253

1843

1118

382

No

Monday, 3d July 1843.

At a Court of the Sowdaree Adalut.

Present,

Act

Malcolm Lewin Esq.re Act. 1st Assistant Judge

A. M

Alex.r Maclean Esq.r Act.g 2d Assistant

Wd.

J. M. Lewin Esq.re Act.g 3d Assistant Judge

Read Miscell.s Petition presented on the 12th Ult.o by Sooboraya Iyer of the Zillah of Madura,

Here enter J.A. M.P. No 20 of 1843

The above Petitioner complains of having been disgraced by the unjust infliction of Corporal punishment upon him at the order of the Magistrate of Coimbatore, and prays that the Sowdaree Adalut will grant him that protection and redress which his application to the Board of Revenue and Court of Circuit & the Magistrate and Commissioners of Madura has failed to obtain.

The Petitioner enters at considerable length into a vindication of his character

3d July 1843.

Character, and asserts that the accusation of theft was brought against him thro' the vindictiveness of Ramayyer the Dew of the Sheristadar of Madura.

The matter of this complaint occurred in 1841 and in the Petition to the Board of Revenue some facts appear to have been suppressed whilst others were fabricated or falsely represented.

The local authorities considered his case undeserving attention, and in the petition now before the Court new and scandalous matter is inserted, which was omitted in former petitions.

Under these circumstances the Zoujdaree Udalut will not interfere further than by referring the Petitioner to Section XLIII Regulation IX of 1816 for redress of any supposed grievance.

Ordered that the Petition be dismissed and copy of these proceedings granted to the Petitioner on his application.

Read return dated the 19th Ultimo from the Provincial Court of Circuit in

3d July 1843.

the Western Division to the precept of the Zoujdaree Udalut of the 1st June 1843, directing them to call upon the Principal Sudr Ameen of Sivagunga to state the nature of the proof adduced against the prisoner in Case No. 20 of his report for April last and that the insufficiency of the remarks in the present instance be pointed out to him.

[Here enter Ct No. 1025 of 1843.]

Read letter dated the 20th Ultimo from the Acting 3d Judge in the Northern Division, replying to the proceedings of the Zoujdaree Udalut of the 20th March last upon the reference as to the propriety of the Mahomedan Law Officer appearing in Court with his face covered.

[Here enter Ct. No. 1026 of 1843.]

Read return dated the 19th Ultimo from the Agent to the Governor of Fort St George at Ganjam, to the precept of the

the Fouzdaree Udalut of the 5th June 1843 directing that the Acting Principal Assistant Agent be called upon to explain the cause of delay in disposing of Case No. 5 of 1843 of this file.—

/Here enter F.U. No. 1029 of 1843/

Read return dated the 20th Ultimo from the Provincial Court of Circuit in the Southern Division, to the precept of the Fouzdaree Udalut of the 25th March last directing them to look into the proceedings in Cases Nos. 99 and 4 of the Tinnevelly 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 Fouzdaree Udalut.—

/Here enter F.U. No. 1036 of 1843/

Thursday,
4th July, 1843.

At a Court of the Fouzdaree Udalut.

Present:

Act Malcolm Lewin Esq. Act. 1st Puisne Judge,
A.M. Alex. Maclean Esq. Act. 2d Puisne Judge,
F.M.L. F. M. Lewin Esq. Act. 3d Puisne Judge.

Read letter dated the 20th Ultimo from the Acting Criminal Judge of Cuddapah forwarding the Criminal Reports for the Month of May 1843.—

/Here enter F.U. No. 1019 of 1843/

It has been omitted to state what was the original offence which led to the apprehension of the Prisoner in this Case, and the Fouzdaree Udalut request that the information may be now afforded.—

Case No. 54

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

/ Sent following precept No. 54 /

Read

4th July 1843.

