Reports for the Month of March 1843 received from the Acting Criminal Judge of Malabar

/Here enter No. 564 of 1843/

Report No. 5 1. The Court of Zeujdaree Udalut
Case 34. desire to be informed of the circumstances under which this Case was detained in the Office of the Magistrate from the 21st to the 27th February last, of which, from the report under review, no explanation appears to have been received from that Officer.

Case No. 32 2. They also desire to receive explanation in regard to the detention for a period of ten (10) days of the 2nd 3rd 4th and 5th Prisoners who, so far as the Report shows, were in Police Custody from the 10th to the 27th March.

Ordered that Extract from these proceedings be forwarded to the Acting Criminal Judge of Malabar, for communication to the Magistrate of that District who will report on the points noticed direct to the Zeujdaree Udalut.

/Sent in No. 208./

Read letter from the Criminal Judge of Canara submitting the Criminal Reports for the Month of March.

/Here enter F. D. No. 572 of 1843/

Case No. 18. Further explanation being apparently requisite in this Case the Court of Zeujdaree Udalut direct the Provincial Court to look into it and pass such orders as they may consider necessary, reporting their proceedings for the information of the Zeujdaree Udalut.

Ordered that Extract from these proceedings be sent to the Provincial Court in the Western Division by precept returnable without delay.—

/Sent following Precept No. 209/

Ordered also, that Copy of these

25th April 1843.

2

these proceedings be sent to the Criminal Judge of 3
Canara, for his information and guidance.

/ Sent in No. 410. /

Read letter, dated 15th April
1843 from the 1st Judge on Circuit for the
Southern Division, forwarding Record of 3
Trial No. 10 of the Madura Calendar 1st
Sessions of 1843 for the Trial & judgment of
the Court of Zoujdaree Udalut.

/ Here enter F. U. No. 585 /

The Court of Zoujdaree Udalut
on a deliberate consideration of all the circumstances
of the Case in evidence before them, being of opi-
-nion that the proof against the Prisoner
"Moottoo Eurpen"
is sufficient to convict him of the Crime of
assault and wounding, do accordingly con-
-vict him thereof and with reference to the
provisions of Clause third, Section VII Regu-
-lation XV of 1803 do adjudge the Prisoner
"Moottoo Eurpen"
to be imprisoned and kept to hard labor in irons on
the public roads or other public Works for and during
the period of ten (10) years.

WDL / Sent following letter No. 411. /
copies

F. U.

Wednesday,
26th April, 1843.

At a Court of the Zoujdaree Udalut.

Present,

Mr. Malcolm Lewin Esqre — Actg 1st Puisne Judge,
Mr. Alexr. Maclean Esqre Actg 2d Puisne Judge,
Mr. J. M. Lewin Esqre — Actg 3d Puisne Judge.

Read letter, dated the 1st Instant,
from the 3d Judge late on Circuit in the Southern
Division submitting the English translations on
Case No. 4 of the Salem Calendar 2d Sessions of
1843 called for in the proceedings of the Zoujdaree
Udalut under date the 18th February last.

/ Here enter F. U. No. 529 of 1843 /

1 A perusal of the record of the
trial laid before them with the above communi-
-cation, has satisfied the Judges of the Zoujdaree
Udalut of the correctness of the view first enter-
-tained by them of the proceedings of the 3d
Judge, Mr. H. A. Neave, as exhibited in the
Salem Calendar for the 2d Sessions of 1842.

2 The acts of atrocity imputed to
the Prisoner clearly show him to have committed

a

26th April 1843

a most deliberate and brutal Murder, which nearly terminated in a double murder, and, so far as can be ascertained from the papers on record, the Judges can infer no grounds whatever on which Mr. Neave, as Circuit Judge presiding, could justify the taking upon himself to sentence the Prisoner to a punishment of 5 years imprisonment instead of referring the trial for final determination by the superior authority.—

3 The Sentence passed by Mr Neave is deemed by the Foujdaree Adaulut, under the above stated circumstances, to exhibit so much obliquity of judgment and such manifest incapacity for the discharge of the Judicial functions entrusted to him, that a repetition of similar errors will render it incumbent on this Court to submit to the Government a declaration of his incompetency to execute the high and responsible duties of a Circuit Judge.—

Ordered that Extract from these proceedings be forwarded to the 3d Judge late on

26th April 1843

on Circuit in the Southern Division for his information and guidance.—

/Sent in No 745/

No return having been received from the Provincial Court of Circuit in the Southern Division to the precept of the Court of Foujdaree Adaulut of the 9th March last directing them to call up and look into the record of case No 9 on the Lombaco-mum Criminal Reports for January 1843, and pass such orders as may appear to them to be proper reporting the same for the information of the Foujdaree Adaulut.—

Ordered that the Provincial Court of Circuit in the Southern Division be required to make a return to the precept aforesaid without further delay.—

/Sent in No 746/

No return having been received from the Provincial Court of Circuit in the Centre Division to the precept of this Court of the 8th March last, directing them to call

26th April 1843

call up the Proceedings in Cases Nos. 178-189-190 and 4 on the Chittoor Criminal Reports for the Month of January 1843, and pass orders upon them, reporting the result of them investigation for the information of the Sudder Adalut.

Ordered that the Provincial Court of Circuit in the Centre Division be required to make a return to the precept aforesaid without further delay.—

(Sent in No. 417)

No return having been received from the Provincial Court of Circuit in the Southern Division, to the precept of the Court of the 27th March last directing them to call for the record of the trials in Cases Nos. 25 and 30 of the Canara Criminal Reports for the Months of February 1843 and having passed such orders as may appear to them to be necessary, report the same for the information of the Sudder Adalut.—

Ordered that the Provincial Court of Circuit in the Southern Division be required to make a return to the precept aforesaid without

further

26th April 1843

further delay.

(Sent in No. 418.)

No return having been received from the Provincial Court of Circuit in the Southern Division to the precept of this Court of the 15th March last, directing them to call for the record in Case No. 6 on the Madura Criminal Reports for the Months of January 1843, and pass such orders as they may consider requisite, reporting their proceedings for the information of the Sudder Adalut.—

Ordered that the Provincial Court of Circuit in the Southern Division be required to make a return to the precept aforesaid without further delay.—

(Sent in No. 419)

No return having been received from the Provincial Court of Circuit in the Western Division to the precept of this Court of the 30th March last directing them to call for the record in Case No. 14 on the Canara Criminal Reports for the Months of February 1843 and pass such orders as may appear to them to be proper, reporting

26th April 1843

reporting the same for the information of the Foujdaree Adalut

Ordered that the Provincial Court of Circuit in the Western Division be required to make a return to the precept aforesaid without further delay.—

/Sent in No. 420./

No return having been received from the Provincial Court of Circuit in the Southern Division, to the precept of this Court of the 9th February last, directing them to call ups and go into the records of the trials in cases Nos. 90, 91 and 96 of the Sirmorelly Criminal Reports for the Month of December 1842, reporting the result of the examination for the information of the Foujdaree Adalut.

Ordered that the Provincial Court of Circuit in the Southern Division be required to make a return to the precept aforesaid without further delay.—

/Sent in No. 421./

No return having been received from

26th April 1843

from the Provincial Court of Circuit in the Southern Division to the precept of the Court of Foujdaree Adalut of the 25th March last, directing them to look into the proceedings in Cases Nos. 99 and No. 4 of the Sirmorelly Criminal Reports for the Month of February 1843, and pass such orders thereon as may appear requisite, reporting the result of their proceedings for the information of the Foujdaree Adalut.—

Ordered that the Provincial Court of Circuit in the Southern Division be required to make a return to the precepts aforesaid without further delay.—

/Sent in No. 422./

Read letter dated the 10th Instant from the 2d Judge on Circuit in the Western Division, forwarding a Statement of Batta paid to Prosecutors and Witnesses during the 1st Sessions of 1843.—

/Here enter Ft. No. 577 of 1843/

Read the Criminal Reports submitted

26th April 1843

reporting the same for the information of the Soujdaree Adalut

Ordered that the Provincial Court of Circuit in the Western Division be required to make a return to the precept aforesaid without further delay.—

/Sent in No. 420./

No return having been received from the Provincial Court of Circuit in the Southern Division, to the precept of this Court of the 9th February last, directing them to call ups and go into the records of the trials in cases Nos. 90, 91 and 96 of the Sumeelly Criminal Reports for the Month of December 1842, reporting the result of the examination for the information of the Soujdaree Adalut.

Ordered that the Provincial Court of Circuit in the Southern Division be required to make a return to the precept aforesaid without further delay.—

/Sent in No. 421/

No return having been received from

26th April 1843

from the Provincial Court of Circuit in the Southern Division to the precept of the Court of Soujdaree Adalut of the 25th March last, directing them to look into the Proceedings in Cases Nos. 99 and No. 6 of the Sumeelly Criminal Reports for the Month of February 1843, and past such orders thereon as may appear requisite, reporting the result of their proceedings for the information of the Soujdaree Adalut.

Ordered that the Provincial Court of Circuit in the Southern Division be required to make a return to the precept aforesaid without further delay.—

/Sent in No. 422/

Read letter dated the 10th Instant from the 2d Judge on Circuit in the Western Division, forwarding a Statement of Batta paid to Prosecutors and Witnesses during the 1st Sessions of 1843.

/Here enter Ct. No. 577 of 1843/

Read the Criminal Report

25

26th April 1843.

Submitted by the Criminal Judge of Salem for the month of March 1843.

/Here enter F.R. No. 586 of 1843/

Read letter dated the 10th Instant from the Principal Sudr Ameen of Tichapore forwarding the Criminal Reports for the month of March 1843.-

/Here enter F.R. No. 590 of 1843/

Read return dated the 11th Instant from the Agent to the Governor of Fort St. George at Ganjam, to the precept of the Zoujdaree Adalut of the 6th April 1843, calling for the Criminal Reports for January last, and stating that the Criminal Reports of his Court for the months of January, February and March 1843. were dispatched on the 1st Instant—

/Here enter F.R. No. 596 of 1843/

Read letter dated the 17th Instant from the 2d Judge on Circuit in the Western Division, reporting his having opened the 1st Sessions of 1843 at Honore on the above date.

/Here enter F.R. No. 603 of 1843/

Read

3/ F.R.

26th April 1843.

Read the Criminal Reports submitted by the Criminal Judge of Madura for the month of March 1843.-

/Here enter F.R. No. 574 of 1843/

Case No. 13. 1 The Court of Zoujdaree Adalut observe that it has been often ruled that — where one of a certain number of offenders in the same case is committable for trial before the Circuit Court all the offenders should be committed to the same tribunal.

Case No. 15 2 As there seems no proof of the stick being a poisoned one, the Zoujdaree Adalut doubt the correctness of the Sentence in this case, and direct the Provincial Court to look into it, pass the requisite orders, and report their proceedings for the information of the Court.—

Ordered, that Extract from these proceedings be sent to the Provincial Court in the Southern Division by — precept returnable with the least possible delay.—

/Sent following precept No. 223/

Order-1

26th April 1843.

Ordered also, that Extract from these proceedings be furnished to the Criminal Judge of Madura for his information and guidance.

(Sentence No. 224)

Ext. Mr.

Thursday

27th April 1843. At a Court of the Tondiarce Adalut

Present

Malcolm Lewin Esqre. Acting 1st Puisne Judge.

A. Maclean Esqre. Acting 2nd Puisne Judge.

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

Read the Criminal Reports for the month of March 1843 received from the Joint Criminal Judge at Combatore—

(Here enter No. 587 of 1843)

Adverting to the remarks entered in the 11th Column of this Case, the Judges observe that the detention of the Prisoners for a period of 13 days in the hands of the Police, is attributed to the absence in different villages of the Head of Police on duties of a serious nature—

The Judges do not consider that the stated reason to form any sufficient grounds for the non observance of their Circular Order and accordingly direct that

Report No. V
Case No. 17.

Circular Order
dated 8th May 1832.

27th April 1843.

that the circumstance be specially brought to the notice of the Magistrate with a view to the issue of such orders to the Police Officer in question as appear requisite.-

Case No. 18. 3. The observations recorded by the Joint Criminal Judge at the close of the sentence in Case No. 18 are such as would properly form the subject of a communication to the Collector of the Combatore District.

Ordered, that Extract from these Proceedings be forwarded to the Joint Criminal Judge of Combatore for his information and guidance and for Communication (paras 1 and 2) to the Magistrate of Combatore.-

/Sent in No. 430/

No final return having been received from the 2nd Judge on Circuit in the Centre Division to the precept of the 16th Instant directing the unconditional release of the 1st, 2nd, 3rd and 4th Prisoners in Case No. 28 of the Cuddapah Calendar for the 1st Sessions of 1843.

27th April 1843.

Ordered, that the 2nd Judge on Circuit in the Centre Division be required to make a final Return to the precept aforesaid without further delay.-

/Sent in No. 431/

Read Criminal Reports for the month of March 1843 submitted by the officiating Joint Criminal Judge of Tinnevelly

/Herewith F. L. No. 573 of 1843/

Case No. 9. 1. Judging from the abstract in this case the Court of Tinjadore Adawlut consider it to have been clearly proved, and they direct the Provincial Court to look into it, pass such orders as they may consider requisite, and report their Proceedings for the information of this Court.-

Case No. 11. 2. The abstract in this, as in the preceding case, leads the Court to a very different conclusion from that drawn by the Officiating Joint Criminal Judge, and they accordingly direct the Provincial Court

27th April 1843. Court to look into it and, passing the requisite
orders to report their proceedings for the
information of the Court.—

Case No. 3.

The real merits or bearings of this
case not being discoverable from the remarks re-
corded by the Officiating Joint Criminal Judge
the Court direct the Provincial Court to look
into it, pass the necessary orders, and report their
proceedings for the information of the Sessions
Adalat.—

Case No. 4.

The Court of Sessions Adalat
not being prepared to pass judgment on the
statement before them direct the Provincial
Court to look into these cases, give the necessary
instructions to the officiating Joint Criminal
Judge and report their proceedings for the
information of the Court.—

Ordered, that a Extract from
these Proceedings be sent to the Provincial
Court in the Southern Division by first
opportunity without delay.—

(Sent following Receipt No. 239)

Exd/ 11th Dec 1843 (Peremar

21.

27th April 1843.

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

(Sent in Pg. 433)

Read extract from the
Proceedings of the Provincial Court Centre
Division under date the 6th instant, submit-
ting the opinions of the 1st and 2d Judges in
Case No. 231 of the Bellary Reports for De-
cember 1842, with reference to the orders of
the Sessions Adalat passed on 25th
February 1843.—

(Here enter Pg. No. 439)

The Court of Sessions Adalat
concurring with the Provincial Court in consider-
ing that Case No. 231 on the Bellary
Calendar for December 1842, was a high-
way robbery not within the Original juris-
diction of the Criminal Judge, and
that the evidence was sufficient to warrant
its being committed, direct that the Prison-
er be apprehended and tried in the
manner

27th April 1843.

manner prescribed by the 1st Judge of Circuit.

Ordered, that Extract from these Proceedings be sent to the Provincial Court in the Centre Division by Precept returnable without delay.—

(Sent following Precept No 434.)—

S.M.

Friday, 28th April, 1843. At a Court of the Sirajdaree Adalut.

Present,

Malcolm Lewin Esqre Actg 1st Puisne Judge,
Lt Alext Maclean Esqre Actg 2d Puisne Judge,
A.A. A M. Lewin Esqre Actg 3d Puisne Judge,
VMA

Read letter dated 27th Instant from the 3d Judge of the Provincial Court of Circuit in the Western Division submitting his Report on the 1st Quarter Sessions of 1843 with an Aspect of the Jail and copies of the Gaol Calendars (Above enter J.H. No 542 of 1843)

The 3d Judge has reported in the above communication that the Prisoners in the Said Jail Mahony were clamorous for a small allowance of betel and tobacco and expressed themselves in terms of an uniform practice in the Jails on the Western Coast in respect of the indulgence so far allowed to Convicts.

He there has further assumed that Lascars are confined amongst the Prisoners in Gaols other than those at Bombay

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1st Judge
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State to
proceed

20th April 1843

Mangalore, owing to the information they possess regarding the allowance of those articles made at the Cattan Station to the Convicts who are there in confinement.—

3. The Sessions Judge have reason to believe that on reference to the records of this Provincial Court it will be found that the subject has often been discussed and as it cannot be supposed that the orders of this Court, noted in the margin, have escaped the notice of the 3d Judge they request that the Officer will lay before them any information he may think calculated to throw any new or additional light on a subject which has already been under their deliberate consideration, particularly specifying what measures he would suggest in view to the preservation of Jail discipline when the interdiction of the use of tupuries has altogether been removed and is not made dependent on any necessity for its introduction which the Medical attendant in charge may declare to exist

C.C. 25th January 1830
" " 1832
5th June 1832

Ordered

28th April 1843

Ordered, that Extract of these proceedings be sent to the 3d Judge of the Provincial Court of Circuit in the Western Division for his information by precept returnable in 10 days from and after its receipt.—

/ Sent following precept No. 438 /

No further Report having been received from the 1st Judge late on Circuit in the Western Division with reference to his letter, dated the 8th February 1843, regarding the prisoner Shanker Mullick sentenced to transportation for life on case No. 1 on the Sessions Calendar for the 2d Sessions of 1842.—

Ordered that the 1st Judge late on Circuit in the Western Division be directed to call upon the Acting Principal Sudr Ameen at Honore to report upon the present State of the Prisoner and to furnish a Certificate from the Apothecary stating the probable period when the prisoner will be in a fit State to proceed

28th April 1843

proceed on his journey to Chinglepute.—

(Sentence No. 439.)

Read letter dated the 19th Instant from the 2d Judge of the Court of Circuit in the Centre Division, forwarding Calendar of persons committed by the Acting First Criminal Judge of Trichinopoly to take their trial before the Court of Quarter Sessions for the 1st Quarter of 1843.—

(Here enter J.R. No. 600 of 1843.)

Read letter dated the 20th Instant from the Acting 2d Judge late on Circuit in the Northern Division, affording explanation on certain remarks contained in the Proceedings of the Zoujdaree Udalut relative to case No. 9 on the Vellore Primary Calendar and Case No. 2 on the Guntoor Primary Calendar for the 1st Sessions of 1843.—

(Here enter J.R. No. 601 of 1843.)

J.D.N.
Asst.

Saturday,
29th April, 1843.

At a Court of the Zoujdaree Udalut.

Present,

Malcolm Lewin Esqre. Actg. 1st Puisne Judge,
Alexr. Maclean Esqre. Actg. 2d Puisne Judge,
J. M. Lewin Esqre. Actg. 3d Puisne Judge.

Read letter from the Acting 2d Judge on Circuit Northern Division under date the 17th February 1843 requesting instructions as to the disposal of Case No. 2 on the Primary Calendar of the Zillah of Guntoor.—

(Here enter J.R. No. 288 of 1843.)

W. A. Maclean and J. M. Lewin

The Court of Zoujdaree Udalut having maturely considered the proceedings held before the Judge on Circuit, and the Futwa of the Provincial Law Officers, and being of opinion that the proof against the Prisoners,

1st Gennakulah Thummayah alias Guntoor

2d Shuffeaulah Boofeadoo

3dly Mundadapoo Venkadoo
4th Vamarapoo Moottadoo
5th Mohatand Shaik Dauday
6th Vamarapoo Cotadoo
7th Mynaynee Suggiah
8th Mynaynee Chellamiah
9th Mynaynee Naggandh
10th Vellakooty Verriah
11th Attaloory Veeranah
12th Vellakooty Ramanah
13th Boyapauty Nagumah
and
14th Shuppanlah Venkadoo
is sufficient to convict them of the crime of having violently assaulted and extracted the teeth of the Prosecutor and his Wife, the 1st Witness, do, under the authority vested in them by Clause third Section VII Regulation XV of 1803 convict them thereof, and sentence them all to be imprisoned and kept to hard labor in irons, on the public roads or other public works for and during the period

29th April 1843

period of [3] three years with the additional infliction of 195 lashes on the Prisoners

1st Vennaburlah Munnaypullegandoo
2dly Shuppanlah Boopadoo
3dly Mundadapoo Venkadoo
and
4th Vamarapoo Moottadoo

respectively.—

[Sent following letter No 240]

Calle No 2

In this case the Prisoners

1st Vennaburlah Munnaypullegandoo
2dly Shuppanlah Boopadoo
3dly Mundadapoo Venkadoo
4th Vamarapoo Moottadoo
5th Mohatand Shaik Dauday
6th Vamarapoo Cotadoo
7th Mynaynee Suggiah
8th Mynaynee Chellamiah
9th Mynaynee Naggandh
10th Vellakooty Verriah
11th Attaloory Veeranah
12th Vellakooty Ramanah

13th Boyapauty Nagunnah

and

14th Shunpaulah Venkadoo

both on their arraignment & and defence before the Court of Circuit denied the charge of having, on the 28th December last, sent for the Prosecutor and his wife into a Tamarind Tope and, under the pretence and accusation of their being Sorcerers and using their powers to the injury of the inhabitants of the village, then and there beat them with Sticks, and afterwards by force carried them to them / the Prosecutors / house and caused two upper teeth and two lower teeth of each to be drawn out by pincers.-

2. The Prosecutor and 1st Witness State the circumstances under which they were called upon by certain of the Prisoners to prove their innocence in respect to them placing an enchanted pot near a Tamarind Tope in the village - that discrediting their assertions the 1st 2d 3d 4th 5th 6th and 13th Prisoners commenced beating them

on

and then carried them to their house where throwing them upon the ground, the 5th 7th and 8th directed the Goldsmith Lingiah to extract their teeth - and that they were informed by the 6th witness that a Canvass bag containing 40 Rupees had been carried away by the 4th 5th 7th and 13th Prisoners -

3. The 2d 3d and 4th witnesses depose principally to having apprehended the Prisoners who denied the accusation brought against them -

4. The 6th witness deposes to circumstances confirmatory of the account given by the Prosecutor and his Wife, in regard to the beating, extraction of teeth and robbery of the bag containing money and which had been entrusted to her -

5 The 6th and 7th witnesses attested the confessions made by the Prisoners before the Head of Police -

6 The evidence of the Witnesses

and

29th April 1813

and Prosecutor, the confessions of the Prisoners and the state in which the Prosecutor and 1st witness appear to have been when brought before the authorities, is sufficient for the conviction of the Prisoners, who are sentenced accordingly.—

7. The Court of Zoujdaree Udalut observe that the Judge on Circuit ought to have demanded a 2d Fatwa from his Law Officer to the effect "that if the objections raised by him to the evidence of the 1st witness had not existed what Fatwah would he have passed?" and, as the Law Officer has omitted to mention the confession made by the Prisoners, the Court consider this Fatwah a most unsatisfactory one.—

8. The Magistrate will take steps for the apprehension of Lingiah and his other brother Colapa, and enter into a minute enquiry as to the conduct of the several Officers of village Police who appear to

to have shewn considerable negligence on the present occasion reporting direct to the Zoujdaree Udalut what steps he has thought necessary to adopt in pursuance with these instructions.—

Ordered that Extract of these proceedings be sent to the Acting 2d Judge on Circuit in the Northern Division, to be communicated by him to the several Officers concerned, by precept returnable with the least possible delay.—

Sent following precept No. 2141

Read letter dated the 10th Instant from the Acting Agent to the Governor of Fort St. George in the Vizagapatam District submitting with reference to the order framed by Government for his guidance, a Summary of the evidence taken in the trial of one Bondely Bahavaruding charged with culpable Homicide, and communicating his opinion as to the punishment which he suggests should

29th April 1843

should be passed on the prisoner.

/Here enter J.H. No. 605 of 1843/

The Court of Zoujdaree Adaulut having maturely Considered the Summary of the evidence taken before the Acting Agent, the Statement of the grounds for the Conviction, and his opinion as to the punishment to be passed on the prisoner, resolve to confirm the Sentence of /2/ two years imprisonment with hard labor in irons on the prisoner.

"Bondaly Bahawundeng"

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. 450/

Read Letter from the Joint Criminal Judge of Cuddalore under date the 11th Ultimo forwarding the Criminal Returns for the month of March 1843.

/Here enter J.H. No. 570 of 1843/

29th April 1843
Case No. 19

With reference to the Strictures passed by the Joint Criminal Judge on the conduct of the Head of Police in the investigation of this Case, the Court of Zoujdaree Adaulut direct that the Magistrate be called upon to state what notice he has taken of the conduct of that Officer.

Ordered that Extract of these proceedings be furnished to the Joint Criminal Judge of Cuddalore and by him communicated to the Magistrate who will report his proceedings thereon for the information of the Court.

/Sent in No. 450/

Read letter dated the 25th Ultimo from the 2d Judge of the Provincial Court of Circuit in the Southern Division submitting with reference to the proceedings of the Zoujdaree Adaulut dated 5th December 1842 copy of the order passed by him, with the concurrence of the 1st Judge of the Court in Cases Nos. 74 and 75 of the Sessions Supplemental Report and Report

29th April 1843.

Report No. V for the Month of October 1842

/Here enter S.R. No. 479 of 1843/

Read letter dated the 15th Instant from the Magistrate of Cauvery, transmitting for the information of the Zillah Adalut copy of the Joint Magistrate's letter with its accompaniments, containing an explanation of the delay noticed by the Court in the case No. 10 Report No. V of the Criminal Court for January last.

/Here enter S.R. No. 607 of 1843/

Read letter dated the 21st Instant from the 3d Judge of the Provincial Court in the Western Division, forwarding the Statements received from the Criminal Judges of Canara and Madura shewing the amount realized by the labor of the Prisoners in the 1st quarter of 1843, and stating that the Officers in charge of Jails in the Division have reported that nothing was realized by such labor under them.

/Here enter S.R. No. 612 of 1843/

Copy

W.M. Agt.

101

No. 6.