Read letter dated the 5th May 1843 from the 2d Judge on Circuit in the Central Division submitting copies of the Primary and Supplemental Calendars of Cuddalore for the 1st Sessions of 1843.—

/Here enter F.H. No. 931 of 1843/

Case No. 2

1 The Prisoners in this case viz: Irungal Odayan and Moothoo Padachy were convicted of a most serious crime and implicated in other offences of a scarcely less serious nature for which, however, they were not tried

2 The sentence of 14 years imprisonment awarded in this case is considered far too lenient a sentence for so aggravated a crime, and the neglect to bring the Prisoners to trial on the other x charges preferred against them and then to refer the whole for the consideration of the Foujdaree Adalut, was an omission on the part of the Circuit Judge for which no sufficient reason is assigned in his remarks.—

x No. 3 & 4

Case No. 6

3 The Circuit Judge in his concluding

4th July 1843.

concluding remarks in this case observes "that he acquits the 7th Prisoner in consequence of her "being the concubine and under the control and authority of one of the other Prisoners, and that if the prior had been clear against her he should for these reasons have hesitated to inflict any punishment"—

4 The Circuit Judge is informed that if there had been evidence sufficient for the conviction of the 7th Prisoner he might have recommended a mitigated sentence, but not being a wife, coercion could not be pleaded as a bar to punishment.—

Case No. 7

5 The barbarity practised upon the Prosecutrix required that this case should have been referred and the full measure of punishment dealt to the perpetrators of so foul a wrong—

6 The evidence clearly substantiates the guilt of the 4 Prisoners

that

4th July 1843

that the Judges are at a loss to account for the grounds of his acquittal, whilst, from the recorded facts they entertain a belief that not only the 4th but all the Prisoners were guilty and ought to have been transported.-

These Prisoners ought as noticed in the preceding case, to have been tried on the several charges brought against them and the entire proceedings referred to the Foujdaree Udalut-

(879)

case No 10

8 This Prisoner is convicted of perjury and in consideration of respectability of character sentenced to a mitigated punishment of 4 years imprisonment without labor and without irons.-

9 The Court are desirous of being informed by what arguments Mr Law reconciles perjury and respectability of character, and they would at the same time caution him against the misuse of terms and sentiments which, if made public, would have an injurious operation.-

case No 20.

10 The Prisoners are charged with connivance at the escape of a Convict from the Jail

4th July 1843.

Jail of Cuddalore. The Futwah acquits and the Circuit Judge expresses his concurrence in the acquittal altho' in the body of his remarks, he has shewn there was such culpable neglect as to bring them under the penalties of Section XI Regulation XIII of 1832. It behoved the Circuit Judge under these circumstances to remand the Prisoners for trial before the Criminal Court for culpable neglect and not, on insufficient evidence, to have brought them to trial for connivance before himself, by which their escape with impunity was secured.-

case No 22.

11 This Case ought to have been tried in order to prove that the Prisoner was not a fit subject for transportation.-

case No 24

12 The Foujdaree Udalut see no reason to sanction the mitigation of punishment recommended by the Circuit Judge in this Case- the value of the property stolen together with the forcible entry and breaking render any mitigation of the Sentence unadvisable

This

4th July 1862.

Case No 25 13 This being a case of Burglary and theft of property above the value of 500 Rupees fell under the provisions of Regulation VI of 1822 and ought to have been investigated by the Circuit Judge and not remanded for trial before the Criminal Court.—

Case No 29. 14 The remarks previously recorded on the omission of the Circuit Judge to try certain cases are equally applicable to this which he was not justified in passing over.—

15 The Prisoner is charged with and convicted of the crime of Highway robbery and recommended by the Circuit Judge to a mitigated punishment of 4 Years imprisonment.—

16 The Court of Sawjdaree Udalut cannot perceive any grounds for the extreme leniency recommended by the Circuit Judge and are consequently unable to sanction a less punishment than 8 Years imprisonment.

4th July 1862.

Case No 34 17 The 1st Prisoner denies the charge of having in conjunction with certain others, broken into the Prosecutor's house and stolen therefrom property to the value of Rs 68 11 3.—

18. The 2d Prisoner is accused as a receiver of the stolen property but acquitted for want of evidence.—

19. The Futwah of the Law Officer in which the Circuit Judge concurs convicts the 1st Prisoner.—

20 The Circuit Judge for reasons assigned in his remarks on this case, namely the small value of the stolen property and the unguarded manner in which the Prosecutor's house was left recommends a mitigated sentence but at the same time omits to mention the extent of the proposed mitigation.—

21. The Court of Sawjdaree Udalut cannot

cannot concur in the opinions of the Circuit Judge as they see no reason for mitigation of Sentence in a case of Gang robbery and forcible entrance into a dwelling house perpetrated by a Prisoner who, in the language of Mr Lavie, "is liable to be punished for another offence"

property to the extent of 22 Rupees. The Circuit Judge for reasons which he thinks possess a palliative tendency recommends a mitigated punishment of 6 years imprisonment.—

1st Suppl. Calendar Case No. 1

22. The Prisoner Ramasawmy is convicted of highway robbery accompanied with violence and recommended by the Judge on Circuit in consideration of the small value of the stolen property to a mitigated punishment of 4 years imprisonment.—

25. The Court of Singalore Adalut consider the offence to be marked with too serious a character of violence to allow of mitigation below 8 years imprisonment which they accordingly direct to be imposed.—

23. The Court of Singalore Adalut concur in the view taken of this case by the Judge on Circuit and Sanction the remission to the extent proposed by him, viz. 4 years imprisonment with labor in irons.

26. The Court having terminated their review of the Cuddalore Calendar regret to be obliged to express their disapprobation of the unsatisfactory manner in which so many trials have been conducted by the 2d Judge on Circuit.—

Ordered that Extract from these proceedings be sent to the 2d Judge on Circuit in the Centre Division for his information and future guidance.—

Sent in No. 852 p.

3d Suppl. Calendar Case No. 1.

24. The Prisoners Venkatachellum and Ramasawmy are convicted of having entered the Prosecutors house on a certain night and by force and intimidation stolen

Read

Ent. [illegible]

D.D.
A.G.

4th July 1843

Read return dated the 21st Ultimo from the 1st Judge on Circuit in the Southern Division, to the precept of the Sujdaree Udalut of the 7th June 1843, calling upon him to state more explicitly the grounds on which he satisfied himself with a requisition of security from the prisoner in Case No 2 of the Combaconum Primary Calendar for the 1st Sessions 1843.

/Here enter F.M. No 1030 of 1843/

J. U.

Wednesday, 5th July, 1843.

At a Court of the Sujdaree Udalut.

Present,

M. 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 Assistant Criminal Judge in charge of the Zillah Court of Nellore submitting the Criminal Returns for the Month of May 1843.

/Here enter F.M. No 971 of 1843/

Case No 24

1 The charge and finding in this case not being concurrent, the Sujdaree Udalut resolve to direct the Provincial Court to revise it, reporting the result of their investigation for the information of this Court.

Case No 32.

2 The Sujdaree Udalut having reason to believe that the demand for security is unnecessarily heavy, and that several errors have been committed in the disposal of this case, direct the Provincial Court to look into it, pass such orders as may seem requisite

requisite, and report their proceedings for the information of the Court.—

Ordered that Extract of these proceedings be sent to the Provincial Court in the Northern Division by precept returnable without delay, and to the Assistant Judge in Charge of the Zillah Court of Bellary.—

/Sent following precept No. 655/656.

Read letter dated 22d Ultimo from the Acting Criminal Judge of Chingleput reporting, with reference to the communication from the Foujdaree Adalut of the 19th Ultimo on the conduct of the Peon and Convicts implicated in the escape effected on the 18th May last, and requesting Sanction for the immediate infliction of corporal punishment on the parties sentenced thereto.—

/Here enter F.M. No. 1017 of 1843/

From what is stated in the preceding communication it would not appear desirable that the prosecution against the Naigue for negligence and the uncalled for infliction of

of wounds on the Convicts who attempted their escape, should be pursued.—

2. After a careful investigation of the circumstances attending the present attempt at escape the Foujdaree Adalut are clearly of opinion that, by the death of one man and the wounding of two, a sufficient example has been shown to render corporal punishment unnecessary, since if the sufferings already induced will not act as a preventive to escape it cannot reasonably be supposed that flogging will.—