Monday 1st May, 1843.

At a Court of the Zillah Adalut.

Present,

M.L. Malcolm Lewin Esqr. _____ Acting 1st Puisne Judge,

A.M. Alexr. Maclean Esqr. _____ Acting 2d Puisne Judge,

T.M.L. T. M. Lewin Esqr. _____ Acting 3d Puisne Judge,

Read Miscellaneous Petition, presented on 10th Instant by Mootoocaroopy of Pillah Vendaru, and wife of China Cupatacum a Prisoner in Case No. 4 in the Madura Calendar for the 1st Session of 1843.

(Here enter Criminal Dis. No. 25 of 1843)

The Petitioner complains of the sentence passed upon her husband in the above trial by the 1st Judge on Circuit, and states that the evidence for the prosecution was weak and contradictory, and that her husband and other Prisoners would not have been brought to trial if they had consented to bribe the Police Officers, and prays that the Court will be pleased to call for and perusal the whole of the records and order the release of her husband and the other Prisoners.

The Court of Zillah Adalut having after a careful perusal of the above Petition, as well as the remarks in the Calendar, see no reason to question the justice of the decision.

Ordered

29

Ordered therefore, that this Petition be dismissed and copy of these proceedings be granted to the Petitioner on her application.

Read Miscellaneous Petition presented on the 18th instant by Budoloe, wife of Batokang Naik, Prisoner in Case No. 20 on the Calendar of the Zillah of Salem for the 2d Sessions of 1843.

(Recentor Coll. No. 8 No. 26 of 1843)

Petitioner complains of the sentence passed upon her husband and certain other Prisoners in the aforesaid trial; and, after attempting to shew the improbability of their being implicated in the robbery, concludes, by praying that the Court of Sudder Adawlut will be pleased to peruse all the proceedings connected with the case, release the Prisoners, or mitigate their sentence.

The Court of Sudder Adawlut after perusal of the above Petition and the remarks recorded in the Calendar, see no cause for interference or mitigation of sentence.

Ordered that this Petition be dismissed and copy of these proceedings be granted to the Petitioner on her application.

Read letter from the officiating Criminal Judge of Combaconum under date the 13th instant submitting to the

1st May 1843.

the Criminal Reports for the Month of March 1843.

(Recentor Coll. No. 571.)

Case No. 47. 1. The Assistant Criminal Judge has omitted to record the sentence passed in this case, and, altho' the Court of Sudder Adawlut presume it has been committed, they direct that the error may be rectified.

No. 57. 2. The charge in this case, by omitting to state who stole the Cows, or whether the Prisoner in pledging it acted under a "guilty knowledge" of the theft, is defective; and the declaration of one Prisoner cannot be considered evidence against another in a Court of Justice.

No. 54. 3. The Court desire to be informed, since the Prisoner was apprehended on the 16th March, of the reasons that prevented his being brought before the Circuit Judge until the 26th of the same Month.

No. 55. 4. Considering the extent of property stolen, and that the value of a few more Rupees would have removed it out of the Jurisdiction of the Criminal Judge, the Court of Sudder Adawlut deem the sentence more lenient than it ought to have been.

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge of Combaconum by precept returnable in 10 days from

29th

Ordered therefore, that this Petition be dismissed and copy of these proceedings be granted to the Petitioner on her application.—

Read Miscellaneous Petition presented on the 18th Ultimo by Bindoe, wife of Sitchiny Naik, Prisoner in Case No. 20 on the Calendar of the Zillah of Salem for the 2d Sessions of 1843.—

(Here enter Dft. Sir. P. No. 26 of 1843.)

Petitioner complains of the sentence passed upon her husband and certain other Prisoners in the aforesaid trial; and, after alleging to shew the improbability of Petitioner being implicated in the robbery, concludes, by praying that the Court of Sudder Adawlut will be pleased to peruse all the proceedings connected with the case, release the Prisoners, or mitigate their sentence.—

The Court of Sudder Adawlut having perused the aforesaid Petition and the records of the case in the Calendar, see no cause for interference or mitigation of sentence.—

Ordered that this Petition be dismissed and copy of these proceedings be granted to the Petitioner on her application.

Read letter from the Acting Criminal Judge of Combaconum under date the 15th Instant submitting the

1st May 1843.

the Criminal Reports for the Month of March 1843.—

(Here enter Dft. No. 571.)

Case No. 47. 1. The Assistant Criminal Judge has omitted to record the sentence passed in this case, and altho' the Court of Sudder Adawlut presume it has been committed, they direct that the error may be rectified.—

No. 51. 2. The charge in this case, by omitting to state who stole the Ears, on whether the Prisoner in pledging it acted under a "guilty knowledge" of the theft, is defective; and the declaration of one Prisoner cannot be considered evidence against another in a Court of Justice.—

No. 54. 3. The Court desire to be informed, since the Prisoner was apprehended on the 16th March, of the reasons that prevented his being brought before the Calendar until the 2d. of the same Month.—

No. 55. 4. Considering the extent of property stolen, and that the value of a few more Rupees would have removed it out of the Jurisdiction of the Criminal Judge, the Court of Sudder Adawlut deem the sentence more lenient than it ought to have been.—

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge of Combaconum by Precept returnable in 10 days from

from and after its receipt.—

(Sent following Precept No. 446.)

Read letter from the Provincial Court in the Centre Division under date the 15th Ultimo, submitting the opinions of the 1st and 2d Judges on Cases Nos. 228 and 229 of the Bellary Criminal Reports for last December, with reference to the Proceedings of the Zillah Court of the 25th February 1843.—

(Here enter No. 560 of 1843.)

1. The 1st and 2d Judges of the Provl Court differ in their view of these cases; the 1st Judge considers that there is sufficient evidence to prove that the Prisoners, abettor in Case No. 228 and Lachandeu in Case No. 229, present at the examination of Venkata Condadoo and attested his confession, without any confusion — and that the subsequent denial of these facts rendered them guilty of wilful and corrupt perjury, and fit objects for prosecution.—

2. The 2d Judge considers that the course pursued by the Criminal Judge in taking security from the Prisoners, in preference to committing them, was the most suitable to the evidence.—

3. The Court of Sudder Adawlut are of opinion that these cases ought not to have been sent up to the Criminal Court, and that the Prisoners must be acquitted and released unconditionally.—

Under

4. Under the circumstances mentioned no prosecution could be instituted, as the fact of whether the Prisoners were or were not present at the examination of Venkata Condadoo was immaterial to the issue then investigated.

5. The Court direct that the attention of the Criminal Judge may be called to the want of precision in the wording of the charges in these two cases, and that in all future instances of perjury the instructions laid down in Circular Order 31st January 1816 may be carefully obeyed by a clear and specific statement of facts.—

Ordered, that copy of these Proceedings be sent to the Provincial Court in the Centre Division by Precept returnable in XV days from and after its receipt.—

(Sent following Precept No. 447.)

Read Miscellaneous Petition presented on the 18th April 1843 by Narrinsamy and Nungummal, the Brother and Sister of Paromal Naik, a Prisoner in the Gaol of Chittoor.—

(Here enter Sel. Rec. P. No. 27 of 1843.)

1. Adverting to their previous Petitions No. 140 of 1842 and 3 of 1843 these Petitioners restate their assertions to the effect, that their Brother was improperly sentenced by the 1st Judge presiding at the 4th Quarterly Sessions of 1842 — that he was the victim of undue

concerted intrigue - that his confession before the Magistrate was elicited by the fear of torture - and that all the Witnesses cited by him were not examined - and praying that the Court of Zoujdaree Adalut will be pleased to call for the record and pass Judgment thereon -

2. The Judges of the Court of Zoujdaree Adalut having attentively considered this Petition, as well as those that preceded it, and being of opinion that the parties should receive the benefit of another Judgment determine to grant the request -

Ordered that the Provincial Court of Circuit in the Centre Division be directed by Precept returnable in XXV days from and after its receipt to forward the record in Case No 7 on the Circuit Calendar for the 4th Quarter Sessions of 1842 -

(Sent following Precept No 448.)

Ordered further that the above instructions be communicated to the Petitioners -

Read Miscellaneous Petition presented on the 18th April 1843 by Peety of the Zillah of Madura -

(Recorded in P. No 24 of 1843.)

1. The Petitioner represents that the conviction of the Prisoner Sooriyan her husband, who appears to have been arraigned in Case No 14 on the Madura Calendar for the 1st Sessions of 1843, and was sentenced thereon by the Judge on Circuit to imprisonment for a period of fourteen (14) years, was the result of a conspiracy concocted by the Prosecutor and having for its object to secure for that individual the possession of certain plants which her husband had taken to the Periacoulam village to dispose of by sale -

2. She prays under the circumstances stated in her address that the records of the trial may be called up and her husband released from imprisonment, the result of an false charge supported by perjured testimony -

3. On reference to the Calendar the Court of Zoujdaree Adalut see reason to believe that the conviction of the Prisoner Sooriyan has been brought about by evidence of a somewhat suspicious nature: accordingly they resolve to request the 1st Judge on Circuit will submit for their consideration the English translation of the trial adverted to -

Ordered, that Extract from these proceedings be forwarded to the 1st Judge on Circuit in the Southern Division by precept returnable in 10 days from and after its receipt -

(Sent following Precept No 449.)

Read Miscellaneous Petition presented by Ramajeyam of Madura on the 15th February 1843, requesting the favor of Orders for the remission of the fine imposed by the Criminal

Tue Jany 1843.

Acting Joint Criminal Judge at Guntoor on Singiseroo, Prisoner in Case No 40 on the Criminal file of the Court at that Station.—

(Here enter Pol. Dis. P. Nos. 1 & 2 of 1843.)

Read also again Return, dated 15th June 1843, from the Provincial Court of Circuit in the Northern Division to the Precept of the 3rd January dated the 27th January 1843 directing them to call for the record in Case No 40 of the file of the Joint Criminal Court at Guntoor, and to pass such orders thereon as may be deemed necessary—

(Here enter Pol. No. 1 of 1843)

Read also again Return, dated 7th April 1843, from the Provincial Court of Circuit in the Northern Division to the Precept of the 3rd ulto calling for a report of any orders which may have been passed on Case No 40 on the Criminal Reports for December last and if none have been passed to dispose of the case without any further delay—

(Here enter Pol. No. 28 of 1843)

Read also letter dated 7th April 1843 from the Provincial Court of Circuit in the Northern Division forwarding Extract from their Proceedings dated 7th ulto held upon Case No 40 on the file of the Joint Criminal Court at Guntoor, together with the confirmation of the Acting Joint Criminal Judge—

(Here enter Pol. No. 282 of 1843.)

No 6.

Tue May 1843.

1. Of the six counts on which the Prisoner Singiseroo Row was arraigned before the Joint Criminal Court at Guntoor, in Case No 40 of 1842 on the file, the Provincial Court in the Northern Division on a perusal and consideration of the record of the Acting Joint Criminal Judge's proceedings, have declared their opinion that the 3d and 4th Counts are of a Criminal nature—

2. Further, they have approved the Sentence of imprisonment and fine which has been passed on the Prisoner by Mr. H. Wood, the officer in charge of the Court at Guntoor, considering it clearly established that the Prisoner Singiseroo Row, in his capacity of a Head of Police in the Employ of Government, has been guilty of gross abuse of authority and of acts of oppression & displaying a great want of humanity—

3. The Court of Sudder Adawlut entirely concur in the sentiments recorded by the Provincial Court of Circuit as to the Criminality of the acts of which the Prisoner has been convicted and the propriety of the Acting Joint Criminal Judge's sentence, and with advertence to the investigation which was held by the Magistrate under the orders of the Acting 3d Judge on Circuit in para. 12 proceedings dated 17th September 1842. desire to be informed whether the name of the Prisoner Singiseroo Row is still retained on the list of the persons employed under the Magistrate—

Ordered, that Extract from these proceedings

7th May 1843.

proceedings be forwarded to the Provincial Court of Circuit in the Northern Division by present returnable in 15 days from and after its receipt.—

(Sent following Precept No. 450)

Ordered also that Extract from these proceedings be granted to the Petitioner on application.—

N D M
Assessor.

J. M.

Tuesday 2d May 1843.

At a Court of the Tongdaree Adalut.

Present

Malcolm Lewin Esqre. Actg. 1st Puisne Judge

Alexr. Maclean Esqre. Actg. 2d Puisne Judge.

J. M. Lewin Esqre. Actg. 3d Puisne Judge.

Read letter dated the 5th ult. from the Officiating Joint Criminal Judge at Sinnevelly requesting under the circumstances stated, the Suspension of the judgment of this Court regarding his proceedings in case No. 72 of 1842 on the file of the Sinnevelly Joint Criminal Court, which the Provincial Court of Circuit in the Southern Division were ordered to superwise, and permission to submit for the consideration of the Tongdaree Adalut a translation of the record thereof.—

(Here enter Ille No. 526 of 1843)

The Court of Tongdaree Adalut infer that the object which the Officiating Joint Criminal Judge has in view in writing to

to lay before them a translation of the record referred to, as to support the propriety of the release of the Prisoners in the case, which was ordered by him on the original inquiry and which has been called in question by the proceedings of the Collector Court of Circuit, under date the 25th Ultimo.

2 The Court resolve to intimate to the Officiating Joint Criminal Judge that an application of the foregoing irregular nature could not be acceded to without infringing the proceedings of the Provincial Court of Circuit, who hold authority to which it is the duty of the Joint Criminal Judge to pay a ready obedience.

Ordered that Extract from these proceedings be forwarded to the Officiating Joint Criminal Judge at Tinnevelly for his information. /Sent in No. 834./

Read the Criminal Reports for the month of March 1843 submitted by the Acting Joint Criminal Judge of Tuticorin

Tuticorin Poly.-

Here enter S.C. No. 576 of 1843

Case No. 10

1 The Causes of delay in forwarding this case from the Taluk were not afforded in the Calendar for February, and the Court request that the necessary information may be now given.

Case No. 13

2 A delay of more than one month in the Taluk is observable in this case, and the only explanation offered in the Calendar for the preceding month was that "the examination occupied "the Police Ameen from 22d of January "until the 25th of February." The Court direct that a more full and explicit statement may be submitted.-

Case No. 14

3 The Court of Zoujdaree Udalut have invariably ruled that where a Prisoner is charged with more than one offence the punishment ought to be cumulative and awarded in one, and not as on the present occasion, in each separate case.

The

2d May 1843.

The Court will not disturb the Sentences, as limited they are not more Severe than would be authorized by the Laws, but direct the Acting Joint Criminal Judge to avoid any Similar error for the future.-

Case N.17. 4. The provision of the Law authorizing the Sentence in this case has been omitted, the Regulation quoted having reference only to the infliction of Solitary Confinement. The Court direct that the omission may be rectified.-

Case N.25 5 The Sentence passed in this case is irregular and opposed to Circular Order 28th October 1828, not less than the general practice of the Courts. A Criminal Judge is not at liberty to inflict on an individual, convicted in two charges, more than the extreme punishment authorized by Laws for any particular crime.-

6. The Court direct that the 6 Months awarded in this case be cancelled and the Acting Criminal Judge informed that

J. C.

2d May 1843.

that whenever he finds the punishment he can legally inflict disproportioned to the offence, it becomes his duty to commit the Prisoner to a higher Tribunal.-

Case N.26 7. Two Sentences are required in this case at 10 Rupees each, in case of N.28 of 6 Rupees was considered a sufficient deterrent, whilst the default entails in both cases a similar penalty of 6 months imprisonment. In this, the Court observe, there is no proportion, between the amount of Security and the penalty attached to it not being provided.-

Case N.29. 8 Had the Acting Joint Criminal Judge carefully perused the Regulation, under the provisions of which he passes Sentence in this case, he would have perceived that the extent of the fine was not left to his discretion but that a breach of the Regulation entailed a fixed penalty a moiety of which is payable to the informer.

Ordered that Extract from the

2d May 1843.

these proceedings be sent to the Acting Joint Criminal Judge of Tsuchinoshy by precept returnable in 7 days from and after its receipt

/Sent following precept No 455/

Read letter dated the 21st Ultimo from the 3d Judge of the Provincial Court in the Western Division, transmitting translations of the Criminal Reports received from the Principal Superintendent of Sirdy for the months of March 1843.

/Here enter J.R. No. 613 of 1843/

Read letter dated the 21st Ultimo from the Agent to the Governor of Fort St George in Ganjam, submitting a return of Criminal cases disposed of by the Acting Principal Assistant Agent during the month of March 1843.

/Here enter J.R. No. 614 of 1843/

Read Statement dated the 1st Ultimo from the Criminal Judge of Salem shewing the amount realized by the labor of the Prisoners in the 1st Quarter of 1843.

/Here enter J.R. No. 622 of 1843/

J.R.

Wednesday, 3d May, 1843. At a Court of the Fouzdaree Adaulut

Present,

Malcolm Lewin Esqre — Actg 1st Puisne Judge,

Alex. Maclean Esqre — Actg 2d Puisne Judge,

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

Read letter from the Criminal Judge of Salem under date the 24th April 1843, reporting the escape of three /3/ Prisoners committed for trial before the Court of Circuit.

/Here enter J.R. No. 615 of 1843/

1. In this Communication the Criminal Judge states that the Prisoners were so secured that unless there had been gross neglect and carelessness, they could not have escaped.

2. It appears that the Peon who ought to have been on guard confessed he had deserted his post — and that the Jailor, who ought to have inspected the ward at the time of locking up, neglected to do so.

3. The Court of Fouzdaree Adaulut observe

observe that, under circumstances such as these, the dismissal of a Peon is not sufficient punishment, but that he ought to be tried for culpable neglect if not for connivance - and that the Jailor, unless he can exculpate himself, should be dismissed from his situation.-

Ordered that Extract from these proceedings be sent to the Criminal Judge of Salem by precept returnable without delay.-

/ Sent following precept No 456 /

Read letter dated the 25th Ultimo, from the 2nd Judge on circuit in the Centre Division, transmitting copy of the Criminal Cause list Calendar for the 1st Sessions of 1843.

/ Here enter Ct. No 619 of 1843 /

Read return dated the 24th Ultimo from the Provincial Court of Circuit in the Western Division, to the precept of the Fouzdaree Adalut of the 30th March last directing them to call for Case No 14 on the Criminal

Criminal Report No 8 for the Month of February last and pass such orders as may appear to them to be proper reporting the same for the information of the Higher Court.-

/ Here enter Ct. No 632 of 1843 /

Read return dated the 25th Ultimo from the Provincial Court of Circuit in the Southern Division, to the precept of the Fouzdaree Adalut of the 9th March last directing them to look into the proceedings in Case No 9 on the Contingencies Criminal Reports for the Month of January 1843. and pass such orders as may appear to them proper reporting the result for the information of the higher Court.-

/ Here enter Ct. No 633 of 1843 /

Read letter dated the 25th Ultimo from the Provincial Court of Circuit in the Southern Division, submitting with reference to the proceedings of the Fouzdaree Adalut of the 24th February last copy of the

3d May 1843.

the Orders passed by him in Cases Nos 1 and 2
on the Tuticorin Criminal Reports for the
Month of January 1843.

/Here enter J.D. No 636 of 1843/

Read letter dated the 26th
Ultimo from the 2d Judge of the Provincial Court
of Circuit in the Southern Division, forwarding
the Calendar of persons committed by the
Acting Joint Criminal Judge of Tuticori-
=poly to take their trial before the Court
of Quarterly Sessions for the 1st Quarter
of 1843 and copy of the Translation of
Fatwa of the Mahomedan Law Officer.

/Here enter J.D. No 637 of 1843/

Read Letter dated the 27th
Ultimo, from the 1st Judge on Circuit in the
Southern Division, forwarding a Statement
of Batta paid to the Prosecutor and witness
received from the Acting Criminal Judge
of Coimbatore during the 1st Sessions of
1843.

/Here enter J.D. No 642 of 1843/

Ed Off

J. D.

Monday
1st May 1843.

At a Court of the Sowdaree Adalut.

Present,

At — Malcolm Lewin Esqre — Act. 1st Puisne Judge.
Alext. Maclean Esqre — Act. 2d Puisne Judge,
W M L — J. M. Lewin Esqre — Act. 3d Puisne Judge,

Read letter dated the 25th
Ultimo, from the 1st Judge of the Provincial
Court of Circuit in the Centre Division trans-
=mitting the record of Trial in Case No 2 on
the Chittoor Calendar for the 2d Quarterly
Sessions of 1843.

/Here enter J.D. No 620 of 1843/

W. M. Lewin
and
W. A. Maclean.

The Court of Sowdaree Adalut
on a deliberate consideration of all the cir-
=cumstances of the Case in evidence before
them, being of opinion that the proof
against the Prisoner

Mahommad Beig

is sufficient to convict him of the Crime of
Murder, do convict him thereof, and order

the

4th May 1843.

the provisions of Section X Regulation VIII of 1802, do Sentence him to Suffer death by being hanged at the usual time and place of execution.-

1. In the above communication the 1st Judge presiding has expressed his opinion that the Paisoner Rahomed Beig a Trooper in the 7th Regiment Light Cavalry Should with reference to the atrocioustyss of the act for which he was brought to trial, be sent to Arcot, there to undergo the extreme penalty of the Law, in order that his execution on the Spot where the Murder was committed, may serve as a warning to his fellow Soldiers.-

2. It does not appear to the Court of Sowdare Adalut that the circumstances of the murder of which the Prisoner is convicted, are such as to require the adoption of the proceeding which the 1st Judge W. Taylor has recommended and accordingly they direct that the Sentence of death be carried into execution at the Station of the Corps to

5th May 1843

Court by which the Prisoner was committed to take his trial.-

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

/Sent following letter No. 457/

Read letter dated the 25th Ultimo from the 2d Judge on Circuit in the Western Division, reporting his having opened the 1st Sessions of 1843 at Soorey on the above date.-

/Here enter Ple. No. 646 of 1843/-

End 7th

RDM
ag. Regt.

No 16.

Friday 5th May 1843.

At a Court of the Conjudicare Adalat

Present

Mal. Malcolm Lewin Esqre ——— Acting 1st Assistant

A. M. Alexr Maclean Esqre ——— Acting 2nd Assistant

W.M.L. F. M. Lewin Esqre ——— Acting 3rd Assistant

Read return from the Central Provincial Court to the precept of the Conjudicare Adalat under date the 8th Ultimo directing them to look into certain Cases in the Dritton Criminal Calendar for the Month of January 1843.

(Recorded P.R. No 630 of 1843.)

With regard to the concluding remarks by the Provincial Court on Cases 189 and 190 to the effect "that after the expiration of the term of imprisonment "the Prisoners should be forwarded to the Magistrate "with the view to his ascertaining whether there are not "sufficient grounds for demanding security from them "for his future good conduct" the Conjudicare Adalat see no objection to the Prisoners being forwarded under the usual Rules of the Police, but are of opinion that security cannot in strictness of law be required from them.

Ordered

5th May 1843.

Ordered, that Extract of these Proceedings be sent to the Provincial Court in the Centre Division for their information and guidance.—

(Sent in No. 459.)

Read Letter from the Acting Chief Criminal Judge of Quinton under date the 24th ultimo forwarding the Criminal Reports for the Month of March 1843.—

(Here enter C.R. No. 618 of 1843.)

Case No. 1.

1. Under the circumstances of the case as recorded in this Case the Court of Conjeveram Adalut are of opinion that the Prisoner awarded to the Prisoner must be remitted.—

Case No. 11.

2. The Head of Police attributes the delay in this Case to the difficulty of procuring evidence without specifying the nature of the difficulty.

3. The Conjeveram Adalut direct that the Head of Police be called upon to afford the necessary explanation.—

Ordered, that Extract of these Proceedings be sent to the Acting Chief Criminal Judge of Quinton by first Packet intervalle in 5 days from and after its receipt.—

(Sent following Receipt No. 459.)

Rec'd

5th May 1843.

Read Return from the 1st Judge of the Provincial Court of Circuit in the Centre Division dated the 28th ultimo to the precept of the Conjeveram Adalut of the 25th calling for explanation in regard to Case No. 3 of the Chittoor Calendar for the 1st Quarter of 1843.—

(Here enter C.R. No. 631 of 1843.)

1. In the above Return the 1st Judge observes that "the crime of arson was fully established against the Prisoner — that the act was committed purposely and by premeditation, and with a reckless regard to the consequences."—

2. Under the explanation here given the Court of Conjeveram Adalut will not interfere with the sentence awarded by the 3d Judge.—

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

(Sent in No. 461.

Read again communication dated the 11th ultimo from the 1st Judge on Circuit in the Southern Division transmitting for the final judgment of the Conjeveram Adalut the trial of Case No. 1 of the Madura 1st Supplemental Calendar for the 1st Quarter of 1843.

(Here enter C.R. No. 582 of 1843.)

Read

Read also communication dated the 28th
letter from the Acting Chief Secretary to Government requesting
the Collector to furnish Mr Morehead Acting Principal
Collector and Magistrate of Madura with full instructions
for prosecuting the investigation directed in the 2nd para
of the 24th letter.—

(Here enter No 624 of 1843)

The Acting Magistrate of Madura being in
possession of the sentiments which the Court have entertained
in respect of the origin of the prosecution under which
the late Manager of Ramnad was brought to trial on
the charge recorded in the margin, it seems unnecessary
to
fulfilment of the wishes expressed by the Government
simply to intimate to that officer the points on which
mainly the opinion of the Court of Sudder Adawlut was
formed and which appear to them to be most easily ex-
=plicable of supposing data on which to trace the
conspiracy to its source.—

2. The Judges would here refer
in the 1st instance, to the proof which has been adduced
to show that the Ramnad Zemindary Dancha is entitled
an inheritance of descending in part on certain Brahmins
of the village Tavoorgaree.
purchased by the Ramnad Chetty and therefore at one period
which took place under the order of the Zillah Court of
Madura.—

2/ 2nd, 23rd, 24th, 25th,
26, 28th, 29th witnesses
for defence

3

5th May 1843.