Ordered that Extract of these proceedings be sent to the Acting Criminal Judge of Chingleput for his information and guidance.—

/Sent in No. 657/

Read the Criminal Reports submitted by the Agent to the Governor of Fort St. George at Ganjam for the Month of May 1843.—

/Herewith F.M. No. 1016 of 1843/

Per

5th July 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 Agent to the Governor of Fort St George at Ganjam for his information.—

/Sent in No 658/

Read return dated the 20th Ultimo from the Provincial Court of Circuit in the Southern Division, to the precept of the Foujdaree Udalut of the 9th February last, directing them to look into the proceedings in Cases Nos 90-91 and 96 of the Juvenelly Criminal Reports for the Month of December 1842, and pass such order thereon as may appear requisite reporting the result of their proceedings for the information of the Foujdaree Udalut.—

/Here enter F.U. No 1035 of 1843/

Read letter dated the 26th Ultimo from the Acting 1st Judge of the Provincial Court in the Northern Division, reporting that the 2d Sessions of 1843 will be opened on the 17th July 1843 at Sillore.—

W.M. /Here enter F.U. No 1040 of 1843/
(Sillore)

Ent W.M.

F.U.

Thursday 6th July 1843. At a Court of the Foujdaree Udalut.

Present

Mr Malcolm Lewin Esq. Act. 1st Puisne Judge
A.K. Alexr. Maclean Esq. Act. 2d Puisne Judge
W.M. H. M. Lewin Esq. Act. 3d Puisne Judge

Read the Criminal Reports for the Months of May 1843 received from the Joint Criminal Judge of Tellicherry

/Here enter F.U. No 992 of 1843/

Sessns. Report Case No 30.

The Prisoners in this Case were charged with having on the 17th January 1843, in the day time, in conjunction with others, stolen a pair of Bullocks valued at Rupees 20 and being Convicted were sentenced to 6 Months imprisonment with hard labor in irons, under Clause 4th Section III Regulation VII of 1822.—

2. In passing the above Sentence the Joint Criminal Judge appears entirely to have overlooked the Circular Order of this Court No 139 of 1841, which expressly requires that a severer punishment than 6 Months imprisonment

imprisonment should be inflicted on a per-
-son convicted under Clause 4th Section III of
Regulation VII of 1822.-

Report No. V
Case No. 43.

3.

In this case the 1st Prisoner was
charged with having been found in possession
of a base Rupee "and together with the 2d
Prisoner with having endeavoured to defraud
the 1st witness".-

4.

The wording of the latter part of
this charge appears to the Judges of the Faujdaree
Adalut to be very defficient in clearness and
perspicuity- The "expression" endeavoured to defraud"
neither clearly indicates the nature of the alleged
attempt on the part of the Prisoners nor defines
with any precision the offence intended to be
charged.-

Case No. 45.

5

In explanation of the delay in
the transmission to the Criminal Court of the
case the Tahsildar appears to have stated
that it arose "from his Police Jemadar being
engaged in examining a case of assault and
murder in a Murder case".-

[illegible] No. 1 Police

6th July 1843.

6.

If the explanation here sub-
-mitted be correct, the conduct of the Tah-
-sildar in allowing such a proceeding on the
part of his Police Jemadar, is clearly irre-
-gular illegal and unwarrantable- the more
so in this instance as a breach of the Cir-
-cular Order of the Court was the imme-
-diate result of the irregularity alluded to.

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

[Sent in No. 59.]

Read letter dated the 28th
Ultimo from the 1st Judge of the Provincial Court
of Circuit in the Centre Division, stating that
the Criminal Judge of Cuddapah has been
instructed to use his best exertions to cause
the attendance of the Prosecutors and witnesses
before the Circuit Court on the 10th July
or as soon after as practicable.-

[Here enter P. Mr. No. 1041 of 1843]

Read letter dated the 1st Instant

from

6th July 1843.

from the Provincial Courts of Circuit in the Centre Division, forwarding an extract from their proceedings of the 30th June 1843 held on Case No. 58 of the Bellary Circuit Reports for April 1843 with reference to this Courts proceedings of the 3d June 1843.-

/Here enter J.C. No. 1047 of 1843/

Read Statement dated the 30th Ultimo from the 2d Judge late on Circuit in the Centre Division, required by the Circular Order No. 4.-

/Here enter J.C. No. 1058 of 1843/

J.C.

Friday, 7th July 1843. At a Court of the Foujdaree Adalut.

Present,

1st 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 the Criminal Reports for the Month of May 1843 received from the Criminal Judge of Madura.-

/Here enter J.C. No. 1020 of 1843/

Report No. 1
Case No. 33.

In this Case the Prisoner, on a charge of Burglary, appears to have been detained for 6 days by the Mooguendar; and a further delay of 10 days occurred during the enquiries instituted by the Head of Police; while, finally no further evidence seems to have been elicited against the Prisoner than "his alleged confession before the Sub Officer of Police".

2. The explanation thus offered is in the opinion of the Court of Foujdaree Adalut, unsatisfactory in the extreme: the unnecessarily long detention of the Prisoner

copied

complaint with the absence of evidence against him, betokens great remissness on the part of the Native authorities in the discharge of their duty.-

Case No. 41 3.- In explanation of a delay in this Case of nearly six months subsequent to the original apprehension of the Prisoner, the Magistrate appears to have stated that it arose from the Prisoner having effected his escape, pending a reference for instructions to the Magistrate by the Head of Police.-

The Foujdarree Adalut consider that the mere mention of the reference, pending the result of which the Prisoner escaped, is not sufficient information. A brief statement of the nature of the reference should have been supplied, and should now be furnished.

Case No. 5 5 The Prisoners in this Case were charged with Burglary, and sentenced by the Criminal Judge to produce two sureties, each in 15 Rupees for their good behaviour and

appearance when required, within 12 Months, or in default to be imprisoned for that period.-

6 The Criminal Judge has omitted to quote the Regulation, under which the Security has been demanded. One of the grounds on which the requisition appears to have been made is that in the Criminal Judge's opinion it will be "safer" so to do. The Court cannot recognise the applicability in a Criminal Sentence of any such phraseology.-

7 On a careful perusal, however, of the report of this case, the Court of Foujdaree Adalut are not satisfied that the charge against the Prisoners is supported to the extent which justifies the mode of disposing of the case, adopted by the Criminal Judge, and they accordingly resolve to direct the Provincial Court of Circuit in the Southern Division to call up and look into the record and pass such orders as may appear to them to be advisable, reporting the same for

the

7th July 1843.

Case No. 65.

the information of the Tongdarie Adalut.

8 In explanation of a delay in this case of 23 days between the apprehension of the Prisoners in the Talook, and the date of their leaving it, the Police Officer simply states that "the attendance of some of the Witnesses was not procurable before"

9 The Tongdarie Adalut are not disposed to admit a Statement to that effect as a justification of a delay of 18 days in excess of the period allowed by the Circular Order of this Court, and desire the Police Officer be called upon to report what prevented his procuring their attendance at an earlier date.—

Ordered that Extract from these proceedings be forwarded to the Criminal Judge of Madura for his information and with orders to Communicate paras. 8 and 9 for the Acting Magistrate of Madura who will report on the matters noticed direct to the Tongdarie Adalut.—

/ Sent in No. 663 /

Petitioner

7th July 1843.

Ordered also that Extract from these proceedings / paras. 5, 6 and 7 / be forwarded to the Provincial Court of Circuit in the Southern Division by precept returnable without delay.—

/ Sent following precept No. 664 /

Read return dated the 15th Ultimo from the Provincial Court in the Southern Division to the precept of the Tongdarie Adalut of the 25th May directing them to call for the record of the case No. 11 on the Rajahmundry Calendar for the 2d Sessions of 1842 and pass such orders as, in their opinion, may be necessary.