2nd Cite having been already shown that the actual
sectoral of the lands adverted to, took place, with the
21,22,25,26,27,28,& consent of the present Rance, on the celebration of the
29 witnesses for defence. marriage of Ranglaswara Nauchiar, which circumstance,
as well as that indicated in the preceding para, has been
fully established in evidence.—

3rd Cly That Annasamy Iyer had long previous knowledge
of the preparation of the Vakalutnamah and was
38,40,41&42 witnesses for defence perfectly well acquainted with its object and intended
purposes.—

4th Cly That the Manager Muttoo Chetty knew in the
part which he took in the matters to which the Vaka=
31,32,33,34,40&41. witnesses. =lutnamah had reference was clearly acting with the consent
of the present Rance.—

5th Cly That the Rance herself actually addressed a
letter to her Vakeel Annasamy Iyer, 1st witness for the
Prosecution, desiring him to purchase a stamped paper
for the express purpose of drawing up a Vakalutnamah,
1,2,43 witnesses for defence with which requisition Annasamy Iyer is proved to have
complied by reference to the paper itself which is
endorsed to that effect.—

6th Cly That one Ramasamy Naik (deceased) brought the
4,5,7,9&10 witnesses for defence Vakalutnamah in question to the Rance whose mark
was duly affixed to it and attested by the two sworn
woman Parvatum and Parvatee.—

Cly

6th May 1843.

Robertson at Pallecondah.

/ Stevenson 7th. No. 261 of 1843 /

2d February 1843 1. In the communications last recorded above is submitted copy of a letter from Lieutenant Robertson who observes that he would recommend to the favorable consideration of Government three convicts who afforded to the disarmed Poms most efficient assistance and by these means secured the immediate capture of two of the fugitive Prisoners.

13th March 1843 2. The Court of Zoujdaree Adalut in their letter to the Acting Criminal Judge declared their inability to act upon Lieutenant Robertson's suggestion until the necessary evidence had been taken and the depositions submitted to this Court, but they observed that up to the present time the testimony thus declared to be requisite, has not been received from the Acting Criminal Judge of Chittoor.

3 It is also observed that the descriptive Roll of the three convicts to whom Lieutenant

6th May 1843

Lieutenant Robertson has adverted was not forwarded to the Court of Zoujdaree Adalut.

4 The Acting Criminal Judge is accordingly desired to supply the omissions above noticed and transmit to the Provincial Court of Circuit all such depositions as may have been recorded before him in respect of the recommendations made by Lieutenant Robertson, instead of forwarding them, as originally ordered, to the Court of Zoujdaree Adalut.

5 In connexion with the above mentioned circumstances the attention of the Judges has been drawn to a remark by Lieutenant Robertson in his communication noted in the margin, from which it is to be inferred that the Leniency shown to the Poms, through whose negligence the escape of ten convicts from Pallecondah was effected, has mainly led to the gross carelessness exhibited by the guards of

To Capt. Foster
Dated 11th April 1843

1st May 1843.

3.

The two last specified facts being in the opinion of the Soydaree Detachment proved in a satisfactory manner, they consider that no doubt can exist as to a conspiracy between the Rajas and Ramasamy Iyer since the circumstance in question are perfectly incompatible with the statement which they have so respectively made.—

4.

It does not occur to the Soydaree Detachment to lay stress on any more of the prominent points of the trial than those above mentioned which appear to them to be well calculated to form a basis for any investigation the Acting Magistrate may think himself called upon to make with reference to the instructions issued to him and the Court feel confident that it is on these the real merits of the present prosecution will be brought to light.—

Ordered that extract from these proceedings together with the record of the trial referred to be forwarded to the Acting Magistrate of Madura for his information and guidance.—

(Sent in No 462)

Ent'd

By Regr

At a Court of Sessions held at Palamcottah

on Tuesday the 2nd May 1843.

Present

Malcolm Lewin Esqr. Acting Principal Sudder

Hugh Maclean Esqr. Acting Assistant Sessions Judge

J. H. Lewin Esqr. Acting Assistant Sessions Judge

Read letter, dated the 27th ultimo and its enclosures from the Acting Criminal Judge of Tinnevelly reporting the escape on the 19th instant from the Gang employed under Lieutenant Robertson and Read Letter from the Acting Criminal Judge of Tinnevelly dated 1st instant No 627 of 1843.

Read also again the Tinnevelly Criminal Returns for the month of March 1843.—

Read also again communication dated the 13th February last and its enclosures from the Acting Criminal Judge of Tinnevelly reporting the escape of two convicts from the Gang employed under Lieutenant Robertson

has adverted was
Soydaree
the commissioners
the Provincial
positions as
him in
made by
and of Jas-
bered, to
the above
tion of
remarks
concern-
which the
the
recorded

6th May 1863

of those who more recently rose upon the two Peons at Road Pettah.

6. The only means of ascertaining the result of the enquiry made by the Acting Criminal Judge of Chittoor regarding the suspected connivance of the Peons on duty with the Convicts at Pullicondah, which this Court possesses, is by reference to the Criminal Report received from that Officer for the Month of March last, by which it would appear that in the absence of any proof of connivance, the Acting Criminal Judge had released the individuals sent up to him on a charge to that effect, considering it sufficient that they should have been dismissed from their Situations by the Officer superintending the Convicts on the great Western Road.—

Case No 22 of 1863.
Mahomed Mustapha
Syed Emaum
Venkopia
Sabul

7. The Judges Medical deem it necessary under the circumstances of the two cases to require the Provincial Court to call for the record of the case No 22 before

J. No.

6th May 1863

before the Criminal Court at Chittoor and on a consideration thereof to state whether in their opinion the release of the two Peons is of questionable propriety.—

8 The Provincial Court will further be pleased to bring under consideration the evidence which may have been taken by the Acting Criminal Judge regarding the assistance rendered by the three Convicts adverted to by Lieutenant Robertson and report whether in their opinion grounds exist for recommending a remission of any part of the Sentences they are now undergoing and if so, to what extent.—

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division by precept returnable in XV days from and after its receipt, and for communication to the Acting Criminal Judge of Chittoor.—

[Sent following precept No 463.]

Read again communication, dated

dated the 29th March last, from the Magistrate of Malabar transmitting for Sanction the account particulars of rewards paid in Fusly 1251 A.D 1841/42

/Here enter F.Do. No. 487 of 1843/

Read also return, dated the 22d Ultimo from that functionary to the Court's Precept of the previous 10th requesting explanation in regard to the account particulars which accompanied the foregoing address.—

Loose K
Malabar
Syed
Yusky
Fabn

/Here enter F.Do. No. 616 of 1843/

On reference to the amended Statement of rewards which the Magistrate has now laid before the Court, it is observed that the several amounts therein specified have been disbursed under express provisions of the Regulations authorizing the Magistrate himself to direct payment thereof; consequently that any orders on the subject from the Foujdarree Adalut are unnecessary.—

Sections XII and XIII Reg.n III of 1816 and Sect.n 2 Reg.n XIII of 1832

Ordered

6th May 1843.

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

/Sent in No. 264./

Read return from the Provincial Court of Circuit in the Southern Division dated 25th Ultimo to the precept of the Foujdaree Adalut of the 15th March last directing them to look into Case No. 6 on the Madura Criminal Reports for the month of January 1843 and pass such orders thereon as may appear proper, reporting the result for the information of the Foujdaree Court

/Here enter F.D. No. 634 of 1843/

1 Having entered into an examination of the above Case the Provincial Court conclude by observing "that the Sentence passed by the Sudr Ameen ought to have been allowed to stand good."—

2 The Foujdaree Adalut concur

6th May 1843.

in this opinion and direct that their sentiments may be communicated to the Criminal Judge of Madura.

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Southern Division for their information and guidance.

Sent in No. 485 /

Read letter dated the 17th April from the Criminal Judge of Bellary transmitting the Criminal Reports for the month of March 1843.

/ Here enter J. Ct. No. 608 of 1843 /

Case No. 33

The reason assigned by the Police Officer viz "that he had no ground to send up the Prisoners for both Cases / viz. robbery in consequence of their being employed on Immunity" is not considered by the Sudder Adawlut a satisfactory explanation of the delay in this Case, and Court, on any future occasion, be permitted to pass without more serious notice.

The

J. Ct.

6th May 1843.

No. 34

2. The Court of Foujdaree Adawlut having reason to doubt the correctness of the decision in this Case, direct the Provincial Court to look into it, pass such orders as they may consider necessary and report their proceedings for the information of this Court.

No. 36

3. From the remarks recorded by the Moofty Sudr Ameens in this Case there appear to have been no grounds on which the Prisoners could have been convicted — The Foujdaree Adawlut direct that the Magistrate may be called upon to explain the reasons that led the Head of Police to commit a case apparently without evidence.

No. 37.

4. The Foujdaree Adawlut seeing grounds for doubting the decision in this Case resolve to direct the Provincial Court to look into it and, after passing the requisite orders to report their proceedings for the information of the Court.

No. 42.

5. The Sentence and Regulations under which punishment is awarded in this

Case

Case is incorrect; it ought to have been Section VIII Regulation X of 1816; whereas, the Regulation quoted refers to the Magistrate and gives no power to the Criminal Judge.

6 The Foujdaree Adalut direct that this error may be pointed out to the Moofty Sudr Ameen.

No 16. 7 In this case the Foujdaree Adalut observe a delay of 2 days in excess of the time allowed for a single case, and they direct that the Head of Police at Bellary may be informed that the reason assigned by him "of another witness being sent for" is not considered a satisfactory excuse for the breach of Circular Orders.

No 18. 8 The attention of the Foujdaree Adalut having been directed to the delay in this case, they resolve to call upon the Assistant Magistrate of Bellary to state his reasons for making a reference to the Magistrate, who appears at the time to

to have been at a distance on Summadavady.

Ordered that Extracts from these proceedings, (paras 2 and 6,) be sent to the Provincial Court of Circuit in the Centre Division for their information and guidance.—

(Sent in No 466.)

Ordered likewise that Extract of these proceedings be sent to the Criminal Judge of Bellary by precept returnable without delay.—

(Sent following precept No 467)

Read letter from the Acting Criminal Judge of Cuddapah under date the 19th Ultimo forwarding the Criminal Reports for the month of March 1843.

(Here enter F.No. No 602 of 1843)

Case No 30 1 The Court of Foujdaree Adalut concur in considering the conduct of the Prosecutor in this Case, in so manfully resisting the attacks made upon him, deserving of approbation, and, with reference

to

6th May 1843.

to the Proceedings of Government under date the 11th July 1839 authorises the Acting Judge to indent upon the Military Board [thro' this Court] for an "honorary Musket" to be bestowed upon the Prosecutor in testimony of his courageous resistance to a gang of Robbers.—

Case No 39. 2. If the remarks recorded in this case by the Acting Judge have not already been sent to the Magistrate the Court direct that they may now be forwarded for his information.—

No 30. 3. There appear to have been no less than 22 days delay between the apprehension of the Prisoner in this Case, and his being forwarded to the Criminal Court.—

4. The Soogdaree Udalut desire that an explanation of this delay may be afforded.—

Ordered that Extract of these proceedings be sent to the Acting Judge of Cuttack by speedy conveyance with a request that the explanation required may be furnished without delay.

[D M A] Sent following precept No 468 [illegible]

S. U.

Monday 8th May 1843. At a Court of the Soogdaree Udalut.

Present

M L — Malcolm Lewin Esqre — Actg 1st Puisne Judge.
A M — Alexr Maclean Esqre — Actg 2d Puisne Judge.
J M L. — J. M. Lewin Esqre — Actg 3d Puisne Judge.

Read letter from the 1st Judge of the Provincial Court of Circuit in the Centre Division under date the 26th April 1843, forwarding the Magistrate's Calendars received during the 1st Quarter of 1843, and stating that he had not sufficient opportunity for observation to enable him to submit the report required by Section XXXVII Regulation VII of 1802 as he presided at the Quarterly Sessions for a short time and that the Draughts of the Decrees of the Zillah Judge and Register were examined and found to be in the hand writing of those officers respectively.

4th April 1843.

[Here enter Ltr No 621 of 1843]

In the accompanying Extract

8th May 1843

It is remarked "that the 1st Judge is of opinion that the Sentences passed by the Acting Joint Magistrate against the accused in Cases Nos 12 and 13 of the Calendar submitted by him for the 4th Quarter were too lenient, and that the parties should respectively have been forwarded to the Criminal Judge for trial"

2 The Joogdarees Adalut concur in this opinion of the 1st Judge, and direct that their Sentiments may be conveyed to the Acting Joint Magistrate.

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

/ Sent in No 472 /

Ordered also that Extract of these proceedings, together with copy of the above letter and its enclosure be sent to the Secretary to Government for the purpose of being laid before the Most Honorable the Governor

8th May 1843 Governor in Council.

/ Sent in No 473 /

Read letter from the Joint Criminal Judge of Tellicherry under date the 25th Ultimo requesting permission to offer a conditional pardon to any two of the Prisoners in Case No 27 of 1843 on the Criminal file with the exception of the first

/ Here enter F.H. No 641 of 1843 /

The Judges of the Joogdaree Adalut are unable to sanction the proposition conveyed in the Joint Criminal Judge of Tellicherry's communication, and they resolve to call upon him to select from the prisoners those whom he desires to make approvers, setting before the Court the specific grounds on which he recommends the measure, as well as the information he expects to obtain from the offer.

Ordered that Extract from these proceedings be sent to the Joint Criminal

8th May 1843.

Criminal Judge of Tellicherry for his information and guidance.

/Sent in No. 474/

Read return dated the 1st Instant from the Provincial Court of Circuit in the Centre Division, to the precept of the Foujdaree Udalut of the 27th Ultimo certifying that the necessary orders have been issued for the apprehension of the Prisoner in Case No. 231 of the Calicut Reports for December 1842 for the purpose indicated in the proceedings of the Foujdaree Udalut.

/Here enter Sl. No. 652 of 1843/

Read letter dated the 28th Ultimo from the Acting 3d Judge on Circuit in the Northern Division, forwarding Statements of Batta paid to the Prosecutors and Witnesses who attended the Court of Circuit for the 2d Sessions 1842 at Tellicherry.

/Here enter Sl. No. 652 of 1843/

R D
Officer.

Ed 7 Hs

At Us

Tuesday 9th May 1843. At a Court of the Foujdaree Udalut.

Present:

AL Malcolm Lewin Esqre Actg 1st Provne Judge &c.

A. M. Alexr Maclean Esqre Actg 2d Provne Judge &c.

WML. W. M. Lewin Esqre Actg 3d Provne Judge &c.

Read letter from the 2nd Judge on Circuit in the Western Division under date the 22d April last forwarding the translation and Statement in Case No. 1 of the Honore Calendar 1st Sessions of 1843.

/Here enter Sl. No. 625 of 1843/

It is recorded in the remarks on this case that the 1st 3d 5th 6th 7th and 9th Prisoners were not put upon their trial before the Court of Circuit, but returned to be punished by the Acting Principal Sudr Ameen of Honore, in consequence of it not appearing to the Judge on Circuit that they were notoriously bad characters

8th Pm

9th May 1843

"characters" or had before been "convicted of very heinous offences" circumstances which alone could authorise their being committed to the Court of Circuit.—

2. The Zoojdaree Adalut are of opinion that the course pursued on this occasion by the Judge on Circuit is opposed to general practice, not less than to Clause 2d Section III Regulation VII of 1822 wherein it is specifically enjoined that "if any of the prisoners are criminated to a certain extent as to become the duty of the criminal Judge to commit the whole to take their trial before the Court of Circuit."—

Ordered that Extract of these proceedings be sent to the 2d Judge late on Circuit in the Western Division for his information and future guidance

Sent in Ats 298.

Read Letter dated the 3d Instant from the 2d Judge on Circuit in the Centre Division, reporting the opening of the 1st Sessions at Cuddalore on the above date.—

Ordered / Have entered Ltr No 650 of 1843 /

Ltr Ltr

Ltr Ltr

S. K.

At a Court of the Zoojdaree Adalut.

Present

Wednesday 10th May 1843.

Mr Leach — Acting 1st Puisne Judge

Mr Lee — Acting 2d Puisne Judge

Mr Lee — Acting 3d Puisne Judge

Read Miscellaneous Petition presented on the 18th April 1843 by Cheddambarum of the Tribe of Cuddapah

(Received No. 8 Ats 31 of 1843.)

Asserting the circumstances which occurred when Mr Lee was Collector of the Cuddapah District, the Petitioner asserts that he had the effect of creating towards him an unfavorable impression in the mind of that Gentleman which subsisted long after the Petitioner recently appeared as witness before Mr Lee, then Judge on Circuit.

That the consequence was that on the part of the Petitioner to gain his ordinary property for which he was fined 20 Rupees by Mr Lee, and further ordered to the Collector to dismiss the Petitioner from the office of Carnam of Gundlakunta

Case No. 5 Cuddapah Calendar for the Sessions of 1843

and

and to attach his Sworn Bonds.—

3. Calling in question the justice of the fine imposed on him and the legality of the orders issued by the Judge on Circuit to the Collector, the Petitioner prays for the remission of the former and the annulment by this Court of the latter.—

4. On a consideration of the Petitioners and deeming the Court of Sadr Dewanny Adawlut desirable to require the transmission of the depositions containing the prevarications for which the Petitioner appears to have been fined by the 2nd Judge on Circuit who is further requested to lay before this Court any observations he may think necessary in regard to the several allegations made by the Petitioner in the Petition above recited.—

Ordered, that Extracts from the proceedings, together with a copy of the translation of the Petition, No 31 of 1843, be forwarded to the 2nd Judge on Circuit in the Centre Division by precept returnable in 15 days from and after its receipt.—

(Sent following Precept No 679)

Ordered also that Extract from the proceedings be granted on application to the Petitioner.—

Read Miscellaneous Petition (Native) presented on the 18th Instant by Sheikh Nuzir Ali Delegate

Delegate of the Zillah Court of Salem.—

(Here enter Petn. No. 22 of 1843)

Read Miscellaneous Petition presented on the 18th Instant by Ramatchellum and 5 others late Jail Peons of the Zillah of Salem.—

(Here enter Petn. No. 31 of 1843)

1. The above Petitioners state that having been placed in charge of 30 Convicts, with orders to convey them to Chingleput, they proceeded without interruption as far as Tellingumpandy in the District of South Arcot — that the Village Inamdiff having, contrary to their request, neglected to provide them with a Tanda or additional guards, they were compelled to divide the watches amongst themselves — that, during the night of the 10th the convicts made their escape altho' every precaution was used on their part to guard and secure them.—

2. The Petitioners then complain of their having been dismissed from their several situations, and conclude by praying that the Sadr Dewanny Adawlut will call up the proceedings held in the case and order their restoration.—

3. The Court of Sadr Dewanny Adawlut resolve to forward their Petition to the Criminal Judge of Salem for any notice he may think proper to take regarding

regarding them.—

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

(Sent in Acc. 480)

Ordered further that Copy of these proceedings be furnished to the Petitioners on their application

Read Miscellaneous Petition presented on the 1st May 1843 by Sashadree Iyengar of the Zillah of Chittoor.—

(Herewith No. C. of M. P. No. 38 of 1843)

Adverting to his previous application and the orders of the Court of Sudder Adawlut passed thereon under date the 30th March last, the Petitioner prays that the Documents now presented may be taken into consideration and suitable punishment awarded to the parties who fabricated the deeds complained of.—

His Petition is again informed that it is necessary he should file the orders he complains against, before the Court of Sudder Adawlut can attend to his petition.—

Ordered that this Petition be dismissed and that Copy of these proceedings be granted to the Petitioner on his application.—

Read

No. 46.

10th May 1843.

Read letter dated the 27th ult. from the 1st Judge on Circuit in the Northern Division of the Zillah transmitting the Record of the trial in Case No. 19 of the Criminal Calendar for the 1st Session of 1843.—

(Herewith No. 649)

The Court of Sudder Adawlut on a

Mr. M. Lewin
and
Mr. E. M. Lewin,

deliberate consideration of all the circumstances of the case in evidence before them, deem it their opinion that the Prisoner

Arzoorunchellum Chairway

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the offence of misprision of felony, in having been party to a compromise in view to procuring immunity from punishment for some individuals guilty of theft, to acquittal thereof, and, under the provisions of Clause Sixth Section II Regulation XV of 1808, do not think he be set at liberty.—

(Sent in Acc. 481.)

Sashadry Iyengar of the Zillah of Chittoor moves the Court to return the enclosures in his Miscellaneous Petition No. 38 of 1843.—

Ordered accordingly.—

Read letter dated the 3d instant from

10½ 10th May 1843.

From the Criminal Judge of Rajahmundry transmitting the Criminal Reports for the Months of April 1843.

(Here enter No. 669.)

Reply.

F. U.

Thursday, 11th May, 1843.

At a court of the Foujdaree Udalut.

Present,

Malcolm Lewin Esqre Actg 1st Puisne Judge,

Alexr. Maclean Esqre Actg 2d Puisne Judge,

A. M. Lewin Esqre Actg 3d Puisne Judge,

Read letter dated the 28th ult. from the 2d 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. 3 on the Honore Calendar for the 1st Sessions of 1843.

(Here enter F. U. No. 653 of 1843.)

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. Murullee.

and

2d. Vencataramana Copadhea.

is sufficient to convict them of the crime of Murder

11th May 1843

Gunders, 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.—

/Sent following letter No. 687/

Read letter dated the 25th Ultimo from the Provincial Court of Circuit in the Southern Division, submitting with reference to the Proceedings of the Fougdaree Udalut of the 16th February last, copy of the orders passed by them in case No 193 on the Salem Criminal Reports for the month of December 1842.

/Herewith Sdr. No. 635 of 1843/

Read letter dated the 1st Instant from the Agent to the Governor of Fort St George in Ganjam, submitting the return of Criminal Cases disposed of before the Agent to the Governor of Fort St George in Ganjam during the month of April 1843.

/Here enter Sdr No. 662 of 1843/

Read

11th May 1843

Read return dated the 6th Instant, from the Acting Criminal Judge of Combaconum, to the precept of the Fougdaree Udalut of the 1st Instant, on the review of the Criminal Reports for the month of March 1843.

/Here enter Sdr No. 770 of 1843/

Read letter dated the 2d Instant, from the Provincial Court of Circuit in the Western Division, stating that a return was made to the precept of the Fougdaree Udalut of the 30th March last under date the 25th April 1843.—

/Here enter Sdr No. 720 of 1843/

Read letter dated the 3d Instant from the 1st Judge Coimbatore in the Western Division, submitting copy of a return received from the Acting Principal Sudr Ameen at Honore to the warrant issued to him regarding the Prisoner in case No 1 on the Sirsy Calendar 2d Session of 1842.

/Here enter Sdr No. 773 of 1843/ Read

11th May 1843

Read letter dated the 4th Instant, from the Acting South Criminal Judge of Cochin, submitting the Criminal Reports for the month of April 1843.

/ Here enter S.C. No. 1775 of 1843 /

Read letter dated the 6th Instant, from the 1st Judge on Circuit in the Southern Division, intimating his arrival and opening the 1st Sessions of 1843 at Salem, and that a Primary Calendar of 23 Cases with 62 Prisoners have been laid and that there is a prospect of a Supplemental Calendar of 1 or 2 Cases being also presented.

/ Here enter S.C. No. 1777 of 1843 /

Read letter dated the 6th Instant, from the 1st Judge on Circuit in the Southern Division, intimating his intention to open the 1st Sessions of 1843 at Coimbatore on the 27th May 1843.

/ Here enter S.C. No. 1778 of 1843 /

Ed 11th

R.D.H. Agent

S. C.

Saturday, 12th May, 1843.

At a Court of the Sazdarce Adalut.

Present,

Sd. Malcolm Lewin Esqre. Actg 1st Crime Judge;

A.M. Alexr. Maclean Esqre. Actg. 2d. Crime Judge;

W.M.L. H. M. Lewin Esqre. Actg 3d. Crime Judge;

Read letter from the Acting 3d Judge on Circuit in the Northern Division under date the 20th Ultimo transmitting Record in No. 4 on the Rajahmundry Calendar, 2d Sessions 1842, for the Sentence of the Sazdarce Adalut.

/ Here enter S.A. No. 629 of 1843 /

1 Before passing Sentence in this case the Court of Sazdarce Adalut deem it necessary to direct the Acting 3d Judge on Circuit to take evidence on the subject of the Prisoner's, Mooteala Banjee, Sanity.

2 It is observed that the 1st witness for the prosecution states, and apparently without being actuated by any sinister motive, that the Prisoner "went out of their senses" and had

m

15th May 1843.

in consequence, been some months separated from her husband, and was, at the time of the murder, living with her mother.—

3. These are important facts and require to be dealt with the utmost attention; and in making his return the 3d Judge on Circuit will be expected to express a decided opinion as to the prisoner's sanity or otherwise.—

Ordered that Extract from these proceedings be sent to the Acting 3d Judge on Circuit in the Northern Division by Dispatch returnable without delay.

/Sent following precept No. 493./

Read letter dated the 6th Instant from the Acting 3d Judge on Circuit in the Northern Division, reporting his having issued Proclamation for opening the 2d Sessions of 1842 at Mahapore on the 22d Instant and that the 1st Sessions of 1843 for Nagapatam will be held on his return from Mahapore.

/Thereupon Fl. No. 782 of 1843./

Read

Monday 15th May 1843.

At a Court of the Foujdaree Adalut.

Present,

Malcolm Lewin Esq.re Actg 1st Puisne Judge,
Alexr Maclean Esq.re Actg 2d Puisne Judge,
H. M. Lewin Esq.re Actg 3d Puisne Judge.