/ Hereafter F. R. No. 1010 of 1843 /

1. The Provincial Court in their proceedings of the 15th Ultimo, comment in para 11 on the irregularity committed by the Zillah Judge in examining the Prosecutors Vakeels on solemn affirmation.—

2. The Tongdarie Adalut direct that the Circular Order of December 27th 1815 forbidding

for bidding this practice may be brought
to the notice of the Criminal Judge.

3. The Court direct that the
Authorities may be informed that in
omitting to make a note of the extent
and nature of the wounds inflicted upon
the Prosecutors he showed a disregard of
the Circular Orders of 10th April 1833.-

4. The Dorjdarea Udalut concur
in the view taken by the Provincial Court
regarding this Case and consider that there
were sufficient grounds for its being com-
mitted for trial before the Court of Circuit,
since it has however been ruled that a
Sentence passed by a Criminal Judge
shall not be overruled to the prejudice of
the Prisoner the Dorjdarea Udalut are unable
to sanction the adoption of the measure
proposed in the 4th para of the Provincial
Court's communication.-

5 The Prisoner must receive the
benefit

benefit of the error in the Criminal Judge's
proceedings as no alteration of the Sentence
or recommitment can now take place.-

Ordered that Extract of
these proceedings be sent to the Provincial
Court in the Northern Division and by
them furnished to the Criminal Judge
of Rajahmundry.-

/Sent in No 885/

Read letter dated the 1st
Instant from the 1st Judge late on
Circuit in the Southern Division
forwarding Statement of Batta paid
to Prosecutors and Witnesses who attend-
-ed the Court of Circuit during the
1st Sessions of 1843.-

/Hereunto F.N. No 1059 of 1843/

Read letter dated the 1st
Instant from the 2d Judge late on
Circuit in the Western Division, trans-
mitting the half yearly Statement required
by

th

7th July 1843.

by Circular Order No 4.—

/Here enter F.M. No 1066 of 1843/

Read return dated the 3d Instant from the Acting Joint Criminal Judge at Guntoor, to the precept of the Zoydaree Adalut of the 5th May last on the review of the Criminal reports for the Months of March last.—

/Here enter F.M. No 1067 of 1843/

Read return dated the 4th Instant from the Acting Joint Criminal Judge at Trichinopoly, to the precept of the Zoyduree Adalut of the 22d Ultimo, on the review of the Criminal Reports for the Month of May last.—

/Here enter F.M. No 1068 of 1843/—

W.D.K.

Copies

C. C.

Monday 8th July 1843.

At a Court of the Zoyduree Adalut.

Present,

Mack — Malcolm Lewin Esqre — Acting 1st Puisne Judge,

A. M — Alexr Maclean Esqr — Acting 2d Puisne Judge,

W.S — F. St. Lewin Esqre — Acting 3d Puisne Judge,

Read letter dated the 30th Ultimo from the Acting Criminal Judge of Chingleput, stating that the charge in No 29 being considered by him more serious than that in No 30 the Prisoner was sentenced in the former alone altho convicted in the latter likewise, and requesting to be informed whether an additional sentence should be inflicted for the offence in No 30.—

(Here enter C. C. No 1049.)

With reference to the preceding

1. application the Court of Zoyduree Adalut observe that the Prisoner having been convicted in Case No 30 must have an additional sentence to that passed in No 29.—

2. The sentence already awarded is for escape, and the Acting Judge will perceive, by a perusal of Circular Order 13th July 1829, that the charge of escape is distinct from all others, inasmuch as it authorises

authorised punishment in addition to, and independent of any separate sentence.—

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

RDH

(Sent. in No. 889.)

Read letter from the Criminal Judge of Cuddalore of date 6th May 1843 requesting that under the explanation now afforded he may be relieved from the censure recorded by the Sovereign Judicature in their proceedings of the 28th April last, regarding the manner in which he had disposed of the charge brought against the Ex Manager of Panruti by committing it for trial before the Court of Circuit, and soliciting further the transmission of his communication to the Government before whom the proceedings of this Court in the matter have already been laid.—

(Here enter No. 820 of 1843.)

In the 2d and 3d paras of his letter the Criminal Judge operating the proceedings of the Court of Sovereign Judicature of date the 28th April last maintains that it was not competent to him otherwise than direct the commitment of the prisoner

1.