Read again letter dated the 10th March 1843 from the 2d Judge on Circuit in the Western Division, submitting trial in Case No. 2 on the Mangalore Calendar for the 1st Sessions of 1843 and recommending for reasons assigned, that the Prisoner be sentenced to 14 Years imprisonment in the common Gaol with hard labor in irons.

/Here enter Fl. No. 690 of 1843./

Read also letter dated the 29th March 1843 from the 2d Judge on Circuit in the Western Division, acknowledging the receipt of an Extract from the proceedings of the Court of Foujdaree Adalut of the 22d March, and forwarding the trial of Case No. 2 on the Calendar of Zillah Canara and an

amended

15th May 1843

amended letter

/Here enter S.R. No. 491 of 1843/

Read also Extract from the Minutes of Consultation under date the 11th Instant confirming the Sentence of the Tongadarea Udalut in Case No. 2 on the Trangalaar Calendar for the 1st Sessions of 1843.

/Here enter S.R. No. 796 of 1843/

Mr. J. M. Lewin

Under the authority of the Most Honorable the Governor in Council, the Court do accordingly direct that the Prisoner,

"Deva"

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.

The Court likewise do direct that Extract from their proceedings under date the 11th April 1843. be sent for the information and guidance of the 2d Judge on Circuit in the Western Division.

/Sent following letter No. 495/

Read letter dated the 6th Instant from the 1st Judge on Circuit in the Southern Division

15th May 1843.

Division submitting for the consideration and final Sentence of the Tongadarea Udalutkan, long hand translation of the record of the trial in Case No. 2 on the Madura 1st Sessions Trial Calendar for the 1st Sessions of 1843.

/Here enter S.R. No. 776 of 1843/

Mr. M. Lewin
Mr. Maclean
and
Mr. J. M. Lewin

The Court of Tongadarea 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

Paria-Kurpen

is sufficient to convict him of the crime of Robbery and Murder, do convict him thereof; but considering that the ends of justice will be sufficiently attained by their passing a less severe sentence than that to which the Prisoner is liable under the provisions of Section X Regulation VIII of 1802, do sentence him under the provisions of Clause Second Section VII Regulation I of 1825, to be transported to such place or places beyond Sea

15th May 1843

See 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 296/

Read again return dated the 25th Ultimo from the Provincial Court of Circuit in the Southern Division to this Court in Precept of the 24th February last directing that authority to call up and dispose of Cases 1 and 2 entered in the Criminal Report for the Month of January last received from the Acting Joint Criminal Judge at Trichinopoly-

/Here enter J.R. No 636 of 1843/

Read also communication, dated the 2d Instant, from the Provincial Court of Circuit in the Southern Division, submitting with reference to the above return copy of a return from the Acting Joint Criminal Judge at Trichinopoly selecting authority under

J.R.

15th May 1843

the circumstances stated, to remit the portion of the sentence of imprisonment remaining to be undergone by the Prisoners in Cases No 1 and 2 in the Trichinopoly Criminal Report for January last.-

/Here enter J.R. No 661 of 1843/

Read also letter, dated the 6th instant, from the Acting Joint Criminal Judge at Trichinopoly submitting an explanation of the circumstances under which he applied for the remission of the sentence of imprisonment adverted to in the communication noticed above.-

/Here enter J.R. No 663 of 1843/

It appears from the foregoing papers that the sentence passed originally by the Principal Sadr Ameen of the Joint Criminal Court at Trichinopoly against the Prisoners in the Cases adverted to, was reduced by the Provincial Court to imprisonment for three months, the stripes being remitted which in the first instance had procured

for the

part of the punishment awarded.

2. In consequence, however, of an omission on the part of the establishment under the Acting Joint Criminal Judge to direct, at the expiration of two months from the date of sentence, the continued suspension of the corporal punishment, in order to the receipt of the proceedings of the Foujdaree Adalut on the Criminal Report for January last, the stripes are reported to have been inflicted on the Prisoner, ere notice of their remission had been forwarded by the Provincial Court.

3. The Acting Joint Criminal Judge has under these circumstances requested permission at once to release the Prisoner in order, in some measure to compensate for the injury done him.

4. The Court of Foujdaree Adalut regret that the Acting Joint Criminal Judge should have been placed under the necessity of soliciting on behalf of the Prisoner, the indulgence prayed for, and being of opinion that the punishment already undergone

15th May 1843.

is sufficient for the offence, resolve, to order the release of the Prisoner.

Ordered that Extracts from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and that Extract be also transmitted to the Acting Joint Criminal Judge of Trichinopoly.

Sent in Nos. 295 to 298.

Read letter dated the 1st Instant from the Joint Criminal Judge of the Auxiliary Court at Vizagapatam submitting the monthly Criminal Reports of his Court for the months of April 1843, as prescribed by Section XXXV Regulation X of 1816, and stating that the Reports Nos. V and VII. have not been sent, there being no entry to be made in them.

/Herewith Jt. No. 788 of 1843/

Read letter dated the 9th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, returning the

15th May 1843

the proceedings of the Sonjdaree Adalut under date the 5th May 1843 and requesting to be transmitted the same duly authenticated.

(Here enter F.M. No. 791 of 1843)

Read return dated the 5th Instant from the Acting 2d Judge on Circuit in the Northern Division, to the Precept of the Sonjdaree Adalut of the 24th Ultimo communicating their observations and orders on the record of trial in Case No. 2 on the Guntoor Criminal Calendar for the 1st Sessions of 1843.

(Here enter F.M. No. 798 of 1843)

Read letter dated the 11th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, transmitting the Original Death warrant in Case No. 2 on the Chittoor Calendar for the 2d Quarter Sessions of 1843.

(Here enter F.M. No. 806 of 1843)

Encl 2 Papers

W.M.

Office

4

No. 6.

Wednesday 17th May 1843.

At a Court of the Sonjdaree Adalut

Present

Mr. Malcolm Lewin Esqr. ——— Acting 1st Puisne Judge,

A.W. Alex.r Maclean Esqr. ——— Acting 2d Puisne Judge,

W.M.L. The Hon.ble M. Lewin Esqr. ——— Acting 3d Puisne Judge,

Read letter from the Acting 3d Judge on Circuit in the Northern Division and dated the 4th Instant forwarding a copy of a communication from the Criminal Judge of Rajahmundry in answer to certain remarks of the Court of Circuit on his omission to cross examine some witnesses, who had given evidence in the Criminal Court.—

(Here enter Sub. No. 779.)

1. Mr. Chatterton in his reply to the communication from the Acting 3d Judge on Circuit states that "he has repeatedly ordered the Criminal "Gomastah and Writer to omit in the written deposition "any question that can be omitted, putting down only "the answers to all of them in one Brief." Mr. Chatterton considers this course of proceeding to be desirable, as this in his opinion conformable to the spirit of

of

17th May 1863.

15th

of the Tonjdaree Udalut.—

2. The Tonjdaree Udalut entirely concur in the view taken by acting 2d Judge on Circuit of the pernicious tendency as well as irregularity of Labor Mustafa proceedings in omitting, or at least omitting to record, the cross examinations of parties brought before him—

3. The Tonjdaree Udalut having expressed their sentiments on the subject before them leave the acting 2d Judge on Circuit to pass such orders as the examinations brought to his notice may suggest.—

Ordered, that extract of these proceedings be sent to the acting 2d Judge on Circuit in the Northern Division to be communicated by him to the Judge of Rajahmundry.—

(Sent in No. 302)

Read letter dated the 8th instant from the acting 2d Judge on Circuit in the Northern Division transmitting copy of the Judicial Proceedings in Case No. 8 on the Gunjam Calendar for the 2d sessions of 1862.

(Recorded No. 780)

Read letter dated the 4th instant from the 2d Judge on Circuit in the Western Division reporting the close of the 1st sessions of 1863 at Cicacole on the above date.

(Recorded No. 780)

Exd 3/4

Exd 3/4

J. U.

Thursday. 18th May 1863.

At a Court of the Tonjdaree Udalut.

Present,

Ad Malcolm Lewin Esqre Actg 1st Puisne Judge,

A.M Alexr Macleod Esqre Actg 2d Puisne Judge,

J.M.L J. M. Lewin Esqre Actg 3d Puisne Judge.

Read letter dated the 3d Instant from the 2d Judge on Circuit in the Western Division, submitting for the consideration and final sentence of the Tonjdaree Udalut an English translation of the record of the trial in case No. 6 on the Honore Calendar for the 1st Sessions of 1863.

(Here enter J. U. No. 783 of 1863)

The Court of Tonjdaree

M. M. Lewin and M. L. M. Lewin

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,

"Sinapa"

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 1862, Sentence him to suffer death, by being hanged at the usual time and place of execution.—

/ Sent following Letter No. 504 /

Read return under date the 6th Instant from the 3d Judge of the Provincial Court in the Western Division to the precept of the Foujdaree Adalut of the 28th Ultimo directing him to lay before the Court of Foujdaree Adalut any information likely to throw new or additional light on the subject of indulgences in food allowed to Convicts.—

/ Here enter F. Ab. No. 785 of 1863 /

1 In the preceding communication Mr Morris states that the Prisoners in the Mangalore Jail are indiscriminately indulged in the use of betel, and that this indulgence has been the subject of remark and complaint by Prisoners in the other Jails on the Coast.—

2. The Court of Foujdaree Adalut resolve to call upon the Criminal Judge of Canara to report whether betel was allowed to

to all Prisoners, and if so, the commencement as well as the reason of the indulgence.—

Ordered that Extract of these proceedings be sent to the Criminal Judge of Canara by precept returnable in 5 days from and after its receipt.—

/ Sent following precept No. 505 /

Read return dated the 22d March 1863 from the 2d Judge on Circuit in the Centre Division, to the precept of the Foujdaree Adalut of the 16th March last reporting that he has written to the Acting Criminal Judge of Cuddapah directing the immediate release of the four Prisoners in Case No. 28 of the Calendar for the 1st Sessions of 1863 and informed him that the usual warrant will be forwarded to him in due course from Chittoor.—

/ Here enter F. Ab. No. 661 of 1863 /

Read Supplemental return dated the 8th Instant from the 2d Judge on Circuit in the Centre Division, to the precept

18th May 1843

proceeds of the Soujdaree Udalut of the 18th March 1843, stating that the prisoners in Case No 28 of the Cuddapah Calendar were released as will appear from the accompanying copy of the warrant in the case in question.—

/Here enter S.U. No 704 of 1843/

Read letter dated the 8th Instant from the Magistrate of Bellary, reporting some explanations with reference to the instructions of the Court contained in the 5th para of their Proceedings dated 6th April on the Bellary Criminal Report for February 1843 in a Case No 29 which was forwarded by the Head of Police of Madgasseroor.

/Here enter S.U. No 803 of 1823/

Read return dated the 8th Instant from the Provincial Court of Circuit in the Northern Division to the proceeds of the Soujdaree Udalut of the 2th Ultimo detailing remissions of the fine of 50 Rupees imposed upon Sadik Rowthen of Agutoor by the Court of Circuit for the 1st Sessions of 1838.—

/Here enter S.U. No 809 of 1843/

Ext Sec

S.U.

Friday, 19th May, 1843. At a Court of the Soujdaree Udalut.

Present,

A.L. Malcolm Lewin Esqre Actg 1st Puisne Judge,

A.M. Alexr Macleay Esqre Actg 2d Puisne Judge,

W.M.L. T. M. Lewin Esqre Actg 3d Puisne Judge,

Read letter from the Acting Criminal Judge of Chingleput under date the 8th Instant forwarding the Criminal Reports for the Month of April 1843.—

/Here enter S.U. No 774 of 1843./

Case No 12.

1 The provisions of the Law quoted in this Case is inapplicable, it ought to have been Section 6 Regulation XI. of 1822 and not Regulation X of 1816.

2 The Soujdaree Udalut direct that the error may be rectified.—

No 15.

3. In explanation of delay in the Saloke it is merely observed that the 1st Prisoner was detained 13 days.—

4 The Court of Soujdaree Udalut require a more full explanation of the detention

18th 19th May 1843.

detention of the 1st prisoner in this case.

Case No. 18

6 The Sonjdaree Adalut seeing reason to doubt the correctness of demanding security in this case, direct the Provincial Court to look into it, pass such orders as they may consider necessary, reporting the same for the information of this Court.

No. 19

6. The Sonjdaree Adalut observe that the mere statement of the Prisoners being committed for trial to the Circuit Court is not sufficient, and they direct that the grounds of committal may briefly be stated.

Ordered that Extract of these proceedings /para 5/ be furnished to the Provincial Court by precept returnable without delay.

/Sent following precept No. 306/

Ordered further that copy of these proceedings be forwarded to the Acting Criminal Judge of Chittagong by precept returnable in 5 days from and after receipt.

Ent Ord Wh

W.W.R. approve /Sent following precept No. 307./

No.

Monday 22d May 1843.

At a Court of the Sonjdaree Adalut. 10 th

Present:

Act Malcolm Lewin Esq re Actg 1st Civil & Criminal Judge

Alex Maclean Esq re Actg 2d Civil & Criminal Judge

A.M. J.M.L. J. M. Lewin Esq re Actg 3d Civil & Criminal Judge

Read Miscellaneous Petition presented on the 24th April 1843 by Sonjaree Row, Jasildar of the Aboor Talook. — /Herewith F.M. No. 33 of 1843/

Adverting to the testimony adduced against him before the Circuit Court at Cuttack, in regard to the charges on which he was recently arraigned there, the Petitioner argues that he has been unjustly punished by fine and imprisonment and prays that on a consideration of the Calendar and record, the Sonjdaree Adalut will issue orders directing the remission of the fine of Rupees 200 levied from him and the return to his brother, who is now at Cuttack of certain documents produced on the trial at

at that Station.—

The Petitioner is referred to the decisions passed, under date the 1st Instant, on a Petition presented on his behalf by Annajee Row of Madras, which is final. He is further informed that his application for the documents referred to, and for copies of any proceedings he may require should be addressed to the Criminal authorities at Cuddapah.—

Ordered accordingly that the Petition be dismissed and Extracts from these proceedings be granted to the Petitioner on application.—

Read the Criminal Reports submitted by the Sixth Criminal Judge at Coimbatore for the Month of April 1843.—

/Here enter J.M. No. 799 of 1843/

Read Letter dated the 6th Instant from the 2d Judge on Circuit in the Western Division, submitting copies of the Sessions Calendar for the 1st Sessions of 1843, translations of Petitions

/Here enter J.M. No. 804 of 1843/

Read

Read return dated the 10th Instant from the 2d Judge late on Circuit in the Southern Division to the precept of the Sunjdarce Udalut of the 10th April 1843, directing the remission of the fine imposed upon the Prosecutor in Case No. 2 of the Nellore Quinary Calendar for the 1st Sessions, of 1843.—

/Here enter J.M. No. 810 of 1843/

Read return dated the 10th Instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Sunjdarce Udalut of the 27th March 1843, directing them to look into Cases Nos. 25 and 30 of the Combaconum Criminal Reports for the month of February 1843.—

/Here enter J.M. No. 811 of 1843/

Read letter dated the 13th Instant from the Magistrate of Malabar explaining the cause of the delay in Cases Nos. 34 and 50 referred to in the Extract from

the

22nd May 1843.

the proceedings of the Tuydaree Udalut dated
the 25th April last.—

/Here enter F.C. No. 830 of 1843/

Read letter dated the 15th
Instant from the 2d Judge on circuit in
the Western Division, forwarding the warrant
issued for execution of the Sentence of death
passed by the Court of Tuydaree Udalut on
the 1st and 2d Prisoners in No. 1 on the Mangalore
Calendar for the 1st Sessions of 1843 with an
-dorsement thereon by the Criminal Judge
and copy of the report made by that officer.

/Here enter F.C. No. 837 of 1843/

Ent. W.

Tuesday 23d May 1843.

F.C.

At a Court of the Tuydaree Udalut.

Present,

Mk. Malcolm Lewin Esqre. Actg. 1st Puisne Judge,
A.M. Alexr. Maclean Esqre. Actg. 2d Puisne Judge,
W.M.L. F. Mc. Lewin Esqre. Actg. 3d Puisne Judge,

Read letter dated the 8th Instant from the Criminal Judge of Canara submitting the Criminal Reports for the Month of April 1843.

/Here enter F.C. No. 802 of 1843/

Report No. V
Case No. 38

1 It is observed from the abstract Sentence recorded in this case by the Criminal Judge, that the Prisoner was a Servant in the Pagoda where the theft charged was committed.

2 Under such circumstances the Criminal Judge should have quoted Clause Third, Section III Regulation XII of 1832 as the authority under which punishment was adjudged.

Ordered that Extract from these proceedings be forwarded to the Criminal Judge.

Judge of Canara for his information and future guidance.—

/Sentence No. 513./

Read returns from the Criminal Judge of Salem under date the 10th Instant to the precept of the Sonjdaree Udalut of the 3d May regarding the escape of three Prisoners committed for trial before the Court of Circuit, and pointing out that, unless the Jailor was able to exculpate himself, his negligence must be punished by dismissal from his Situation.

/Here enter Sl. No. 797 of 1843/

In the accompanying return the Criminal Judge of Salem considers the early information given by the Jailor of the escape of the Prisoners, and his energetic endeavours to re-apprehend them, such mitigating circumstances, that, in consideration thereof, and of his previous good conduct, as attested by several certificates he states that he is unwilling to dismiss him from his Situation, unless at the re-apprehension of the Prisoners he is found in any manner to have aided or connived at their escape.—

2

The Sonjdaree Udalut observe that the consequences resulting from the Jailors neglect are of too serious a nature to be passed unnoticed—but in consideration of the good character he is reported by the Criminal Judge to have previously sustained, the Court will not press his dismissal, but rest satisfied with his suspension for 6 Months from pay and Office.

3

As regards the Peon the Sonjdaree Udalut see no objection to the course of proceeding recommended by the Criminal Judge.—

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

/Sentence No. 514/

Read the Criminal Reports submitted by the Acting Criminal Judge

23d. May 1843.

of Malabar for the Month of April 1843.

/Here enter Jdl. No. 807 of 1843/

The above Reports do not appear to call for any remarks from the Court of Sonjdaree Udalut.-

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

/Sentence No. 515/

Read return from the Acting Joint Criminal Judge of Trichinopoly under date the 11th Instant, to the precept of the Sonjdaree Udalut of 2d May 1843 on review of the Criminal Report for the Month of March 1843.-

/Here enter Jdl. No. 812 of 1843/

In the preceding return the Acting Joint Criminal Judge requests permission to reduce the Security demanded of the 3d Prisoner in case No. 26 to 2 Securities in 5 Rupees each.-

The

Jdl.

23d. May 1843.

2

The Court of Sonjdaree Udalut see no objection, under the circumstances of the case, in allowing the Acting Joint Criminal Judge to mitigate the Sentence against the 3d Prisoner in case No. 26 to the extent and in the manner proposed.

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

/Sentence No. 516./

Read letter dated the 18th Instant from the Provincial Court of Circuit in the Centre Division, certifying that the Prisoners in cases No. 228 and 229 of the Bellary Criminal Report for December 1842 were released on Security on 14th January 1843 and that the Security Bonds have been cancelled in conformity to the instructions of the Sonjdaree Udalut.-

/Here enter Jdl. No. 815 of 1843/

Read

2 24th May 1843

wounding, for which according to the Mahom-
medan Law as declared in fatwas of their
Law Officers discretionary punishment is
awardable, do convict him thereof; and
with reference to the provisions of Clause
Third Section VII Regulation XV of 1803,
sentence him to be imprisoned and kept
to labor in irons for and during the period
of three years.—

(Sent following letter No 519)

Read the Criminal Report
for the month of April 1843, submitted by
the Assistant Criminal Judge in charge
of the Criminal Court at Nellore.—

(Have entered No 1199 of 1843)

Report No 58
Case No 532

The Assistant Criminal Judge
has omitted to insert in the charge, the
English date corresponding with the 15th
Palgoona Bahula of the Fusly Year current & to
which reference is therein made— He is re-
quested to avoid a similar omission on
future occasions.—

24th May 1843

2.

The appendage to a charge of
Forgery of a translation of the Document
on which the offence has been founded, is
obviously unnecessary and superfluous if the
charge be drawn up according to the usual
and prescribed forms; and should not form
part of a monthly Criminal Report—

3.

On reference to the number of
x 11 Cases cases remaining to be disposed of at the close
of the month of April and of those which
y 6 Cases were decided during that month by the
Assistant Criminal Judge and the Moofty
Sudr Ameen, the Foujdaree Adalut see reason
to believe that greater exertions might have been
made by those officers respectively in the
conduct of their Criminal duties and trust
that the Report for the current month will
when received exhibit a less arrear of
cases under trial.—

Ordered that Extract from
these proceedings be forwarded to the Acting
Criminal Judge in charge of the Crimi-
nal Court at Nellore for his information
and

23rd May 1843.

Read letter dated the 16th
Instant from the 2d Judge on Circuit in
the Western Division, reporting the completion
of the trial of the murder case alluded to
in the Sonjdaree Adalut's Proceedings of the
8th April last and forwarding copy of the
3d Additional Calendar of the Zillah Court
of Canara having reference to the said case.

/Here enter S. Dc. No. 852 of 1843./

End. 1 Pap.

Wednesday,
24 May 1843.

S. D.

Sonjdaree Adalut.

At a Court of the

Present,

Malcolm Lewin Esqr. Actg. 1st Puisne Judge.
Alexr. Maclean Esqr. Actg. 2d Puisne Judge.
J. M. Lewin Esqr. Actg. 3d Puisne Judge.

Read letter dated the 10th
Instant from the Acting 3d Judge on
Circuit in the Northern Division, submitting
for the consideration and final sentence of
the Sonjdaree Adalut as by law translated
of the record of the trial in case No. 5 on
the Sessions Calendar for the
2d Sessions of 1842.

/Here enter S. Dc. No. 843 of 1843/

The Court of Sonjdaree Adalut, having
in a deliberate consideration of the circumstances of
the case in evidence before them, are
of opinion that the proof against
the Prisoner
a Banjara Venkapa
is sufficient to convict him of the crime of
wounding

Mr. M. Lewin.
and
Mr. A. Maclean.

charged
committed, in
cause of the
removal
not form
rule
number of
the close
which
the
proof of
reason
have been
the
Court
with
of
crime
in
and

and guidance.—

/Sent in No. 520./

Read the Criminal Reports
for the Month of April 1843 submitted by
the Joint Criminal Judge at Tellicherry
/Here enter F.R. No. 824 of 1843/

Report No. 4
Case No. 24

1. The 1st Prisoner in this Case was
charged with having effaced a Letter Mark
on one Cannaboth Sankaranayan Embrandery
and taken it to the 2d Prisoner who Luk
-sequently retained possession of it.—

2. The offence imputed to them
has been declared by the Madras Law
Officer to be a grand and a Sentence of fine
with imprisonment in default of payment
has been passed by the Joint Criminal
Judge.—

3. The Court of Sudder Adalut
see reason to doubt the propriety of the Divi-
sional of the case by that officer and
consider to request the Criminal Court of
Circuit will call for the record and on
consideration

consideration thereof pass such orders as may
appear to be necessary reporting the same
for the information of this Court.—

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

/Sent in No. 521./

Ordered also that Extracts
from these proceedings be forwarded to the
Provincial Court of Circuit in the Western
Division by Juresapt returnable in XX days
from and after its receipt.—

/Sent following Juresapt No. 522/

Read the Criminal Reports
for the Month of April 1843, submitted by
the Officiating Joint Criminal Judge at
Tellicherry—

/Here enter F.R. No. 823 of 1843/

1. In reference to the foregoing
Reports the Sudder Adalut are of opinion
that the extremely limited extent of the
operations

24th May 1863

operations of the Joint Criminal Court during the month of April requires to be noticed with three reprehension.

2 The Cause assigned by the officiating Joint Criminal Judge for a result of an equally unsatisfactory nature in the month of February last, did not operate in the period embraced in the Reports now under review and under these circumstances the Judges trust Mr. Lumsden will by greater exertions bring early to a close all such cases as were pending when the reports for April were forwarded to this Court, and thus relieve the Judges from the necessity for further comment.

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

/Sent in No. 523/

Read Extract from the Minutes of Consultation, under date the 12th Instant.

No.

24th May 1863.

No. 223, forwarding for the consideration and explanation of this Court certain observations by the Honorable Court of Directors regarding Sanjdare Abdabis Circular Order No. 101, dated 18th May 1862.

/Hereunto J.H. No. 831 of 1863/

1 Referring to the rule declared in the Circular Order adverted to, that it is lawful for a Criminal Judge to admit as a witness a person sent before him as a Prisoner, but not to treat as a Prisoner an individual appearing before him as a witness, the Honorable Court have observed that they conclude "a person "sent up as a witness who is found to "have been an accomplice in the crime "under investigation, although it is laid "down that the Criminal Judge is not "competent to proceed criminally against "him, is not entitled to be detained liable to "but that there is an authorized mode of "proceeding by which he may be put upon

Forwarding despatch in Jud. Dept. of date the 14th Dec. 1862 No. 520

C. 16.

Thursday, 25th May 1843.

Present,

The Hon'ble Malcolm Lewin Esq^re ——— Acting 1st Puisne Judge,
The Hon'ble Alex^r Macleay Esq^re ——— Acting 2d Puisne Judge,
The Hon'ble C. M. Lewin Esq^re ——— Acting 3d Puisne Judge,

Read letter, dated the 23d Instant,

from the Acting 3d Judge on Circuit in the Northern Division submitting copy of the Rajahmundry Calendar for the 2d Session of 1842.

(Here Enter No. 660 of 1843.)

Case No. 4. 1. The Prisoner in this case, Mootela Bangoo, was charged with having caused the death of a female child by striking it on the head with a rice pounder and robbed her of the ornaments which she was then wearing.

2. On reference to the penultimate para: of the Calendar laid before the Judge on Circuit by the Criminal Judge of Rajahmundry it is observed that in the opinion of the latter officer a deficiency of evidence against the accused

upon his trial.

2. In reply the Judges of the Sudder Adalut beg to observe that a Criminal Judge is competent to make an witness of a party acquitted of the crime charged against him, but not to make a prisoner of a party sent before him as a witness, because he is not a committing officer, except in the crimes of perjury and forgery which take place in the Court over which he presides.

3. The course of proceeding which should be adopted by the Criminal Authorities when a party sent up as a witness ought to have been numbered among the Prisoners is specified in the Sudder Adalut Circular Order dated 20th October 1829 which provides that such parties shall be remanded to the Magistrate.

Ordered that Extract from these proceedings be forwarded to the Secretary to Government for submission to the Most Honorable the Governor in Council

(Sending No. 524.)

accused in respect of "the jewels" has been caused by "a terror of the Court," which has affected the people of Bapatla.—

3. It should be intimated to the Magistrate for his future guidance, that any observations of the nature adverted to are, in a Calendar, needless and objectionable.—

4. The preparation of a Calendar should be restricted to setting forth the evidence which has been adduced in a clear and concise manner and without any expression of the opinion entertained in regard to the merits of the case by the Officer who has committed it.—

Case No. 5. 5. The Court of Circuit concur with the Acting 3d Judge as to the propriety of the remarks which are recorded in his proceedings returning Case No. 3 of the Calendar to the Criminal Judge in order to it being disposed of by that Officer himself.—

from para. 4 to 11.

para. 36. 6. The mode of examination which, from this para, appears to have been adopted by the Magistrate of Ryalamundry when questioning the

Cadjan No. 524 for

25th May 1843.

the 3d Assistant Commissioner, has been strictly prohibited by this Court's standing orders, as being at variance with the provisions of Sections XXIV and XXVIII Regulation IX of 1816. It is manifest that such imperfect examination of a witness whose first deposition has not been given on solemn affirmation, would effectually bar a prosecution for perjury should it eventually become necessary and is otherwise objectionable. The Magistrate is enjoined to abstain from it in future.—

Case No. 6. 7. The proceedings by the Judge on Circuit in Case No. 6 are considered by the Court Circuit Adalat to be correct and proper.—

Case No. 7. paras 3. 8. It is remarked in this para. that the Prosecutor who deposed to his having identified the Prisoner, was not asked by the Criminal Judge, as he should have been, whether he had known that individual previous to the robbery.—

Case No. 8 para. 3 and 4. 9. The Judges further observe with regret

regret that the examination of the witnesses in Case No. 8 has not been conducted by the Criminal Judge with the care and attention which it is his duty to exercise on that part of his proceedings.—

10. On these occasions, however, the Judge on Circuit should himself give to the subordinate authorities such instructions as he may consider best calculated to prevent a repetition of the error.—

Case No. 11. 11. The irregularity of the proceedings of the Criminal Judge in himself disposing of Case No. 11 and passing sentence thereon, after it had been returned to him for further enquiry respecting certain specified points, the error charged against the Criminal Judge has been very pointedly commented on in the communication addressed to that Officer by the Acting 3rd Judge of the Northern Division under date the 25th ultimo.—

12. The Court of Sessions directs that a copy of this Order be forwarded to the Provincial Court of Circuit in the Northern Division, with instructions to call for the record of the case, in view to their passing such orders as may be necessary in their opinion, reporting the same for the information of this Court.—

13. The proceedings of Mr. Walton, the Acting 3rd Judge, as exhibited in the Calendar now under review, bear testimony to the zeal, ability and care

Ex. 86.

25th May 1863.

care with which he has investigated the trials laid before him at the 2nd Sessions of 1862.—

Ordered, that Extract from these proceedings be forwarded to the 3rd Judge on Circuit in the Northern Division with instructions to transmit copies of para.s from 1 to 12 to the Criminal Judge of Rajahmundry and of para. 6 to the Magistrate of that District.—

(Sent in No. 526

Ordered also that Extract from these proceedings (para.s 11 and 12) be transmitted to the Provincial Court of Circuit in the Northern Division by precept returnable without delay.—

(Sent following precept No. 527).

Read Supplemental Return dated the 15th instant, from the Provincial Court of Circuit in the Northern Division to the precept of the Sessions Judge of the 27th March last, directing them to look into Cases Nos. 25 and 33 of the Combaconum Criminal Reports for the months of January 1863.—

(Para. enter No. 865 of 1863.)

Read return dated the 19th instant,

from

25th May 1843.

regret that the examination of the witnesses in Case No. 8 has not been conducted by the Criminal Judge with the care and attention which it is his duty to bestow on that part of his proceedings.—

10. On these occasions, however, the Judge on Circuit should himself give to the subordinate authority such instructions as he may consider best calculated to prevent a repetition of the error.—

Case No. 11. 11. The irregularity of the proceedings of the Criminal Judge in himself disposing of Case No. 11 and passing sentence thereon, after it had been returned to him for further enquiry respecting certain specified points, the crime charged not being determinable by a Criminal Judge, has been very pointedly commented on in the communication addressed to that Officer by the Acting 3d Judge Mr. Walker, under date the 28th ultimo.—

12. The Court of Sudder Adawlut are resolved to direct the Provincial Court to call for the record of the case, in view to their passing such orders as may be necessary in their opinion, respecting the same for the information of this Court.—

13. The proceedings of Mr Walker, the Acting 3d Judge, as exhibited in the Calendar now under review, bear testimony to the assiduity and care

Ed

No. 86.

25th May 1843.

care with which he has investigated the trials laid before him at the 2d Sessions of 1842.—

Ordered, that Extract from the proceedings be forwarded to the 3d Judge on Circuit in the Northern Division with instructions to transmit copies of paras. from 1 to 12 to the Criminal Judge of Rajahmundry, and of paras 6 to the Magistrate of that District.—

(Sent in No. 526.

Ordered also that Extract from these proceedings (paras. 11 and 12) be transmitted to the Provincial Court of Circuit in the Northern Division by precept returnable without delay.—

(Sent following precept No. 527.)

Read the Supplemental Return dated the 15th instant, from the Provincial Court of Circuit in the Southern Division to the precept of the Sudder Adawlut of the 27th March last, directing them to look into Cases Nos. 25 and 38 of the Combaconum Criminal Reports for the months of February 1843.—

(Here enter No. 855 of 1843.)

Read return dated the 17th instant, from

25th May 1843.

From the Provincial Court of Circuit in the Western Division to the Precept of the Conjeeveram Adalut of the 25th April 1843 directing them to look into Case No. 18 of the Canara Criminal Reports for the Month of March 1843, and to pass such orders as might appear necessary, with a view to further explanation, and to report the same for the information of the Judges.—

(Here enter No. 860 of 1843.)

Read Letter dated the 10th instant, from the Principal Sudder Ameen of Sholapoor transmitting Criminal Reports for the Month of April 1843.—

(Here enter No. 861 of 1843.)

Ent'd Ltrs

Copy

Friday 26th May 1843.

At a Court of the Conjeeveram Adalut.

Present,

Mr Malcolm Lewin Esqre ——— Acting 1st Puisne Judge.

Mr Alexr Maclean Esqre ——— Acting 2d Puisne Judge.

Mr Mr. Lewin Esqre ——— Acting 3d Puisne Judge.

Read Supplemental return dated the 15th instant from the Provincial Court in the Northern Division to the precept of the 6th March 1843 submitting the explanations of the Magistrates of Guntoor and Masulipatam for the delay in transmitting the Criminal Statements for the 2nd half year of 1842.—

(Here enter Coll. No. 556.)

On a consideration of the reasons assigned by the Magistrate of Masulipatam for his omission to submit at the proper period, the usual half yearly Statement, which were laid before the Provincial Court in the Northern Division only on the 5th instant, it does not appear to the Judges of the Conjeeveram Adalut that that officer has satisfactorily explained his neglect to conform

C. Bs 26 Nov. 1823. conform to the attending orders of this Court and with reference to the strict injunctions which have been laid on the Fujdaree Defaulters by the Government to transmit with regularity and despatch the Statements prepared in the office of the Court Register, the Judges receive to desire that Court will not in future allow the preparation of required returns to interfere with any duties devolving on his office in addition when on Circuit.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for communication to the Magistrate of Rungpore.—

(Sent in No. 532)

Read the Criminal Report dated the 7th Instant received from the Acting Joint Criminal Judge of Dacca Jelalpore for the month of April 1843.—

(Hereunto No. 816)

Report No. V. Case 38. 1. In this case three individuals appear from the Report, to have been charged with theft, but in the appropriate Column it is stated, that the Prisoner stands

Case

Case 41.

26th May 1843.

"stands charged with"—

2. The Acting Joint Criminal Judge is requested to explain the apparent inconsistency.—

3. In support of the sentence passed by him in Case 41, the Principal Sudr Ameen has quoted "Clause VI Section VII Regulation X of 1816."—

4. It is inferred that the insertion of "Clause VI" is a clerical error. The mistake should, however, be brought to the notice of that Officer for his future information and guidance.—

Ordered, that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge of Dacca Jelalpore, for report as to the reasons assigned in No. 532 for not transmitting with regularity the Statements prepared in the Office of the Court Register, within days from and after its receipt.—

(Sent following Receipt No. 533)

Read the Criminal Reports for the Months of April 1843 forwarded by the Criminal Judge of Salem.—

(Hereunto Sd. No. 823)

Supplemental Report Case No. 34. 1. The Prisoner has been sentenced by the Moonsiff Sudr Ameen to imprisonment with hard labor for a period of six Months, the offence charged against him

5th May 1843.

Case

Sivin being escape from the custody of a Peon whilst undergoing a punishment of confinement for two days awarded by the Head of Office of Engineers.—

2. The Prisoner, it is observed, was also likewise charged before the Criminal Court with burglary and theft in the two preceding cases, in both of which, however, he was released.—

3. Under these circumstances, and nothing being shown in the report to call for the exercise in the present instance of increased severity, the Judges of the Sudder Adawlut resolve to direct that the sentence passed on the Prisoner, Sivin, be reduced to imprisonment with hard labor for two months.—

Case No 37. 4. Of the six Prisoners who in this Case were brought to trial before the Criminal Judge, the dates of the apprehension of the 1st 3d and 6th are not noted, whilst those of the 2d, 3d and 4th are not specified, all of which is the appropriate business of the Police Officers as in

24, 32, 44, March 1843 Lucknow pris.—

L

E. 16.

2nd May 1843.

Case No 42.

5. In support of the sentence in Case No 42 the Principal Sudder Ameen has quoted Section XXXV Regulation IX of 1816, an enactment which vests powers of punishment in the Magisterial authorities for false charges preferred before them, but not in the Criminal Courts. He has also referred to the Sudder Dewanny Adawlut Circular Order dated the 6th January 1834 which is inapplicable to false charges before the Magistracy.—

Case No 43.

6. In the most easy also, similar errors have been committed by the Principal Sudder Ameen; and it is to be observed that the two offences for which the Prisoners Lingadeen and Moonga Coondan have been brought to trial, although erroneously entered as one charge, are distinct and different.—

7. The attention of the Criminal Judge should be directed to the prevention and correction of such obvious irregularities by the Subordinate Officers of his Court to whom he entrusts a portion of the duties devolving on him.—

Ordered, that Extract from these Proceedings be forwarded to the Criminal Judge of Salem for precise returnable in 8 days from and after its receipt.—

(Sent for Coming Receipt No 534)

Pea

Read the Criminal Reports dated the 15th Instant submitted by the Acting Criminal Judge of Chittoor for the Month of April 1843.—

(Register No. 826.)

Report No V Case 37.

1. The charge on which the Prisoner Subbaiyan Gurugoolagandee has in this case been brought to trial, being for having effected his escape whilst in legal custody, the sentence passed on him should have been declared to be in addition to whatever punishment, short of transportation, may eventually be awarded by the Judge presiding at the quarterly Sessions for the offence of which he stands accused in the preceding case, and should not take effect until after the result of the Prisoner's trial for the graver offence, shall have been intimated to the Criminal Court authorities.—

Case 46.

2. The Prisoner in Case 46 was charged with an assault causing the fracture of a bone and although the circumstance was established in evidence the Acting Joint Criminal Judge observed that "it does not appear "that the Prisoner had any intention to commit so serious an "injury" and accordingly passed sentence on the Prisoner to the extent of six months imprisonment with hard labor under Section VII Regulation X of 1816.—

3. The Court of Sudder Adawlut will not now interfere with the disposal of the case in the manner reported, but resolve to point out for the future guidance of the Acting Criminal Judge that it should have been committed for trial before the Court of quarterly Sessions with reference to the provisions of Sudder Adawlut Circular Order No 124.—

Case 44.

4. It appears that the Prisoner was seized on the 6th April by the Police Cuffavalar and was detained by that officer during a period of four days before being forwarded to the Head of Police at Vellore.—

5. The Court of Sudder Adawlut consider detention to the above extent of accused parties by Subordinate Police officers, to be objectionable, and request the Acting Magistrate of North West will note the circumstance in that manner which he may deem advisable.—

Case 50.

6. From the closing remarks of the sentence recorded in this case by the Hon'ble Pundit it appears that an order had been passed by the late Criminal Judge of Chittoor declaring that "a convict not being a robber offender cannot be "sentenced to stripes"—

7. The Court of Sudder Adawlut desire that

26th May 1843.

That any order to that effect which may now be on the records of the Criminal Court at Chittoor be immediately cancelled and that such instructions as may have been issued thereon to the subordinate authorities of the Criminal Court be forthwith recalled. —

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

(Sent in Dft. 535.)

Approved

F. 96.

Saturday 27th day May 1843.

At a Court of the Foujdaree Adalut.

Present

AL — Malcolm Lewin Esqre. — Actg. 1st Puisne Judge.

AM — Alexr. Maclean Esqre. — Actg. 2d Puisne Judge.

JML — J. M. Lewin Esqre. — Actg. 3d Puisne Judge.

Read again letter dated the 6th May 1843, from the 2d Judge on Circuit in the Western Division, submitting copies of the Sircy Calendars for the 1st Sessions of 1843. —

(Here enter F.R. No. 804 of 1843.)

Case No. 6

On a further consideration of this case as it stands in the Calendar, the Judges of the Foujdaree Adalut see reason to doubt the propriety and correctness of the Sentence passed by the 2d Judge on Circuit and accordingly resolve to require the transmission by that Officer of the proceedings held by him and by the subordinate authorities, — and further to require that he do issue — orders

27th May 1843.

order for the Suspension, until the receipt of a final communication from this Court, of the Sentence which the Prisoners charged, therein are now undergoing.-

Ordered that Extract from these proceedings be forwarded to the 2nd Judge on Circuit in the Western Division by Precept returnable in 20 days from and after its receipt.-

/Sent following Precept No. 537./

Read letter from the 2nd Judge on Circuit in the Centre Division under date the 25th Ultimo forwarding and begging transmission of a Petition from Dedagie Mondeeramy one of the Convicts in the Chingleput Jail, praying, since the Government were pleased to extend their mercy to his accomplices in the mitigation of their several Sentences, that a similar benefit may be extended towards him

/Here enter Petn. No. 636 of 1843/

To whose Petition is informed that his application must be made direct to Government

27th May 1843.

Government, as his name was not included in the number of persons whose Sentences were directed to be reduced.-

Ordered that Extract of these proceedings be sent to the 2nd Judge on Circuit in the Centre Division for communication to the Petitioner.-

/Sent in No. 538./

Read letter from the Criminal Judge of Salem dated 19th Instant

/Here enter Petn. No. 864 of 1843/

Adverting to the proceedings of the Foujdaree Adalut of the 10th May 1843 on Petitions 22 and 30 of 1843, presented by certain Peons who were dismissed from their Situations by the Acting Criminal Judge of Chingleput in consequence of gross neglect in allowing the escape of several Convicts, the Judge of Salem states that if the evidence before the Acting Criminal Judge of Chingleput bears out the Petitioners assertions he considers them

29th May 1843

there entitled to be restored.—

2. The Zongdarre Udalut would leave this Subject in the hands of the Criminal Judge who, having Interrogated Ramoo on all points, will act accordingly.—

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

Sent in Ac. 539.

Ed Th.

WDM

Offg

Monday. 29th May 1843.

At a Court of the Zongdarre Udalut.

Present;

Act. Malcolm Lewin Esqre Actg 1st Prisne Judge,

A. M. Alexr Maclean Esqre — Actg 2d Prisne Judge,

Wm L. S. M. Lewin Esqre — Actg 3d Prisne Judge,

Read Extract from the Proceedings in Minutes of Consultation under date the 17th Instant, communicating a letter from Captain Vallancey, in which the sentence of certain persons who are notorious for the habit of drugging travellers on the high roads and in the principal Towns for the purpose of plundering them is reported, with directions to adopt such measures as may, in the judgment of the Zongdarre Udalut be called for.—

(Here enter Ct. No. 848 of 1843)

With reference to the preceding remarks of Government the Zongdarre Udalut resolve to circulate the accompanying letter from Captain Vallancey to

29th May 1863.

to the various Functionaries in the Provinces, with instructions to the Magistrates to give the Subject every publicity in their power, and to the Judges to affix a proclamation in the language of the District regarding the same within their several Court houses.

Ordered accordingly that Extract from the above Proceedings be circulated to the 4 Provincial Courts to be by them communicated to the Subordinate judicial and Magisterial authorities in their division.—

/Sent in No. 541./

Read letter dated the 18th Instant from the Acting Criminal Judge of Cuddapah, forwarding the Criminal Reports for the Month of April 1863.—

/Here enter J. Ct. No. 851 of 1863/

Read letter dated the 17th Instant from the 1st Judge of the Court of Circuit in the Western Division, transmitting copy

29th May 1863.

copy of a Calendar received from the Joint Criminal Judge of Malabar at the 2d Quarterly Sessions of 1863 with remarks thereon and translation of the Sistwa.—

/Here enter J. Ct. No. 858 of 1863/

Read letter dated the 18th Instant from the Acting Agent to the Governor of Vizagapatam, submitting the Criminal Reports for the Month of April last.—

/Here enter J. Ct. No. 866 of 1863/

Read letter dated the 19th Instant from the 2d Judge of the Court of Circuit in the Southern Division, forwarding copy of the Calendar submitted by the Acting Joint Criminal Judge of Tachinopoly for the 2d Quarterly Sessions of 1863.—

/Here enter J. Ct. No. 870 of 1863/

End 7 Pp.

RDM
appd

J. 16.

Thursday
30th May 1843.

At a Court of the Inquisitorial Tribunal.

Present

M. Malcolm Lewin Esqre. ——— Acting 1st Puisne Judge,

A. M. Alexr. Maclean Esqr. ——— Acting 2d Puisne Judge,

J. M. L. Jr. Mr. Lewin Esqr. ——— Acting 3d Puisne Judge,

Read letter dated the 13th Instant, from the Joint Criminal Judge of Cuddalore, submitting the Criminal Reports for the months of April 1843.

(Here enter No. 826)

Cases 32 & 33. 1. The Joint Criminal Judge should have amended the Statement of the charges in these cases as recorded by the Sudr Ameen, who has omitted to specify the manner in which the thefts charged were committed by the Prisoner Para Colundaya.—

2. In the instance of the Prisoner in question such specification was the more necessary inasmuch that if the three offences for which he was brought to trial partook to any extent of the nature of burglary, it might have been matter for consideration whether he should not have been committed to stand his trial before the Court of Circuit.—

Ju

Case 54.

3.

The Evidence above referred to and received in this Case of escape from the custody of a Police whilst in confinement in the Lock-up and has been sentenced by the Cudapah Sessions to 2 Months additional imprisonment with hard labour in irons under Clause third Section V Regulation VII of 1816.

4.

The Court of Sudder Adawlut are not satisfied of the propriety of the additional punishment awarded to the Prisoner for the escape and resolve to request the Provincial Court of Circuit will be able to forward the record of the trial and such other proceedings as may appear to them to be required respecting the case for the information of this Court.

Ordered, that extract from these proceedings be forwarded to the Acting Criminal Judge of Cuddapah for his information.

(Sent in No. 542)

Ordered also, that extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division by express dak returnable in 20 days from and after its receipt.

(Sent following Page No. 542.)

Read letter dated 15th instant from the Acting Criminal Judge of Cuddapah, submitting the Criminal Reports for the month of April 1843.

(Here enter No. 543)

Adverting

30th May 1843.

Letter Report

Case 54.

1. Adverting to the remarks by the Acting Criminal Judge that "the delay in disposing of this "case arose from an intimation by the Cahsildar that "he was about to send in charges against the Prisoner "for a violent assault on the Boys who apprehended "him" it is pointed out for the information of the Cahsildar and Acting Criminal Judge respectively that no charge of the kind adverted to could have been brought before the Criminal Court until the usual preliminary enquiry had been conducted by the Officers of Police.

Report No. V

Case 56.

2. The Court of Sudder Adawlut request the Acting Criminal Judge will draw the attention of the Assistant Criminal Judge to the very insufficient information which is conveyed by the sentence entered in this case, in regard to the offence of which the Prisoner Korrongoo stands charged.

3. A simple reference to a previous trial is objectionable and inconvenient as entailing on the Court of Sudder Adawlut the necessity for looking back into Reports not at the time of reference before it, and which have previously been disposed of.

Case 62.

4. The statement of the charge in this

Case

30th May 1843.

case is informal and does not clearly convey a knowledge of the offence imputed to the Prisoner, neither do the remarks by the Acting Criminal Judge in the sentence supply by him supply the deficient information.—

5. The Judges would accordingly wish to receive from the Acting Criminal Judge such explanation as he may consider it necessary to submit.—

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Embassenum by precept returnable in 8 days from and after its receipt.—

(Sent following Precept No 544.)

Read the Kwanzipatam Criminal Reports for the month of April 1843 submitted by the Acting Joint Criminal Judge.—

(Hereunto Ct. Hs No. 838 of 1843)

Cr. Case No. 10. 1. The Judges desire to express their satisfaction in the case to the unexceptionably manner in which the Provincial Court has conducted the examination and trial of the prisoner, reporting them for reading in Court after the

Ct. 86.

30th May 1843.

Court on the 21st of April, and is reported at the close of the month to be "under examination," altho' additional witnesses do not appear to have been summoned.—

3. It is observed that during the month one Poo more than the authorized number was entertained. The Acting Joint Criminal Judge is directed to explain the reason of this excess.—

Ordered, that Extract of these proceedings be sent to the Provincial Court in the Northern Division for information and guidance by Precept returnable without delay.—

(Sent following Precept No. 545).

Ordered further, that Extract of these proceedings be sent to the Acting Joint Criminal Judge of Kwanzipatam by precept returnable in 8 days from and after its receipt.—

(Sent following Precept No. 546)

Read the Criminal Reports submitted by the Acting Principal Sudder Ameen of Honore for the month of April 1843.—

(Hereunto No. 857)

The above Reports do not appear to call

30

Read return made to date the 15th of Instant from the 2d Judge on Circuit in the Western Division to the precept of the Supreme Court of the 25th of last month, suggesting, with reference to the sentence passed by him on the female Enjo, Prima in Case No 1. of the Quarterly Criminal Calendar, its reduction to two years, or, in the event of his declining to accede to the suggestion that the record of the trial should be submitted for the final orders of the Court of Supreme Court.—

(Here enter Ord. No 846 of 1843.)

In the accompanying return the 2d Judge has on Circuit expresses his unwillingness to mitigate the sentence passed by him in Case No 1. on the Quarterly Calendar, in consideration of the forgery having been "of a gross and important nature," and a Crime of such frequent occurrence and so prevalent in the District of Canara as to impede the course of Justice, and requiring for the most an example, exemplary punishment.—

2. However much the Judges of the Supreme Court may feel the force of the said arguments as to the frequency of forgery in Canara and the consequent necessity for exemplary punishment, they

are,

30½ May 1843.

are, at the same time, inclined to consider that the ends of justice will be attained, and sufficient example made, by a sentence of two years rigorous imprisonment, and they direct that the sentence may be reduced to two years imprisonment.—

Ordered, that Extract of these proceedings be sent to the 2d Judge Acting on Circuit in the Western Division by precept returnable in 10 days from and after its receipt.—

(Sent following Precept No 548)

RDR
Cs/ms

F. U.

Thursday,
31st May, 1843.

At a Court of the Foujdaree Adalut.

Present,

M.L Malcolm Lewin Esqre Actg 1st Puisne Judge,

A.M Alexr Maclean Esqre Actg 2d Puisne Judge,

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

Read letter dated the 8th Instant from the Agent to the Governor of Fort St George at Ganjam submitting for the consideration and final sentence of the Foujdaree Adalut an English translation of the record of the trial in case No 8 of 1843 on his file—

/Reference F. U. No 881 of 1843/

M. 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,

1st Boroja Naika,

is sufficient to convict him of the crime of Gang robbery, by open violence, attended with aggravating circumstances, do convict him thereof, and, under the provisions of clauses Second and fifth, Section IV Regulation XV of 1803, do sentence him to be

imprisoned

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. 5-57./

Read letter, dated the 10th Instant, from the Provincial Court of Circuit in the Centre Division, transmitting for the orders of the Sovereign Adalut, copy of a letter from the Acting Criminal Judge of Chittoor requesting information whether a Prisoner who has already been sentenced to 14 years imprisonment and is now under trial before the Circuit Court on a charge of effecting his escape not withstanding can be put on his trial on a charge of Highway robbery attended with wounding, committed by him subsequent to his escape.

/Have entered XII No. 810 of 1843/

The Judges of the Sovereign Adalut do not concurr in the opinion regarding the point submitted for their determination, which has been expressed by the Provincial Court of Circuit, that the Prisoner cannot be placed on his trial for the last offence he has already

already been sentenced to 14 years imprisonment for a similar crime.