" prisoner to take his trial before the Court of Circuit."—

and in the following para maintains that he would have been " assuming to himself the exclusive powers " of the Court of Circuit, had he proceeded to take " the prisoner's defence in view to determining as to " his guilt or innocence."—

2. The matter contained in the 5th para of the Criminal Judge's letter is altogether irrelevant and the examples adduced have no application. the examples refer not to the quantity of evidence which shall maintain a charge but to the nature of the charges on which on certain supposed cases certain facts being in evidence, such cases shall be committed.

3. In the concluding part of his letter the Criminal Judge states additional reasons which in his judgment made it necessary for him to commit the case without entering on the defence / in none of which the Sovereign Judicature are able to acquiesce / seeing that his office is one of independent character, to be guided in its functions by what comes before it, not by foreign considerations of expediency / and concludes with requesting that the Court of Sovereign Judicature will relieve him from the censure passed by them on his proceedings.—

Before

4.

Before discussing the subject matter of the Criminal Judge's address, the Court of Enquiry Adalat will observe that this censure went to impute to the Criminal Judge that from a want of due enquiry he allowed his office to become a medium of revenge in the hands of the parties engaged in the prosecution; to the terms in which that censure is conveyed, the Judges are disposed to adhere; since the exception taken to them can only regard the mode of expression without in any wise touching the facts - at the same time they have no reason to entertain a suspicion that the want of inquiry noticed by them, resulted from private feeling or prejudice for or against any party -

5.

In this judgment the Criminal Judge allowed his office to be made the mere channel of bringing the case before the Court of Circuit, whereas had he inquired as the Regulations of the Government and the Circular orders of the Sudder Adalut enjoined, it is believed that the case would never have reached the Court of Circuit at all -

6.

The Criminal Judge argues that he had little or no discretion in committing the case - The 2nd Section of Regulation XIII of 1832 declares "Criminal Judges shall

"shall investigate fully the facts of the case and shall
"be competent at their discretion to take evidence on behalf
"of the accused, before commitment for trial, which shall
"not take place without a reasonable probability of
"conviction before the Court of Circuit."

7.

The Circular Order of the 16th November 1831
declares "it is the duty of the Criminal Judge in cases
"referrible to the Court of Circuit to examine the case for
"the prosecution with the same care and minuteness
"as if the prisoner were to be sentenced by himself"
the same order draws attention to the Circular Order
20th July 1829 which is of similar effect - another
order of later date Circular Order 15th February 1832,
reiterates the past - and the Court of Enquiry Adalut
with these before him feel surprise that the Criminal
Judge should set up such a plea as he has done -
and allowed himself to entertain any doubt on the subject

8.

In the proceedings of a Magistrate in committing a case the Regulations permit considerable latitude. Clause Second Section XXIV Regulation IX of 1816 declares that it is sufficient if a Magistrate holds inquiry enough "to satisfy his own mind that there is "ground to believe the prisoner guilty" With regard to the proceedings before the Criminal Court a preliminary

preliminary to commitment, the Regulations and Circular Orders, clearly contemplate such extended inquiry, as shall in every possible case, secure parties from being passed on to the ulterior tribunal, where the offence charged is not duly sustained by evidence.—

9. The object of these requirements is to prevent needless inconvenience to witnesses, and others, to prevent parties being tried for offences of which they are innocent, and lastly to prevent the innumerable which would follow, parties being placed on their trial, without sufficient evidence.—

10. How has the Criminal Judge attended to the requirements of the law? so limited has been the exercise of his discretion, that at the period of his committing the case, he was not in the condition to form any opinion at all upon it.—

11. The Criminal Judge did not even take the defence of the accused, he was "entirely ignorant" as he states in the 9th para of his letter of what it would be. he knew nothing but on the side of the prosecution. That form of justice which even Magistrates (except at the request of the accused) never omit, and without which it was impossible he should be able to see into the case, was omitted by him.—