2 In the event of the prisoner being brought to trial for the robbery committed subsequent to his escape, it is possible that the circumstances which attended its perpetration may be of so aggravated a nature as to require an enhanced punishment and perhaps a Sentence of transportation: if such be the result, it is clear that the punishment which at the time of committing the more recent offence, the Prisoner should have been undergoing, ought not to relieve him from the heavier penalty to which he has rendered himself liable.

3 Supposing, however, the result of the investigation of the more recent offence not to establish any circumstances of aggravation against the Prisoner, he is entitled under the doctrine laid down by the Provincial Court of Circuit

3. 27th May 1843

circuit to absolute impunity from further punish-
-ment for the commission of an unlimited number
of offences of the same denomination as that for
which he was originally sentenced - Any such rule
as obviously opposed to the principles which
should regulate the infliction of cumulative
punishment, - The Prisoner in question should
be brought to trial in the usual manner and in
the regular course.

Ordered that Extract from these
proceedings be forwarded to the Provincial Courts
of Circuit in the Centre Division for their infor
-mation and guidance.

/ Sent in No. 552. /

Read return from the Central
Provincial Court dated the 29th Instant to the
precept of the Singdaree Adalut of the 1st May
1843, forwarding translations of the Circuit Pro
-ceedings in Case No 7 of the Chittoor Calendar
for the 4th Quarter Sessions of 1842.

/ Have entered Vide No 972 of 1843 /

The Singdaree Adalut by a further pre-
-cept of

XI.
31st May 1843.

perusal of the Proceedings held by the 1st
Judge presiding at the 4th Quarter Sessions
in Case No 7 of the Chittoor Calendar,
record their opinion that the guilt of
the 6th Prisoner is clearly established - it
is proved that he received the Stolen orna-
-ments, and aided in getting them melted -
Under such circumstances, and being
moreover an old offender, the Court regret
that Mr Taylor allowed him to escape un-
-punished.

Ordered that Extract of
these proceedings be sent to the 1st Judge
on Circuit in the Centre Provincial Court
for his information

/ Sent in No. 563 /

Ed W.

R D M
Asst

Thursday 1st June 1843.

At a Court of the Faujdaree Adalut &c.

Present.

Malcolm Lewin Esquire Acting 1st Puisne Judge.
A.M. Alexander Maclean Esquire Acting 2nd Puisne Judge.
F.M.L. Fred. M. Lewin Esquire Acting 3rd Puisne Judge.

Read letter from the Provincial Court Western Division under date the 15th ultimo, transmitting translations of the Criminal Reports received from the Principal Sudr Ameen of Arisee for the month of April.—

Referred F.A. No. 859 of 1843.

Case No. 20. The charge against the Prisoner in this case is stated to be forged, but the nature of the proof has not been afforded.—

The Faujdaree Adalut direct that the Principal Sudr Ameen may be called upon to afford the requisite information; and that the insufficiency of the Remarks in the present instance be pointed out to him.—

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

1st June 1843.

on the Western Division by precept returna-
-ble without delay.-

/Sent following Precept No. 554/

Read Miscellaneous Petition presented
on the 1st May 1843. by Nangun Chetty of
Tuticorin:-

/How under P.R. & P.C. No. 34 of 1843/

The Petitioner complains of the
inconveniences to which he has been subjected by
the unfeeling conduct of certain individuals, his
neighbours, who during his absence from home,
induced his wife to believe that he had dis-
He states the nature of the applications he has
made to the Magistrate and to the Court of
Circuit with a view of bringing to justice the
parties by whom he was thus injured, and
having failed in procuring redress in the
manner sought, prays that this Court will
issue such orders as may have the effect
of bringing the offenders criminally before the
Courts.

It is decreed that the Petition-
-er

1st June 1843. has been referred by the Magistrate of Tuticorin to the Civil Courts for redress- and that the order passed by the 2nd Judge

11th August 1842. presiding at the 1st Quarterly Sessions of 1842 in regard to the Petitioners Appeal, is con-
-firmatory of that recorded by the 3rd Judge of the Provincial Court on the previous 1st June.-

Copy of the latter order not having been produced by the Petitioner, the Court of Fiujdaree Adalut decline entering into the merits of the application he has now submitted.-

Ordered, that the Petition be dismissed- and that copy of these Proceedings be granted to the Petitioner on his application.

Read Miscellaneous Petition -
presented on 22nd May 1843 by Putchiny Ummal, complaining of the sentence passed upon her son by the 1st Judge in Case No. 9 of the Criminal Calendar for the 1st Quarterly Sessions of 1843, and praying that the Court of

Fiujdaree

1st June 1843.

Lafontaine Baulot will be pleased to call for the record and order the immediate release of her Son.-

/Here enter M. P. No. 37 of 1843/

The above Petitioner alleges that the crime of forgery imputed to her Son was the result of a Conspiracy formed by his Enemies for the purpose of establishing the claim of Plaintiff in Suit No. 67 of 1842 on the file of the Lillah Judge of Chittoor.-

The Court of Fonjdaree adawlut after a perusal of the Calendar and remarks on the trial submitted by the Circuit Judge in Case No. 9, See no reason to impugn the correctness of his sentence.-

Ordered, that this Petition be dismissed, and copy of these Proceedings be granted to Petitioner on Application Pd.-

Read Miscellaneous Petition presented on 18th April last by Ringaphah of Lillah Chittoor.-

/Here enter F.P. Vol. 79 No. 28 of 1843/

The

1st June 1843.

The Petitioner complains of having been falsely accused of certain fraudulent transactions, - his money taken from him and delivered to his accuser, - and sentenced to two months imprisonment with hard labor in irons; - that the Provincial Court in the Centre Division, without making the requisite enquiry, on a report of the proceedings, confirmed the decision of the Criminal Judge.-

The Petitioner enters at considerable length into the nature of the accusation brought against him, and, after attempting to show that it originated in enmity, and was superficially investigated, prays that the Fonjdaree Adawlut will call for the record of the trial, bring his accusers to punishment, and return the money so improperly taken from him.-

The Provincial Court in the Centre Division in their Proceedings of 4th of last November after perusing the Explanation

1st June 1843.

explanation forwarded by the Criminal Judge of Chittoor, concluded by observing "that they see no sufficient reason for interference."—

The Court of Sudder Adawlut concur in the opinion expressed by the Provincial Court and, as there is nothing in the present petition to exculpate the Petitioner from the charge of having committed a serious fraud, and brought false accusations against the Police authorities, they decline interfering with the Proceedings of the Lower Courts.—

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

R.D.K.
A.S.W.

Exd W.L.

No. 66.

Friday, 2d June 1843.

At a Court of the Sudder Adawlut.

— Present —

The Hon.ble Malcolm Lewin Esq.re — Off.g 1st Provincial Judge.
Alexander Maclean Esq.re Off.g 2d Provincial Judge.
Fred.k Mortimer Lewin Esq.re Off.g 3d Provincial Judge.

Read the Criminal Reports for the month of April 1843 submitted by the Criminal Judge of Madura.—

(Here enter Rs. 869 of 1843.)

The Prisoner in this case, who was charged with having set fire to a heap of Cholum straw, has been released by the Criminal Judge, the testimony adduced against her being grossly contradictory and altogether undeserving of credit.—

It is observed from the Report that the case was transmitted to the Criminal Court, consequent on instructions issued by the Magistracy to the Head of Police of the Pallivatam Talook which were stated by a reference which the Police officer deemed it necessary to make.—

Adverting to the Circular Orders of

Report No. X
Case 22

1.

2.

3.

Nos. 22 and 62.

of the Judiciary Adalat on the subject of useless references by Police officers in matters in which they are empowered to exercise their discretion independently of the Magistracy the Judges regret that in the present instance the Head of Police forebore at once to expose of the charge preferred to him on a consideration of the evidence by which it was originally supported and which he appears to have deemed insufficient for the Prisoner's conviction.

Case 28. 4. On a perusal of the remarks entered in the XI Column of the Report of this Case it appears that the record of the proceedings instituted against the Prisoner in the Talook were forwarded to the Head Assistant Magistrate only on the 24th February last, although the Prisoner was apprehended on the 27th of the previous month.

5. Nothing appears to show under what circumstances so serious a detention of an accused party in the hands of the Police occurred, nor what notice of the delay has been taken by the immediate superiors of the Police officer before whom the

the Prisoner was in the first instance produced. The Court of Sudder Adalut accordingly resolve to call for full explanation on the above points.

Case 25. 6. On an appendix to the Report under review the Criminal Judge solicits instructions, with reference to the charge preferred in Case 25, whether the offence of binding and knocking down an individual and subsequently cutting off the outer edge of the auricle of his ears, is one which properly should be tried and disposed of by the Criminal Court or whether it should be committed for trial by the Court of Circuit.

7. The doubts expressed by the Criminal Judge appear to have arisen on the absence of uniformity of practice in cases of the kind in the Court over which he presides, two instances being quoted in one of which sentence was passed by the Criminal Judge, in the other by the Judge in Circuit.

Cases 22 of 1828 and 20 of 1834 Sudder Criminal Files.

8. On a consideration of the circumstances attending a charge of

maiming

2d June 1843.—

naming such as that referred to by the Criminal Judge the Court of Sonjdary Adalut are clearly of opinion that it should be committed for trial by the Court of Circuit.—

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Canara for his information and guidance with instructions to communicate paras 2 to 6 to the Acting Magistrate of that District who will submit the report therein required direct to this Court.—

(Sent in No. 557.)

Read letter from the Joint Criminal Judge of Malabar under date the 18th Ultimo requesting sanction for a conditional pardon to the 2d and 4th Prisoners in Case No. 27 of 1843 on the Criminal Side of the Sessions Court.—

(Vide entry 2d M. Do. 873. 1843.)

As certain particulars are not explained in the papers now submitted by the Joint Criminal Judge, and since the

2d June 1843.—

the Sonjdary Adalut consider it necessary before sanctioning the application for a conditional pardon, that they should be fully informed as to those particulars, they resolve to call for any letters which may have been written from the spot or papers regarding the inquest held on the body of the deceased.—

Ordered that Extract of these proceedings be sent by precept returnable in 3 days to the Joint Criminal Judge of Malabar.—

(Sent following precept No. 558.)

Read Return dated the 20th Ultimo from the Criminal Judge in the Zillah of Bellary to the precept of the Sonjdary Adalut of the 6th May 1843 requiring an Criminal Report for the Month of March 1843.—

(Vide entry No. 877.)

Read letter dated the 22d Ultimo from the 2d Judge on Circuit in the Western Division submitting a statement of Batta, received from the Criminal Judge of Canara

2d June 1843.

Canara, forwd to the Prosecutor and Witnesses in Case No 1 on the 3d additional Calendar

Zillah Mangalore, 4th Sessions 1843.

(Here enter No 880.)

Read letter dated the 24th Ultimo from the Acting Joint Criminal Judge of Guntoor forwarding the Criminal Returns for the Month of April 1843.

(Here enter No 888.)

Read letter dated the 22d Ultimo from the Agent to the Governor in Sangum reporting the death of the 22 Prisoner in trial No 8 of 1842.

(Here enter No 892)

W D M
Asst

J. C.

Saturday 3d June 1843. At a Court of the Sessions Judge of the

Present

Malcolm Lewin Esqre — Asst 1st Puisne Judge

Alexander Maclean Esqre — Asst 2d Puisne Judge

Fred: Mortimer Lewin Esqre Asst 3d Puisne Judge

Read the Bellary Criminal Returns for the month of April 1843.

(Here enter No 868 of 1843.)

Report No X
Case 58.

In this case the Prisoner is accused of having defrauded her brother, the Prosecutor, of a sum of 100 Rupees, alleged to have been left in her charge and has been sentenced by the Moofty Sudr Ameen to imprisonment rigorous for a period of six months.

2. Adverting to the sentence recorded by that officer the Court of Sessions Judge see reason to doubt the propriety and justice of the punishment awarded to the Prisoner, and accordingly resolve to request the Provincial Court of Circuit in the Eastern Division will call up the record of the case and having looked into it, pass such orders as may be deemed advisable respecting the same for the information

3d June 1843.

information of this Court.-

Case 59 3. Although seven of the thirteen Prisoners charged in this case were apprehended so far back as the 26th February last and the remaining five on the 20th, 23d and 26th of the ensuing month they do not appear to have been forwarded to the Criminal Court before the 25th of April last.-

4. So serious a delay has not been satisfactorily explained in the statement made by the Head Police of Bellary which is noted in the XIth column of the Report.

5. The Magistrate will, therefore, be pleased to submit without any delay direct to this Court detailed information as to the causes which operated in bringing about the detention of the Prisoners in the hands of the Police for the period shown.-

Ordered, that Extract from these proceedings be forwarded to the Criminal Judge of Bellary for his information and guidance, paras 3, 4, and 5 to be communicated to the Magistrate of that District.-

(Sent in Rec 59.)

Recied

3d June 1843.

Ordered further, that Extract from these proceedings be transmitted to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept returnable without delay.-

(Sent following precept Rec 560.)

Read letter dated the 22d Ultimo from the Acting 3d Judge on Circuit in the Nathern Division reporting his having opened the 2d Sessions of 1842 at Ashapore.-

(Here enter Rec 899.)

Read Return dated the 30th Ultimo from the Acting Joint Criminal Judge of Pachimpoly to the precept of the Sanjary Adalut of the 26th May 1843 on review of the Criminal Reports for the month of April 1843.-

(Here enter Rec 901.)

Read letter dated the 30th Ultimo from the Acting Joint Criminal Judge of Pachimpoly transmitting with reference to his return dated 10th

Instant

3 June 1843.

Instant copy of a letter from the Magistrate of Pomeroon duly dated 26th May 1843 containing explanation of delay in forwarding Cases 10 and 13 to the Criminal Court.

(Here enter No 902.)

F. U.

Monday 5th June 1843.

At a Court of the Fouydary Udalut.

Present

Malcolm Lewis Esqre — Acting 1st Puisne Judge.
Alexander Maclean Esqre — Actg 2d Puisne Judge.
Fred: Mortimer Lewis Esqre Actg 3d Puisne Judge.

Read letter from the Agent to the Governor of Demerara in Georgetown dated the 1st April 1843 submitting the Criminal Statements of his Court for the 1st Quarter of the current year and of his Acting Principal Assistant for January and February 1843.

(Here enter F.U. No 512. 43)

Case No 5. in the Acting Principal Assistant's Report

1. In the report furnished by the acting Principal Assistant the reason assigned for the delay in disposing of Case No 5, viz, "the absence of the Defendant and Witnesses" has been assigned during the last three months, and the Court observe that if the accused has not been apprehended it was not necessary that the case should be entered in the report.

2. The Fouydary Udalut direct that

5th June 1843.

that the Principal Assistant may be called upon to afford the requisite information regarding the delay in this case.

Ordered, that Extract of these proceedings be sent to the Agent to the Governor of Fort St George in Council by first packet returnable in XV Days from and after date of receipt.

(Sent following Packet No 565)

Read letter dated 31st Ultimo from the 1st Judge of the Provincial Court of Circuit in the Central Division, transmitting the record in Case No 3 of the Calendar 2d Quarter Sessions 1843, and recommending that the Prisoner in the case be sentenced to suffer the extreme penalty of the law.

Mr M. Laird.
and
Mr A. Maclean

(Here enter No 898)

The Court of Judiciary Letters on a deliberate consideration of all the circumstances of the case as witnessed before them, being of opinion that the proof against the Prisoner

Mortalegam Doss

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 566.)

C. C.

Wednesday 7th June, 1843.

At a Court of the Coujdaree Adaulut.

Present,

M.L Malcolm Lewin Esq.r ——— Acting 1st Puisne Judge,

N.M Alex.r Maclean Esq.r ——— Acting 2d Puisne Judge,

W.L C. M. Lewin Esq.r ——— Acting 3d Puisne Judge,

Read letter from the 1st Judge on Circuit in the Southern Division under date the 18th May 1843, forwarding Cowlanamma Calendars for the 1st Sessions 1843 together with the Futwahs of his Law Officer.—

(Here enter Sl. No. 857 of 1843.)

Case No. 1. 1. The Prisoners in this case on their arraignment as well as in their defence pleaded "not guilty" to the charge of having on the night of the 19th August 1842, caused the death of one Veerapermal Naik by stabbing him with an iron stile on the temples and other parts of his body.—

2. The Mahommadan Law Officer observed in his Futwah that none of the Witnesses deposed to having either seen the Prisoners commit or heard them confess

confess the crime; and in consequence of this failure, as well as from the evidence in general, there was only slight suspicion against the 1st, 3d, 7th and 10th prisoners, and that the rest must be acquitted.—

3. The 7th Judge concurred in this finding and called upon the 1st, 3d and 7th Prisoners to find security for their good behaviour and appearance when required.—

4. The Coojdars Cutchut are confirmed to notice a want of management in conducting the trials, in which an offence might have been admitted with great advantage, and those difficulties perhaps removed which have led to the acquittal of persons against whom the offence is more than ordinary suspicion.—

Case No. II. 5. The Criminal Court denies the charge of having maliciously set fire to the house of the Prosecutor. The Futwah of the Law officer finds him only liable to suspicion, and the Circuit Judge concurring in the finding, bound him over to keep the peace and appear when required during the

three

space of 12 months.—

6. The Coojdara Cutchut request a more full explanation of the circumstances in this case in order to prove the correctness of the award.—

Case No. 16. 7. The Prisoner in this case is charged with robbery after having drugged the Prosecutor's family. The Law officer and Circuit Judge agree in convicting him on the first part of the charge and in acquitting him on the second.

8. The Coojdara Cutchut remark with reference to this case that it ought to have been referred, as the offence of drugging food for the purpose of robbery has become so common as to demand exemplary punishment.—

Case No. 23. 9. The 8 Prisoners in this case plead not guilty to the charge of having conspired against the 1st, 2d and 3d Witnesses to procure their conviction before the Criminal Court on a false charge of horse stealing in Case No. 10 of 1843.—

10. The Futwah of the Law officer, in which the Circuit Judge concurs, acquits the Prisoners.—

The

7th June 1843.

11. The Puisne Judge of Eddalore reserve to call for a translation of the record in Case No 19 of 1843 of the Criminal file and in the interim they made to order that the sentence in the cases of persons standing out of it be held in abeyance.—

Ordered, that extracts from these proceedings be sent to the 1st Judge on Circuit in the Southern Division by first mail return able without delay.—

(Sent following Precept No 549.—

Eggd.

J.D.M
A.J.M.

C: 16.

Thursday 1st June, 1843.

At a Court of the Puisne Judge Eddalore

Present.

A.L. Malcolm Lewin Esqre ——— Acting 1st Puisne Judge

A.M. Neil Maclean Esqre ——— Acting 2d Puisne Judge

J.M.L. C. M. Lewin Esqre ——— Acting 3d Puisne Judge

Read again the Eddalore Criminal Reports for the month of March 1843.—

(Here enter No 570 of 1843.)

Read also letter dated the 29th ultimo, from the Magistrate of South Arcot.—

(Here enter No 597 of 1843.)

29th April 1843.

1. The proceedings of the Puisne Eddalore to which the above communication from the Magistrate of South Arcot, has reference, Lead for their objects to ascertain in what manner that Officer had noticed the irregular and incomplete investigation made by the Head of Police who commenced the enquiry held in Case No 19 on the file of the Joint Criminal Court at Eddalore.—

2. It is observed that the proceedings of the Police Officer in question were characterized by in the opinion of the Joint Criminal Judge, by extreme

"extreme carelessness" and the Magistrate has himself admitted
them to have been "most irregular" "incomplete" and "hasty"—

3. The Magistrate has now reported that
the conduct of the Head of Police has hitherto given him
great dissatisfaction, but that he is unwilling to fine
him as a punishment of that description is useless
with a "so bad Head of Police" He therefore begs the Court
of Circuit will now "make such remarks as
shall such orders, as if not sufficient to ensure the
improvement will serve as a record to strengthen his
"hands for full punishment if deserved hereafter"

4. The Court of Circuit Adalat
consider that they would be justified in further
noticing the conduct of the Head of Police under
observation, in the manner proposed by the Magistrate

5. The attention of that officer having been
directed to the objectionable proceedings of one of his
subordinates, the disposal of the case as regards
the misconduct imputed to the Head of Police
has been left in his hands and it appears to the
Court of Circuit Adalat it is unwise that
any decision which may be passed should have
a preliminary

preliminary reference to the previous character of the
party whose efficiency as a public servant has
been so seriously impugned by several of the
superintending authorities.—

Ordered, that Extract from these
proceedings be forwarded to the Magistrate of
Coutte Great by precept returnable in 15 days
from and after its receipt.—

(Enter following Precept No 573.)

Read letter dated the 30th Ultimo
from the Circuit Judge on Circuit for the Southern
Division, intimating his arrival and opening the
1st Session 1843 at Coimbatore, and that a Calendar
of 6 Cases with 8 Prisoners was presented.—

(Here enter No 907 of 1843.)

Read return dated the 30th Ultimo
from the Criminal Judge of Salem, to the Precept
of the Circuit Adalat of the 26th Ultimo,
on review of the Criminal Reports for the Month
of April last.—

(Here enter No 908 of 1843)

Read

8th June 1843.

Read letter dated the 27th Ultimo from the 1st Judge of the Court of Circuit in the Western Division, transmitting copy of the Additional Calendar received from the Joint Criminal Judge of Malabar at the 2d Quarterly Sessions of 1843, with remarks thereon and translation of the Petition.—

(Here enter No. 915 of 1843.)

Sgd J

A true

No. 16.

Friday 9th June 1843.

At a Court of the Foujdaree Adawlut.

Present.

Mr. Malcolm Lewin Esqre ——— Acting 1st Puisnejudge

Mr. Alexr. Maclean Esqre ——— Acting 2d Puisnejudge

Mr. E. M. Lewin Esqre ——— Acting 3d Puisnejudge

Read Return and Supplemental Return dated respectively the 16th and 26th Ultimo from the Provincial Court of Circuit in the Northern Division, submitting the information regarding Limjeree Pow late Brasier in Case No. 46 of 1842 on the file of the Joint Criminal Court at Guntoor, which was required in the Court's proceedings under date the 1st instant.—

(Here enter Nos. 841 and 893 of 1843)

Adverting to the circumstances attending the trial of the Brasier Limjeree Pow by the Joint Criminal Court at Guntoor and to the result of the enquiry held by that authority having been the conviction of the accused on charges of grave

8th Jan 5th June 1843.

abuse of authority and of acts of oppression disgracing a great want of humanity which holding the office of Head of Police in that District, the Court of Conjolara Estabelt deemed it necessary to ascertain whether Lunjeera Row were still retained on the list of Servants employed under the Magistrate of Quntoor.—

It has been reported in the communications recorded above, that having resigned his appointment in the Magisterial Department in March or April 1842 Lunjeera Row was nominated a Shanbogue in the District of Pootlee Droog which situation he held at the time Rewards were forwarded to the Sessions Criminal Judge, but that it is not known whether he still retains the office.—

Under these circumstances the Court of Conjolara Estabelt resolve to call upon the Provincial Court of Circuit in the Centre Division to require the Acting Magistrate of Pootlee Droog to report whether the individual in question now holds the appointment of Head of Police in the District under

2d

26th May 1842.

5th June 1843.

his charge and, if such prove to be the case, to intimate to that Officer that the conduct of Lunjeera Row, as brought to their notice, is such as, in their opinion, renders it inadvisable to retain him in a situation of that class and from which they deem it their duty to require that he be at once removed, arrangements being made, should the Acting Magistrate decide on otherwise providing for him, to place him in an office where his acts will not be beyond the immediate control of his European superiors.—

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division by precept returnable in 25 days from and after its receipt.—

(Cent. fol. Comm. Precpt. No. 578

Ordered also that Extract from these proceedings be sent to the Provincial Court of Circuit in the Western Division and to the Acting Sessions Criminal Judge of Quntoor for

9th June 1843.

8th

for their information.—

(Cent. nos. Nos. 577 & 578)

Read letter dated the 3rd Ultimo from the 2nd Judge on Circuit in the Western Division forwarding the warrant issued for the execution of the sentence of death passed by the Court of Zoyzaree Udalut on the Prisoners in No. 3 on the Home Calendar 1st Sessions 1843 with the endorsement thereon by the Acting Principal Sudr Ameen of Remore, and copy of the report made by that officer.—

(Here enter No. 916 of 1843.)

Read return dated the 3rd instant from the Acting Criminal Judge of Ahmednuggur to the precept of the Zoyzaree Udalut of the 10th May 1843 forwarding explanation relative to the remarks on the Criminal Reports for the month of April 1843.—

6th Inst.

(Here enter No. 918 of 1843.)

F. Uc.

Saturday, 10th June, 1843.

At a Court of the Zoyzaree Udalut.

Present;

Malcolm Lewin Esqre.—Actg. 1st Puisne Judge,

Hon'ble Maclean Esqre.—Actg. 2d Puisne Judge,

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

A. L. F. M. L.

Read letter dated 22d Ultimo from the 2d Judge on Circuit in the Centre Division forwarding the Record in case No. 36 of the Ahmednuggur Calendar for the 1st Sessions of 1843.

(Here enter F. U. No. 882 of 1843)

The Court of Zoyzaree Udalut on a deliberate consideration of all the circumstances of the case as evidenced before them being of opinion that the proof against the prisoner

1st Ramdawny

is sufficient to convict him of the crime of Burglary and Theft, and that against the prisoners

2d Ramdawny alias Turdiee

and

3d Ramdawny Sepoy

M. M. Lewin and W. A. M'Lean

to

6th June 1843.

8th J.

for their information.—

(Centesimo No. 577 & 578)

Read letter dated the 3rd Instant from the 2nd Judge on Circuit in the Western Division forwarding the warrant issued for the execution of death passed by the Court of Oyer & Terminer Udalut on the Prisoners in No. 3 on the Home Calendar 1st Sessions 1843 with the amendment thereon of the Acting Principal Sudr Ameen of Hooghly, and copy of the report made by him—

(Here enter No. 916 of 1843.)

Read return dated the 3rd instant from the Acting Criminal Judge of Hooghly to the precept of the Foujdaree Udalut of the 15th May 1843 forwarding explanation relative to the remarks on the Criminal Reports for the Month of April 1843.—

8th J.

(Here enter No. 918 of 1843.)

J. M.

Saturday, 10th June, 1843. At a Court of the Foujdaree Udalut

Present,

A. L. A. M. J. M. L. — Malcolm Lewin Esqr. — Acting Puisne Judge

— Hon'ble Maclean Esqr. — Actg 2nd Puisne Judge

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

Read letter dated 22nd Ultimo from the 2nd Judge on Circuit in the Central Division forwarding the Record in case No 16 of the Chingleput Calendar for the 1st Sessions of 1843

(Here enter F. M. No. 882 of 1843)

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

1st Ramatawmy

is sufficient to convict him of the crime of Burglary and Theft, and that against the prisoners

2d Ramatawmy alias Turdeer

and

3d Ramatawmy Sepoy to

M. M. Lewin and M. A. M. Lean

8.

10 June 1843

to convict them of having aided in disposing of the stolen proper by knowing it to be such, do convict them severally thereof, and with reference to the provisions of Section XXI Regulation VIII of 1802, adjudge the prisoner,

1st Ramasawmy

to be imprisoned and kept to hard labor on roads on the public roads or other public works for and during the period of seven years and under the provisions of Clause 3d Section IV Regulation VI of 1822, sentence the prisoners,

2d Ramasawmy alias Verdasa

and

3d Ramasawmy Sapoy

to be imprisoned and kept to hard labor on roads on the public roads or other public works for and during the period of two years.

But being of opinion that the prisoner

Letchemy

is not convicted on sufficient proof or on the evidence of credible witnesses or on her own confession of either of the offences above stated,

do

10th June 1843

do acquit her thereof, and direct that she be set at liberty.

Having disposed of the preceding trial the Court of Zuydzaad Adalut feel it incumbent upon them to notice the manner in which Mr Lavie has thought it necessary or desirable to generalise.

2. The Judges deem many of the remarks in this communication as unreasonable as they are inappropriate in all Judicial proceedings, but eminently so in Criminal Trials, facts and proofs are preferable to surmises or vain deductions. It is not less unusual than improper for a Circuit Judge, whilst discussing the guilt or innocence of a Prisoner, to balance the one or the other by his own preconceived opinions of right or wrong, shame or disgrace, or other abstract sentiments which may arise in his mind from some peculiarities in the case before him.

Ordered that Extract of

these

10th June 1863

these proceedings be sent to the 2d Judge on Circuit in the Centre Division for his information and future guidance.—

Sent following letter No 580

Read returns dated the 30th Ultimo from the Provincial Court of Circuit in the Centre Division to the Courts Precept of the previous 6th requiring the opinions of that authority in respect of the propriety of the release by the Acting Criminal Judge of Chittoor of certain Convicts who were charged with having committed an escape of a body of Convicts from Pullicondah whilst at work under the orders of the Deputy Superintendent of Rondypundy— stating also whether grounds exist for a reduction of the Sentences of three Convicts who are represented by the Deputy Superintendent to have greatly assisted in the recapture of some of them fellow Convicts on the occasions in question.—

Here enter Fth No 903 of 1863

The Provincial Court in their forwarding Communications have approved of the release of the Convicts by the Acting Criminal Judge of Chittoor & state their opinion that the sentences of two of the three Convicts referred to by Lieutenant Robertson should be reduced respectively by two years.—

2. They have, however, restricted themselves to mentioning only by name the two Convicts in question — Koyan and Rungun and have omitted to forward the Descriptive Roll referred to in para 3 of this Courts proceedings dated 6th Ultimo the absence of which was therein noticed.—

3. The Court of Sudder Adawlut resolve therefore to call upon the Provincial Court to transmit the Descriptive Roll in question without delay and at the same time to explain on what grounds the third Convict alluded to by Lieutenant Robertson has not been deemed deserving of the mitigation of punishment which it is proposed to extend to the other two.—

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Centre Division by precept.

10th June 1843

precept returnable in V days from and after
the receipt.

Sent following precept. No 581.

WDM
agreed

Ex W.

No

Monday
12th June, 1843.

Present

Malcolm Lewin Esqre — Acting 1st Puisne Judge,

Alexr Maclean Esqre — Acting 2nd Puisne Judge,

Wm L. C. H. Lewin Esqre — Acting 3rd Puisne Judge,

Read return dated the 25th ultimo

from the 2nd Judge of Circuit in the Centre Division

submitting a Translation of the Deposition given before

him by Chadumbaram of the Zillah of Cuddalore

in Case No 5 of the Cuddalore Calendar for the

1st Session of 1843 called for in this Court proceedings

of the 10th ultimo together with his remarks on the

allegations made by that individual in his address

to the Conjeeveram Adawlut —

(Here enter No 885 of 1843)

Read also again Miscellaneous —

Petition presented on the 18th April last by Cheetum =

= baram of the Zillah of Cuddalore —

(Here enter ditto No. 31 of 1843)

On consideration of the deposition

given

given before the 2d Judge on Circuit of the Petitioner Cheddumbaram, the Court of Sudder Adawlut are of opinion that the imposition of the fine of 20 Rupees of which that individual has complained was justifiable and proper. They accordingly decline to direct its remission and as, under the confirmation afforded by Mr. Lane, the Petition received from Cheddumbaram does not call for further notice from this Court, it is ordered to be dismissed.—

Ordered also that Extract from these proceedings be granted on application to the Petitioner.—

Read Viscellaneous Petition presented on the 18th April 1843 by Cooneramen Periadoo Officiating Dubash of Pondicherry.—

(Here enter ells No. 38 of 1843)

The Petitioner mentions that he was discharged from the imprisonment awarded to him in the Joint Criminal Court at Pondicherry and adverting to the circumstances which led to his having been brought to trial before that Tribunal in the first instance, argues at length that he was wholly innocent

of the offence of which he was convicted.—

He prays that, under such circumstances, the Court of Sudder Adawlut will direct his restoration to the situation from which he has been removed in the Collectors department and punish the treachery Coorian who was the originator, through malice, of the injury which the Petitioner has sustained.—

The Court of Sudder Adawlut do not consider that the Petitioner has shown grounds in support of the application which he has preferred and they accordingly decline to grant the redress which he has solicited.—

Ordered that the Petition be dismissed and that Extract from these proceedings be delivered to the Petitioner on application.—

Read Miscellaneous Petition presented on the 7th instant by Veeracoroppen of Pillah Chittoor.—

(Here enter ells No. 39 of 1843.)

The Petitioner is present himself to be the brother of Mootialoguadoo Prisoner in Case No. 3 on the Calendar 2d Quarter Sessions of 1843

12th June 1843.

at Chittoor and asserting that owing to the influence of their Enemies certain testimony has been withheld which would tend to show that the female whom his brother has been accused of having murdered committed suicide, he prays that orders may be issued for the reexamination by the Lower Court of four witnesses not yet examined —

It is observed on reference to the Court's proceedings of the 5th instant that the Prisoner admitted to have been condemned to suffer death, and that instructions have been issued for carrying the sentence into execution —

Ordered, that the Petition be dismissed and that Extract from these proceedings be granted on application to the Petitioner —

Read again the letter dated the 10th instant from the 2d Judge on Circuit in the Centre Division forwarding the Record in Case No 4 on the Criminal Calendar for the 1st Session of 1843 —

(Here enter No 834 of 1843)

Read also the letter dated the 11th instant from the 2d Judge on Circuit in the Centre Division stating

No 11.

12th June 1843.

explaining the omissions pointed out by the Court of Sudder Dewanny Adawlut in Case No 4 of the Criminal Calendar for the 1st Session 1843 —

(Here enter No 913 of 1843.)

The Court of Sudder Dewanny 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

Mr M. Lewin
and
Mr Maclean

1st Cheelamboo,

2d Maurea,

and

3d Cosa Loobun,

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

2d Maurea

and

3d Cosa Loobun

to be imprisoned and kept to hard labor in irons on the

12th June 1843.

Tuesday, 13th June, 1843.

J. M.

At a Court of the Fonjdaree Adalut.

Present,

Malcolm Lewin Esqre. Actg. 1st Puisne Judge,

Alex.r Maclean Esqre. Actg. 2d Puisne Judge,

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

Read letter dated the 31st Ultimo from the 2d Judge on Circuit in the Centre Division submitting for the consideration and final confirmation of the Fonjdaree Adalut an English translation of the Proceedings of the trial in case No. 19 on the Cuddalore Calendar for the 1st Session of 1843.

(Here enter J. M. No. 911 of 1843)

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

Vellea Padiachy

is insufficient to convict him of the crime of Murder do convict him thereof, but, being of opinion

Mr. Maclean and Mr. F. M. Lewin

that the said Vellea Padiachy has been guilty of Culpable Homicide, do sentence him to be imprisoned and kept to labor in irons for the space of seven years: and the prisoner

Timmee Chamaloo

to be imprisoned and kept to labor in irons for the space of seven years.

(Vide following letter No. 687)

Read return dated the 8th instant from the Acting Criminal Judge of Coimbetoor in obedience to the precept of the Fonjdaree Adalut of the 30th May 1843, on the review of the Criminal Register for the Month of April 1843.

(Here enter No. 925 of 1843)

Perusal of the file of letters from the Court to return the evidence in Coimbetoor Letter No. 28 of 1843.

Ordered accordingly.

Chastumbaram of the Judge of Cuddalore, from the Court to return the witnesses in his Miscellaneous Letter No. 81 of 1843.

Ordered accordingly.

Dyed.

13th June 1843

opinion under the circumstances of the case;
that the punishment to which the prisoner
is liable under the provisions of Section X. of
Regulation VIII of 1802, would in this instance
be too severe, the Court sentence the prisoner to
be imprisoned and kept to hard labour in
irons on the public roads or other public works
for and during the period of (4) four years.

Sent following letter No 583

Read return dated the 3d
Instant from the Acting Sessions
Judge of Trasudistatum, to the precept of
the Tongdaree Udalut of the 30th May 1843,
on review of the Criminal Reports for the
month of April 1843.

(Here enter F.H. No 924 of 1843)

Read letter dated the 2d
Instant from the Magistrate of Bellary, sub-
mitting explanations to the observations made by
the Court of Tongdaree Udalut in their Proceedings
dated 6th May 1843.

(Here enter F.H. No 927 of 1843)

RDM
Cleary

F.H.

Thursday, 15th June, 1843. At a Court of the Tongdaree Udalut.

Present,

A.M. Malcolm Lewin Esqre. Actg 1st Puisne Judge,
A.M. Alexr. Maclean Esqre. Actg 2d Puisne Judge,
F.M. F. M. Lewin Esqre. Actg 3d Puisne Judge,

Read letter dated the 29th ult.
Ultimo from the 2d Judge on Circuit in
the Western Division submitting for the con-
sideration and final sentence of the
Tongdaree Udalut an English translation
of the record of the trial in Case No 1 on the
the Mangalore 3d Additional Calendar for
the 1st Sessions of 1843.

(Here enter F.H. No 923 of 1843)

The Court of Tongdaree 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
Prisoners

1st Bunt Buffeshya
2d Kinneanna, younger brother of the
1st Prisoner and
3d Ballolikan Dronsfesha

A.M. Lewin
and
F.M. Lewin

15th June 1843

12

is sufficient to convict them of the Crime of Murder, do convict them thereof; but considering that there are alleviating circumstances in the case, which justify them in passing a lesser Sentence than that to which the Prisoners are liable under the Provisions of Section X Regulation VIII of 1802, do Sentence the Prisoners

1st Bunt Buttlessa

2d Kinnanna

under the provisions of Clause Second Section VI Regulation I of 1825, to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for and during the period of their natural lives and the Prisoner,

3d Ballolikar Dumpsah

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 years.

Certificate

15th June 1843.

L. S.

Certificate of Pardon to Ballolikar Soobbaya

Whereas under date the 8th April 1843 the Court of Sudder Adawlut were pleased to authorize the Criminal Judge of Canara to tender an offer of pardon to

Ballolikar Soobbaya,

on condition of his making a full disclosure of every circumstance within his knowledge relative to the murder of the Prosecutrix's Son named Takeera committed on the night of the 8th January 1843 in the Sumpada Kuttay at Koreyaddy Village, Sunawully Hoguny in Mangalore Talook, Zillah of Canara.

And whereas the Court of Sudder Adawlut are of opinion that the conditions of the said grant of pardon have

15th June 1843.

have been sufficiently fulfilled:-

Now, these are to certify and declare that in consideration thereof, the Court of Fouzdaree Adalut have been pleased, under the provisions of Section XX Regulation VIII of 1802 and Section XII Regulation XIII of 1832 to confirm the pardon conditionally tendered as aforesaid, to the said

Ballokhan Seebbaya

as regards the Acts herein referred to.

And the Court do hereby confirm the said Pardon accordingly.

Given under my hand and the seal of the Court this 15th day of June in the Year of our Lord 1843.

(Signed) H D Bellasis

Acting Register

Sent following letter No 385

Friday 16th June 1843.

At a Court of the Fouzdaree Adalut.

Present

Malcolm Lewin Esqre Actg 1st Puisne Judge.

Alex. Maclean Esqre Actg 2d Puisne Judge.

H. Mo. Lewin Esqre Actg 3d Puisne Judge.

Read letter from the Acting 3d Judge on Circuit in the Northern Division, dated the 10th Ultimo, forwarding the Vizagapa-tam Calendar for the 2d Sessions of 1842.-

(Here enter F.H. No 239 of 1843)

In this case two Prisoners

Case No 2

Dindaker Veeregandoo

and

Chickeala Atchiah

were charged with Burglary;- the 2d has been released by the Judge on Circuit who had sentenced the 1st to imprisonment with hard labor for a period of five years "under Clause "Seventh, Section II and Clause first Section V "Regulation XII of 1803 and with reference to "Clauses second and Sixth Section II Regu- "lation VI of 1822"

The

15 16th June 1863.

2. The Court of Foydaree Adalut consider the Sentence recorded as above, to be erroneous. If the Prisoner D Veerrayandoo is deemed to have been proved guilty of theft, he is liable to punishment by imprisonment with labor for seven years. If he has been considered by the Judge on Circuit guilty as a receiver, the punishment to be inflicted and the law under which it should be awarded must depend upon the circumstances of the case. But the Regulations which have been quoted by the Acting 3d Judge are such as cannot stand together.

3 The Judges, therefore, resolve to request the Acting 3d Judge will state for their information what crime has in his opinion, been established against the Prisoner and that he will specify any circumstances of aggravation or otherwise which the case may present for observation and remark.

4 The Prisoner Vafaree Appearance

16th June 1863.

was accused in this case of having violated the person of the Prosecutrix, but the immediate release without trial of the Prisoner was ordered by the Acting 3d Judge under the circumstances of the Prosecutrix having presented to him a Petition declaring that she had been suborned to make the charge under promise of a reward, which allegation was supported by her solemn affirmation before the Court of Circuit.

5. Without losing sight of the liability to prosecution for perjury of the Prosecutrix, the Acting 3d Judge thought it better to let her depart" as it was probable she had been made the tool of others.

6 He, at the same time, points out that an address similar to that preferred to the Court of Circuit, had been laid before the Joint Criminal Judge in the interval between the committal of the Prisoner and the arrival of the Court of Circuit

16th June 1843

Circuit and remarks that he considers the Joint Criminal Judge was free to take cognizance of such a Petition and apply to the Provincial Court for leave to cancel the Commitment but in this respect the Acting 3d Judge solicits the opinion of the Court of Sujdanee Adalut

The Court of Sujdanee Adalut are of opinion that the Acting 3d Judge has taken a proper view of the course of proceeding to be adopted by a Criminal Judge under the circumstances stated and consider that Mr Walker exercised a sound discretion in not issuing orders to bring the Prosecutrix in question to trial for perjury

Ordered that Extract from these proceedings be forwarded to the Acting 3d Judge on Circuit in the Northern Division / paras 4, 5, 6 and / to be communicated to the Joint Criminal Judge of Guntoor / for same / by precept returnable in XV days from and after the receipt

/ Sent following precept No 387 /

Ex

3/

F.H.

16th June 1843.

Read letter dated the 30th Ultimo from the Acting 2d Judge of the Provincial Court of Circuit in the Northern Division forwarding copy of the Masulipatam Calendar for the 2d Quarterly Sessions of 1843

/ Here enter F.H. No 914 of 1843 /

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

Ordered that Extract from these proceedings be forwarded for the information of the Acting 2d Judge of the Provincial Court of Circuit in the Northern Division.—

/ Sent in No 388 /

Read letter dated the 1st Instant from the Agent to the Governor of Fort St George at Ganjam, transmitting the returns of Criminal Cases disposed of by him during the month of May 1843.

/ Here enter F.H. No 926 of 1843 /

Read

16th June 1843.

Read letter dated the 29th Ultimo from the Acting 3d. Judge on Circuit in the Northern Division, transmitting a Statement of Batta paid to the Prosecutors and Witnesses who attended the Court of Circuit for the 2d. Sessions of 1842 at Tanjore.

/Here enter Ffle No. 929 of 1843/

Read letter dated the 6th Instant from the Provincial Courts of Circuit in the Central Division, forwarding transcript of a return from the Criminal Judge of Bellary reporting that the Prisoner in Case No 231 of the Criminal Report for December 1842 has been ordered to be re-apprehended; and that he will be committed for trial on his arrival in the Criminal Court

/Here enter Ffle No. 930 of 1843/

Read return dated the 5th Instant from the 2d. Judge on Circuit in the Western Division, to the Precept of the Zillah Adalut of the 30th May 1843 requiring the

16th June 1843.

the term of imprisonment awarded by the Court of Circuit on the Prisoner in Case No. 1 Bangalore Supplemental Calendar 1st Sessions of 1843.

/Here enter Ffle No. 933 of 1843/

Read letter dated the 7th Instant from the 1st Judge on Circuit in the Southern Division, forwarding Statements of Batta paid to Prosecutors and Witnesses who attended the Court of Circuit during the present Sessions which was furnished by the Criminal and Joint Criminal Judges of Salem and Coimbatore.

/Here enter Ffle. No. 949 of 1843/

Read letter dated the 7th Instant from the Acting Joint Criminal Judge of Cuddapah, forwarding the Criminal Report for the Month of May 1843.

/Here enter Ffle No. 950 of 1843/

Read letter dated the 2d. Instant from the Acting 3d. Judge on Circuit in the Northern Division, forwarding Copies of

16th June 1843

of Sheriapara calendars for the 2d sessions of 1842 and 1st Sessions of 1843 and reporting the date fixed, for opening the 1st Session of 1843 at Vizagapatam.—

/Here enter No. 956 of 1843/

Read letter dated the 12th instant from the Acting Criminal Judge of Chittoor forwarding the death warrant in case No. 3 of the Chittoor calendar for the 2d Quarterly Sessions of 1843.—

/Here enter No. 959 of 1843/

Read letter dated the 10th Instant from the Criminal Judge of Canara transmitting the Criminal Returns for the month of May 1843.—

/Here enter No. 962 of 1843/

Read letter dated the 9th Instant from the 2d Judge on Circuit in the Western Division, submitting the Death Warrant in case No. 4 on the Manoor Calendar for the 1st Sessions of 1843.—

/Here enter No. 964 of 1843/

16th June 1843.

Read letter dated 7th April last from the 3d Judge of the Provincial Court in the Western Division submitting his report on the 1st Quarter Sessions of 1843 with an appendix and copies of the Jail Gaol Register Calendars.—

/Here enter No. 3142 of 1843/

In the 3d para of the preceding communication the 3d Judge on Circuit remarks on the complaints made to him by the Prisoners in the Jails of Cannanore and Tellicherry, in consequence of "betel and tobacco" being forbidden them but allowed to the Prisoners in Mangalore and the 3d Judge considers a departure from the orders of the Sudder Adalut not less than the uniform practice of other Jails as liable to engender a spirit of discontent.—

In reference to these remarks

2.

the Court of Sudder Adalut deemed it necessary to call upon the Zillah Judge of Canara for explanation; and in his return of the 30th Ultimo he states that "betel &c. is allowed to all the Prisoners, and that they appear to have had the indulgence ever since the Jail was established

it

16th June 1843.

to bring the opinions of the Medical Officers that the total prohibition of fish among the prisoners in the Jail of Mangalore could not be had recourse to without grave injurious to their health.

Viewing in accordance with Mr Morris, the desirableness of uniformity as regards the internal economy and diet... of prisoners, the Court of Sudder Adalut are not inclined to extend to other Jails that indulgence which, in the case of the Mangalore, in an exception of long standing and founded on the explicit reports and recommendations of Medical men...

Ordered that a copy of the report with the above proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the most Honorable the Governor in Council.

(Sent in No 589)

Ordered further that a copy of these proceedings be sent to the 3d Judge Cuddapah on Circuit in the Western Division for his information.

(Sent in No 590)

Extract from the Proceedings of the Court of the Sudder Adawlut.

Present

The Hon. Malcolm Lewin Esq. ——— Acting 1st Puisne Judge,
The Hon. Alexr. Morrison Esq. ——— Acting 2d Puisne Judge,
The Hon. C. H. Lewin Esq. ——— Acting 3d Puisne Judge.

Read Extract from the Minutes of Consultation dated the 8th instant directing the remission of the unexpired term of the sentences passed upon each of the 29 persons concerned in the affray at Calicut, who are now in Jail at Tellicherry, and the receipt of the Sudder Adawlut letter dated the 10th August 1843, and requiring the immediate attention of this Court to the measures necessary for their release on their own Recognizances.

(Register No 935 of 1843.)

The individuals referred to in the foregoing communication were brought to trial on the Calendar of Special Commission for the Division of Malabar.

It is therefore from the proceedings

of this Court, dated the 11th October of that year, that the mitigated sentences of fasting on the Dates hereunder specified were ordered to be carried into effect in the Jail at Chingleput:-

1st Cany Ravoothy alias Ravoothy
3d Chenyamalama Pattrakaren alias Govindaroy
13th Pirmama
11th Ramarow Jadoo
14th Venkata Rao Govindarow alias Thomas

3.

It is also observed that under the orders of the Foujdary Adawlut, dated 6th September 1841, the 13th Prisoner

Duttaya Naidoo Rao

was transferred to the same Court

4.

With these explanations and Statements the 28 Prisoners, Veerasstra Langaram, who is referred to in the Combaconum Criminal Return for the month of October 1841, the remaining Prisoners, viz:

2nd " Venkatachella Chetty
4th Abdulla Rowthen
5th Vendia Padiachy
6th Pattamuthoo Servaigaren
7th Ekamra
8th Cundan

9th Caroopen Pollidar
10th Iyasamy Servadar
12th Karamoorty
16th Coobla Pollidar
17th Ramasamy Munnar Pollidar
18th Cunjanadan Servadar
19th Ecciringa Servadar
20th Mootoovornia Taven
21st Seam Polondan
22d Pollaliagen
23d Pengen
24th Ramasamy
25th Moothoosamy Pogaty
26th Karmoga Condien
27th Cavamandy Cannien
29th Chedumbra Servadar

and

30th Cormaloo

are now in confinement at Combaconum.

5.

The Judges of the Foujdary Adawlut accordingly resolve to call upon the Officers presiding over the Courts at Combaconum and Chingleput to release those of the Prisoners above adverted to who may be under their charge respectively on receiving

19th June 1843.

receiving from them the requisite Monthly Charge and
reporting the date of their release for the information
of Government.—

Ordered, that Extract from this
proceedings be forwarded to the Acting Criminal Judge
of Combaconum and Chingleput by Precept returnable
in 5 days from and after its receipt.—

(Sent following Precepts Nos 698)

Read Letter from the Acting Criminal
Judge of Chingleput dated 8th Instant forwarding
Criminal Reports for the Month of May.—

(Here enter Abstr. No 33.)

Cases Nos. 20 and 23. 1. The Abstract of this case is not
rendered so intelligible as could be desired, the Court
of Sudder Adawlut resolve to direct the Provincial Court
to look into them and pass such orders as may seem
necessary, reporting the result of their enquiries for
the information of this Court.—

Case No 32. 2. The Court of Sudder Adawlut request
to be informed of the sentences under which the Prisoners
in this case were suffering, when he effected his escape.—

Ordered, that only so much of the
proceedings (para 6) be sent to the Provincial
Court of Circuit in the Tenth Division by Draft
returnable

19th June 1843.

returnable without delay.—

(Sent following Precept No 699)

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

(Sent in No 600)

Read Return dated 15th instant from
the 1st Judge on Circuit in the Southern Division
to the Precept of the Sudder Adawlut of the 1st
May 1843 directing the transmission of the trial of
Case No 14 on the Madura Calendar for 1st
Sessions 1843.—

(Here enter Abstr. No 828.)

Read again Miscellaneous Petition
presented on 10th April last by Peeky, complaining
of the sentence passed upon her husband by
the 1st Judge on Circuit in the preceding trial,
and praying the Sudder Adawlut to call for the
record of the case, reverse the proceedings of the
Lower Court and punish the parties who invented
the false charge.—

(Here enter Abstr. No 24.)

Read

19th June 1843.

The Court of Enquiry Resolved having attentively perused the record in Case No 1/16 of the Madura Calendar are of opinion that there are no grounds to doubt the correctness of the sentence passed on the Prisoner.—

Ordered that the Petition & Proceedings and copy of these proceedings granted to Petitioner on application.—

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

(Sent in No 601)

Record letter dated the 5th instant from the 2nd Judge on Circuit in the Western Division transmitting the record in Case No 4 on the Calendar for the 1st Sessions of 1843.—

(Referred No 944)

The Court of Enquiry Resolved after deliberate consideration of all the circumstances of this case in evidence upon the whole of opinion that the proof against the Prisoners

1st Read

19th June 1843.

1st Lidoly & Cadiro

2nd Pootelumienna

3rd Coomaren alias Kavin

4th Lidoly & Vooca alias Shoolan

5th Lidoly Yhooda

and

6th Lidoly Pursa

is sufficient to convict them of the crime of Gang robbery by open violence, attended with personal injury, to convict them thereof, and during of opinion under the circumstances of the case, that the punishment to which the Prisoners are liable under the provisions of Clause second, Section IV Regulation XV of 1803, would, in this instance, be too severe, the Court sentence them severally to receive 195 Castio with a Cat of nine tails and to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the space of (14) fourteen years.—

(Sent following letter No 602)

DDN
A/Reg

Tuesday 20th June 1843.

At a Court of the Caffraria Islands.

Present

Act Malcolm Lewis Esq^re ——— Acting 1st Puisne Judge

A.M Alex^r Maclean Esq^re ——— Acting 2d Puisne Judge

W.M C. M. Lewis Esq^re ——— Acting 3d Puisne Judge

Read letter from the Criminal Judge of Pajahmundry under date the 3d instant forwarding the Criminal Reports for May 1843.

(Here enter C. M. No. 928)

In this case it appears that the Provincial Court the Caffraria Islands with merely pointed out the Criminal Judge's error in awarding "for two Months the remission of an "irregular sentence of Committal". In cases where corporal punishment has been awarded this Circular orders contemplate a delay of two Months in its infliction but in no others.

Ordered that Extract of these proceedings be sent to the Criminal Judge of Pajahmundry for his information and future

Case No. 54.

* 21st October 1830

future guidance.—

(Cent in No. 604.)

Read letter from the Acting 3d Judge in the Nattore Division under date the 31st Ultimo reporting his having directed the reconfinement in fetters of a Prisoner in the Jail of Tellicherry, who had been relieved from his chains and labor for two months in the view of weakness by an order of the Medical Officer, and submitting whether it is competent to the Medical Officer to exercise such authority.—

(Here enter Public No. 942.)

The Court of Sanjidare Adalut approve of the course pursued by the Acting 3d Judge on this occasion, and feel no hesitation in answering the preceding query in the negative. No Circular Order exists by which the Medical Officer is authorized to do more than recommend a temporary relief in case of sickness (the duration to depend on the state of the prisoner's health, as manifested by daily observation) from the fatalities of a sentence; and during the period of that relief

relief the Prisoner ought to be placed in the Hospital or kept to lighter work within the Walls of the Jail.—

Ordered, that Extract of these proceedings be sent to the Acting 3d Judge on Circuit in the Nattore Division for his information and guidance.—

(Cent in No. 605.)

Read communications, dated the 9th, 8th and 13th instant, from the Acting 1st Judge of the Northern, the 3d Judge of the Western, and the 1st Judge of the Centre Provincial Courts, soliciting instructions, with reference to the expected introduction of the new judicial system, whether the usual notice for the opening of the 2nd Session of 1843 should be issued.—

(Here enter Nos. 937, 952 and 964 of 1843.)

The Court of Sanjidare Adalut are aware of no objection to the publication of the notice referred to in the foregoing communications and accordingly direct that the necessary measures be adopted for relieving the Jails in the Northern, Western, Centre and Southern Divisions in the manner and at the places usually appointed.—

Ordered

Ordered, that Extract from these proceedings be forwarded to the Acting 1st Judge of the Northern, 3d Judge of the Western and 1st Judge of the Centre Divisions for their information and guidance.—

(Ext in No. 606.)

Ordered also that Extract from these proceedings be transmitted to the 2d Judge of the Provincial Court of Circuit in the Southern Division for his information.—

(Ext in No. 607.)

Read letter dated the 7th instant from the 1st Judge on Circuit in the Southern Division forwarding the Record of Trial in Case No. 13 of the Criminal Calendar for the 1st Sessions of 1843.—

(Here enter No. 946)

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

Kundasawmy

is sufficient to commit him of the crime of Murder, do commit him thereof; but being of opinion, under

the circumstances of the case, that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1832, would in this instance, be too severe; the Court sentence the Prisoner to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned, and kept to hard labour, in irons, on the public roads or other public works, for and during the period of his natural life.—

(Ext following letter No. 608)

Read letter dated the 9th instant from the 3d Judge on Circuit in the Northern Division, submitting Statements of Batta paid to Prosecutors and Witnesses for the 2d Sessions of 1842 and 1st Sessions of 1843 at Trichinopoly.—

(Here enter No. 976 of 1843.)

Read letter dated the 13th instant from the 2d Judge Presiding at the 2d quarter Sessions 1843 Southern Division forwarding Copy of the Calendar submitted by the Acting Joint Criminal Judge of Trichinopoly together with

C. C.

At a Court of the Conjdarea Distalut.

Present,

The Hon.ble Lewis Esq.re — Acting 1st Puisne Judge,

The Hon.ble Maclean Esq.re — Acting 2nd Puisne Judge,

The Hon.ble Lewis Esq.re — Acting 3rd Puisne Judge,

Read communication dated the 6th instant from the 1st Judge of the Provincial Court of Circuit in the Western Division, submitting a list of Criminal Calendar for the 2nd Quarterly Sessions of 1843 at Calicium.—

(Vide Record No. 936 of 1843.)

The Prisoners Komodillen Veyallan and Conjdarea who were reported by the Circuit Court Conjdarea Distalut for trial at the present Sessions on the charge of forging, have been released from their confinement, the Court being of opinion that upon their own recognizances to appear at the next Sessions of the Court Conjdarea Distalut to be held at Calicium on the 1st Monday in March next, they will be forthcoming to take their trial at the said Sessions, pursuant to the directions contained in the Extract from the Proceedings of the Circuit Court Conjdarea Distalut for the

the propriety of the course adopted by him, and they fully concur in the justice and appropriateness of the remarks by which he has drawn the attention of the Hon. J. H. Harris, the Joint Criminal Judge by whom the case was committed, to the absence of grounds either for the originating the charges in the first instance or subsequently for not disposing of them on his own authority.—

3. The Judges consider the Hon. J. H. Harris' proceedings to exhibit an extreme want of discretion which has led to the adoption against the Prisoner of measures as harsh as, from the nature of the testimony forthcoming to support them, they are shown to have been unjustifiable.—

4. Adverting to the recent proceedings in the Court over which the Hon. J. H. Harris now presides, against its Syndic Leon Lincoln, and to the instances under observation, of the hasty manner in which the powers vested in executive judicial officers have been used, the Court of Enquête deem it incumbent on them to express their opinion that such proceedings cannot fail to shake the confidence of the people in the laws and institutions of the government, and with this impression they resolve to continue

the Hon. Harris against the future exercise of his discretionary authority without more mature and careful deliberation.—

5. In regard to the intention which the Joint Criminal Judge is reported to have expressed, of admitting an appeal in the case referred to in the proceedings under review, the Judges of the Enquête Circuit request the Provincial Court of Circuit in their Civil capacity will have no time in making arrangements for annulling any proceeding to that effect which may have been entered into in the Auxiliary Court at Terrebonne under orders from the Assistant Judge. They regard the filing of an appeal at the instance of the Judge, against a decree 2 years old and which had hitherto met with no objection from the parties, as an extremely ill judged proceeding.—

Ordered, that Extract from these proceedings be forwarded to the Hon. Judge presiding at the 2nd quarter Sessions of 1843 at Terrebonne for his information, and for communication to the Joint Criminal Judge at

21st June 1843.

at that station.—

(Sent in No. 813.)

Read return dated the 12th instant from the Provincial Court of Circuit in the Central Division, to the precept of the Zuidpoort Adelaat of the 19th Ultimo, submitting an Extract from their proceedings of the 12th Instant in Case No. 18 of the Chingleput Criminal Reports for the Month of April 1843, with reference to this Court proceedings of the 19th May last.—

(Here enter No. 970 of 1843.)

See No. 1

WDM
Asst

F. M.

E. C.

Thursday, 22nd June 1843.

At a Court of the Zuidpoore Adalut.

Present

Mr Malcolm Lewin Esqre ——— Acting 1st Puisne Judge
Mr Alexr Maclean Esqre ——— Acting 2nd Puisne Judge,
Mr E. M. Lewin Esqre ——— Acting 3rd Puisne Judge

Read letter, dated the 15th instant, from the Acting 2nd Judge of the Provincial Court of Circuit in the Northern Division, annexing a translate of the charge preferred against the Prisoners in Case No. 1 of the Supplemental Calendar for the 2nd Quarterly Sessions of 1843. and soliciting instructions whether the offence imputed to them is punishable under Section III Regulation III of 1831.—

(Here Enter No. 957 of 1843.)

As it appears the riot of which the Prisoners in question formed a part, consisted of twelve (12) in number, and had assembled for riotous purposes and refused to disperse when called upon so to do by competent authority, the Judges of the Zuidpoore Adalut are of opinion that the Prisoners are liable on conviction to the penalties prescribed in Section

Section III Regulation III of 1831.—

Ordered, that Extract from the proceedings be forwarded to the Acting 2nd Judge of the Provincial Court of Circuit in the Eastern Division.—

(Sent in No. 617.)

Read the Circular of Criminal Reports for the month of May 1843.—

(Here enter No. 970 of 1843.)

Report No. V
Case 48.

1.

The nature of the instruction of the Head of Police of Ondesi to the Magistrate in this Case not seen entered in the 11th Column of the Report.—

2.

Should it not be presumed from the record of Police proceedings, the Acting Criminal Judge will be pleased to make the requisite communication to the Magistrate and submit the result for the information of the Court of Sessions Adalut.—

Ordered, that Extract from the proceedings be forwarded to the Acting Joint Criminal Judge of Trichinopoly by first return able in

in XII days, from and after its receipt.—

(Sent following Precept No. 618)

Read return dated the 16th instant from the Joint Magistrate in charge of North Arcot, to the Precept of the Sessions Adalut of the 8th June 1843. relative to the conduct of the Head of Police in the investigation of Case No. 19 in the Cuddalore Criminal Reports for the month of March 1843.—

(Here enter No. 985 of 1843.)

Read letter dated the 12th instant from the Provincial Court of Circuit in the Centre Division, submitting the 1st and 2nd Judges opinions on Cases Nos. 34 and 37 of the Bellary Criminal reports for the month of March 1843, with reference to this Court's proceedings of the 6th May last, directing the Provincial Court to look into the record of the Cases and pass such orders as they may deem proper.—

(Here enter No. 987 of 1843.)

Read letter dated the 14th instant from the Acting 3rd Judge on Circuit in the Northern Division, reporting his having opened the

The Opinions

23rd June 1843.

½ Sessions 1843 at Coimbatore on the 15th Instant.—

Sd/-

(Here enter No. 990 of 1843.)—

Asstt.

C. & C.

Friday 23rd June, 1843.

At a Court of the Conjeevaram Adalats.

Present.

Hon. Malcolm Lewin Esqr. ——— Acting 1st Puisne Judge

A. M. Alexr. Maclean Esqr. ——— Acting 2d Puisne Judge

W. L. F. M. Lewin Esqr. ——— Acting 3d Puisne Judge

Read the Criminal Reports submitted by the Joint Criminal Judge of Coimbatore for the Months of May 1843.—

(Here enter C. & C. No. 988)

The above Reports do not appear to call for any remarks from the Court of Conjeevaram Adalats.—

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

(Entd in No. 622.)

Read Return from the Provincial Court in the Western Division dated the 16th inst. to the Precept of the Conjeevaram Adalat of the 9th Instt, directing them to call for the record in

Case No 24 on the Ellichpur Criminal Reports for the Month of April and pass such orders as may be necessary.—

(See enter Vol. No 982)

1. The Provincial Court states that they called upon the record in Case No 24 and perused the entire proceedings therein, but are disposed to concur in the propriety of the fine imposed by the Assistant Judge in that case, as they are unacquainted with the sentiments of the Sessions Judge. They are desirous to have any further order.—

2. The Court of Sessions Judge is in the view taken by the Provincial Court in the Western Division respecting the manner in which Case No 24 has been disposed of by the Assistant Judge.—

Ordered, that extract of these proceedings be sent to the Provincial Court in the Western Division for their information.—

(Entered Vol. 173.)

Sd/ J. R. D.
Asst

Fl 16.

Saturday, 24th June 1843.

At a Court of the Sessions Judge

—Present—

At Malcolm Lewin Esquire — Asst to Principal Judge.
A.M. Alexander Maclean Esquire 2nd Principal Judge.
F.M.L. Fred. Mortimer Lewin Esquire 3rd Principal Judge.

Read the Criminal Reports for the Month of May 1843 forwarded by the Officiating Joint Criminal Judge of Tinnevelly.—

(See Enter Vol. No 982)

Report No V Case 31.

Adverting to the circumstances stated in the charge and in the sentence passed in this case, it appears to the Judge of the Sessions that the Prisoner was treated with extreme lenity by the Officiating Joint Criminal Judge who has awarded imprisonment only for one month and a fine of two (2) Rupees commutable if not paid to further incarceration for a similar period.—

Ordered, that Extract from these proceedings be forwarded to the Officiating Joint Criminal Judge of Tinnevelly.

Jas Dick

for his information.

(Sent in No 627.)

Read the Criminal Reports submitted by the Acting Joint Criminal Judge of Masulipatam for the month of May 1843.

(Extracts to Reports)

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

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

(Sent in No 628.)

Read the Criminal Report submitted by the Acting Joint Criminal Judge of Masulipatam for the month of May 1843.

(Extracts to Reports)

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

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

(Sent in No 629.)

Read letter from the Provincial Court Centre Division dated the 9th Instant forwarding copy of communication from the Acting Criminal Judge of Chittoor regarding the disposal of the Prisoner Veeranaiky in Case No 25 of the Supplemental Calendar of Chittoor for Dacoity & Murder of 1841.

(Here enter F.R. No 939.)

1. The Acting Criminal Judge of Chittoor submits a letter from the Zillah Surgeon

Surgeon who states, that during the preceding six months, the aforesaid Prisoner had not displayed the smallest indication of mental aberration.

2. It appears from the letter of the Provincial Court of the 9th of last November that the Zillah Surgeon then expressed an opinion similar to the one now offered.

3. Under these circumstances the Court of Foujdary Adalut see no objection to the Prisoner Veeranaiky being released from confinement, provided the Magistrate will be responsible for his conduct, or in the event of the Magistrate's objecting to the responsibility, that his relations are willing to give two securities, in 25 Pagodas each, for his good behaviour and appearance when required within a period of two (2) years.

Ordered, that Extract of the proceedings be sent to the Provincial Court Centre Division for their information and for the guidance of the Acting Criminal Judge of Chittoor.

(Sent in No 629.)

Read

24th June 1843.

Read Criminal Reports for the month of May submitted by the Acting Criminal Judge of Malabar.

(Vide inter P. R. No. 978.)

Case No. 90. 1. From the remark made by the Sub Assen Moosliv in this case, the Court are led to conclude that the Prisoner has not been placed upon his trial for the escape.

2. In the event of this supposition proving correct, the Judges direct that the Prisoner be now placed upon his trial and in addition to the punishment for breaking, that an adequate sentence for escape be awarded.

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

(Sent following precept No. 630.)

RDR
Apree

No. 86.

Monday, 26th June 1843.

At a Court of the Sunjary Adalut.

Present

Malcolm Lewin Esquire 1st Puisne Judge
Alexander Maclean Esquire 2d Puisne Judge
Fred: Mortimer Lewin Esqre 3d Puisne Judge

Read Miscellaneous Petition presented on the 22d Instnt by T. Appiah Vakeel on behalf of Kollatt Coonda Veeran of the zillah of Malabar.

(Vide inter Re. P. P. R. No. 369 of 1843.)

The object of the Petitioner is to obtain a reversal of the orders of the Provincial Court confirmatory of the decisions of the Acting Criminal Judge of Malabar in Cases Nos. 185 and 209 of 1842, wherein that officer dismissed the complaints preferred and ordered the release of the 3 first prisoners charged by the Petitioner with the crime of Robbery and of the 4th Prisoner with receiving the property, knowing it to have been stolen.

The Petitioner therefore prays that the Court of Sunjary Adalut will call for the Proceedings in the case

17th June 1843.

referred to, and reversing the order of the lower Courts, ordered the reapprehension of the prisoners and the restoration of the stolen property valued at Rupees 829-9-9.

The Court of Enquiry

Walut having fully considered the merits of the cases 135 and 249 of 1842 in the Criminal File Zillah Malabar see nothing in the proceedings of the Lower Courts which would warrant their interference in the manner sought for by the Petitioner.

Ordered accordingly that the Petition be rejected, and that Extract of these proceedings be granted to the Petitioner on application.

Read Swaminamma Petition presented on the 9th Instant by Sankaranayar of Zillah Malabar.

(Here enter Petition dated 9th Instant)

The Petitioner complains of illegalities committed to his detriment by certain individuals designated, of whom one would appear to have obtained a Decree in his favour in the Court of a District Moonsiff.

His

26th June 1843.

His Petition contains an abstract statement of the nature of the Documents which he has now presented with it and concludes with a request that the Sudr Adalut will call for "the documents" which are in the office of the Joint Magistrate and Collector and Zillah Court and punish those "who have committed irregularities" directing also the restoration of his property and compensation for losses sustained during the last ten years.

The Petitioner is referred to the former orders passed by this Court on several of his addresses. He should show that he has failed to obtain redress from the authorities immediately subordinate to the Sudr Adalut.

Ordered that the Petition be dismissed and that Extract from these proceedings be granted on application to the Petitioner.

Read the Criminal Report dated the 9th Instant submitted by the Principal Sudr Ameen at Tanjore

21st June 1843.

the Month of May 1843.

(Here enter No 994 of 1843.)

Report No V
Case 3.

1. In drawing up the indictment preferred against the Prisoner in this case, the Principal Sub Amen has failed to conform to the rules laid down in the Circular Order of the Inspector Genl dated the 31st January 1820. Further, the remarks contained in the 9th column of the Report have failed to convey to this Court any sufficient knowledge of the circumstances under which the accusation of perjury has been brought forward by the Principal Sub Amen.

2. He will accordingly be pleased to submit an amended indictment and explain in detail the facts of the case as elicited before him, showing clearly also whether the alleged contradictions were material to the point at issue and in respect of what matter the depositions given by the Prisoner were brought upon record.

Ordered, that Extract from these proceedings be sent to the Principal Sub Amen of Shahapore for his information.

J. H.
26th June 1843.

information by precept returnable in V days from and after its receipt.

(Next following Precept No 638.)

Read letter dated the 16th Instant from the Criminal Judge of Bellary transmitting Criminal Report for the Month of May 1843.

(Here enter No 1006.)

Read return dated the 19th Instant from the Provincial Court of Circuit in the Centre Division to the precept of the Inspector Genl of the 9th Instant forwarding copy of a return from the Acting Magistrate of Chittoor reporting that Sanjeeva Row late Prisoner in Case No 40 of 1842 on the file of the Joint Criminal Court of Cuddapah was discharged from Service on the 4th March 1843.

(Here enter No 1011.)

Read Statement, dated the 21st Instant from the 2d Judge late on Circuit in the Centre Division, of Prisoners to the Prosecutors and witnesses attending the Court of Circuit for the 1st Session

the Month of May 1843.

26 June 1843.

Report
Cases

of 1843 at Cuddalore.

(Act under Pt. 1812.)

Read Return dated 23rd Instant
from the Acting Criminal Judge of
Chingleput, to the precept of the Foujdary
Adalut of the 19th Instant, informing that
there were 6 Civil cases ready for trial
at Conjeveram.

(Act under Act 1812.)

RDL
ASPrig

Thursday 29th June 1843.

F. Cs.

At a Court of the Foujdary Adalut.

Present

The Honble Malcolm Lewin Esqre ——— Offg. Puisne Judge
A.M. Alexander Maclean Esqre ——— Actg 2d Puisne Judge
W.L. Ford. Mortimer Lewin Esqre ——— Actg 3d Puisne Judge

No return having been
received from the Acting Joint Criminal
Judge of Guntoor to the precept of
the Foujdary Adalut of the 5th May 1843,
conveying their observations and orders on
the Criminal Reports for the Month
of March 1843.—

Ordered, that the Acting Joint
Criminal Judge of Guntoor be required
to make a return to the precept aforesaid
without delay, and to explain the cause
of that which has already occurred.—

(Stat in Pt. 637.)

No returns having been
received from the Provincial Court of
Circuit in the Southern Division to
the precept of the Foujdary Adalut
of the 25th April last, directing them

27th June 1843.

to look into Cause Pray 4 & 12, & 53 & of the Summary Criminal Reports for the Months of March 1843, and report the regimental orders, reporting the result of the proceedings for the information of the Singling Board.

Ordered, that the Provincial Court of Circuit in the Southern Division be required to make a return to the precept aforesaid without further delay.

/ Entered Vol 39 /

27th June 1843.

Court of Circuit in the Southern Division be required to make a return to the precept aforesaid without further delay.

/ Entered Vol 39 /

F. U.

Wednesday 28th June 1843.

At a Court of the Toujdary Udalut.

Present

Mr Malcolm Lewin Esquire — Offg. 1st Puisne Judge.

A. M. Alexander Maclean Esqre — Offg. 2d Puisne Judge.

J. M. L. Fred. Mortimer Lewin Esqre — Offg. 3d Puisne Judge.

Read letter from the 1st Judge on Circuit in the Southern Division dated the 7th Instant, forwarding Salem and Coimbatore Calendars for 1st Sessions of 1843. (Vide enter No. 945 of 1843.)

Considering that this Prisoner

Salem Calendar Case No. 8. 1. Moodoo ready, was implicated in no fewer than five cases of theft and Burglary, the Toujdary Udalut are of opinion that the infliction of stripes might with propriety have been added to the sentence of 7 years imprisonment.

The Circuit Judge remarks on the

Case No. 15. 2. omission to identify the body of the deceased in this case, and the Toujdary Udalut desire that the omission may be prominently brought to the notice of the Magistrate.

The Prisoner Pichaha Cannoo

Case No. 23. 3. appears to have confessed from the first

e 1843.

23rd June 1843.

that he was guilty of the crime charged, viz: robbery by open violence, but, in consideration of the value being slight and the amount of the property stolen insignificant, the Judge on Circuit recommends a mitigated punishment of 5 years imprisonment with hard labour.-

To. Concurring generally in the view taken by the Circuit Judge, the Court of Inquiry Adatlat sanction a mitigated punishment to the extent of 7 years imprisonment with hard labor, in preference to that of 5 years recommended by the Judge on Circuit and entertain no regard to the Petitioned grant.-

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

(Sent in Letter)

Read the Criminal Reports submitted by the Acting Criminal Judge of Combaconum for the Month of May 1843.

(Three Letter Boxes)

28th June 1843.

The above Reports do not appear to call for any remark from the Court of Inquiry Adatlat.-

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

(Sent in Letter)

Read letter dated the 17th Instant from the Acting Criminal Judge of Chittoor, submitting the Criminal Reports for the Month of May 1843.-

(Three Letter No. 981 of 1843.)

Report No. 1 Case 61.

1. The prisoner in this case is shown by the remarks in the 11th Column of the Report to have been apprehended by the Tahsildar of Punnoor on the 25th April, but not to have been produced before the Head of Police of Kaivaravarum until the 2d of the month ensuing.-

2. It does not appear where he was in detention during the intervening period, nor are the circumstances explained under which an accused party was

to

28th June 1843.

left for seven days in the hands of the subordinate police officers.

3. The acting Criminal Judge is therefore requested to procure and lay before the Court the information now depended

Case 69. 4. The offence charged against the Prisoner in case 69, if punishable at all, was punishable under section VII Regulation X of 1816. there being nothing to show that the false complaint he is accused of having preferred was instituted maliciously which is the gist of Regulation X of 1832.

5. The note of the Prisoner affixing to the Curbyal Tarjany [illegible] to nothing more than trickery to avoid from any responsibility they direct that he be released.

Ordered, that Extract from these proceedings be sent to the acting Criminal Judge of Chittoor by precept returnable in 5 days from and after the receipt.

(Sent following precept No 642/)

J. M.

Thursday. 29th June 1843. At a Court of the Fouzdaree Udalut.

Present

Malcolm Lewin Esq^re Act^g 1st Puisne Judge.
Alex^r Maclean Esq^re Act^g 2d Puisne Judge.
J. M. Lewin Esq^re Act^g 3d Puisne Judge.

Read return dated the 21st Instant from the Acting Criminal Judge of Chittoor, to the precept of the following date, to the precept of the Fouzdaree Udalut of the 19th instant requesting information regarding the Sentence under which the Prisoner in Case No 30 on the Criminal file was suffering when he effected his escape.

(Here enter No 1014 of 1843)

In return to the preceding precept the Acting Criminal Judge states that the Prisoner in No 30 was at the time of his effecting his escape, under a Sentence of 14 Years imprisonment.

Under these circumstances

2

the Udalut observe that the Prisoner was

28th June 1853

29th June 1853

have been committed, and of his Crime no
No 30 is proved Sentence should now be
passed by the Criminal Judge in addition
to the Sentence of 14 Years previously awarded
3. The Inspectress Adelaide are also
left to understand the reasons which led the
Acting Criminal Judge to take up Fresh
investigation a Minor charge and leave
the more serious one unnoticed.

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

(Sent in No 43)

Read return dated the 12th
Instant from the Criminal Judge
of Colmar to the Prefet of the Inspectress
Adelaide of the 28th June calling for any
letter which may have been written from
the Spot, or Papers regarding the inquest held
on the body of the deceased
(Sent in No 44)