In

12. In this way the most important evidence escaped the notice of the Criminal Judge. and the case was sent up on evidence either in itself worthless, or on which little or no dependence could be placed.—

13. The evidence consisted for the most part of the testimony of the 1st witness the Sirbar Vakil, a man of the most worthless character, (as the Criminal Judge was well aware at the time) of the testimony of the Rance, and of certain women of the palace. one of whom the 2d witness Pavateum delivered a deposition (before the Court of Circuit) against the prosecution bearing the strongest marks of being entirely true. whatever may have been her previous sentiments.—

14. The Sirbar Vakil (1st witness) (also the Vakil of the Rance and of the manager also) admits having for many months been in possession of the fact of the forged Vakalutnamah. the Vakalutnamah itself was also in his possession) while if the Vakeels statements are true, the Vakalutnamah was afterwards for many months in the possession of the Rance before it was made the subject of any complaint.—

It

8th July 1843.

15. It was utterly impossible that there should have been a successful issue to such a trial in the opinion of the Court of Enquiry Edaitty, the evidence of the 1st witness for the prosecution, and of the 1st witness for the defence, would have been sufficient on which to dismiss the case - it was impossible not to believe with their testimony, coupled with all the circumstances developed in the case, that if the Rance did not actually sign the Vakalatnamah, it was signed with her consent.-

16. The case ought not (in the form in which it reached the Judge of Circuit) to have been tried at all - it became the duty of the Circuit Judge to send it back, in order that the necessary forms of procedure might be observed preliminary to commitment.-

17. There were the strongest reasons for caution being observed - the prosecution was against the interests even of the prosecutrix - it tended to the disgrace of the entire family, of which the accused was a member. He was a man of rank, and had occupied a high and influential position in the district of Madura, and the disgrace of such

Copied

No 6.

8th July 1843.

of such a man could not have been otherwise than distasteful to the feelings of the people at large and the whole proceedings was calculated to bring odium on the Government.-

18. The Vakalatnamah (admitting the truth of the charge connected with it) had effects nothing - it was not capable of being used as a medium of effecting any fraudulent purpose - the prosecution had no other object than the gratification of a feeling of revenge, it was the medium by which one member of a family stood forward, to degrade and punish another member of the same family - It is not possible to discover a single advantage capable of accruing from the prosecution to the parties engaged in it, while it was fraught with evil to both parties, and was capable of involving one and both in a common disgrace.-

Ordered, that Extract from these proceedings, together with a transcript of the communication from the Criminal Judge of Madura to which they refer be forwarded to

8th July 1843.

to the Secretary to Government for submission to the Most Honorable the Governor in Council

(Entd in No. 670)

Ordered also, that Extract from these proceedings be forwarded to the Criminal Judge of Madura for his information

(Entd in No. 671)

FDM
Asst

No. 10

Monday 10th July 1843.

At a Court of the Foujdaree Adalut

Present

Mr Malcolm Lewin Esqre Agt 1st Puisne Judge

Mr Alex. Maclean Esqre Agt 2d Puisne Judge

Mr J. Mc. Lewin Esqre Agt 3d Puisne Judge

Read Extra Miscellaneous

Petition presented on 12th Ultimo by

Soobier late Sheristadar of Chedumbarum

Tanjore in the Southern Division of

Arcot

Hewanter Esqr M.P. No 23 of 1843

The Petitioner states that

he was on the 12th August 1842 dismissed

from the situation of Sheristadar

of Chedumbarum by the Collector,

on the grounds of inattention and

carelessness in the discharge of Police

duties, on the occurrence at that place

of the riot between the right and

left hand Castes.

He accordingly prays

that

that the Court of Zemindaree Udaiket will interfere and reinstate him in the said situation.

The Court of Zemindaree Udaiket declined interposing their authority in a case of dismissal such as that brought under their notice by Petitioner.

Ordered, that the Petition be dismissed and that Copy of these Proceedings be granted to the Petitioner on application.

Read Extra Miscellaneous Petition presented on the 19th Ultimo by Abdoolnaiee.

(Hereunto S.R. M.P. No. 26 of 1843)

The Petitioner states that having been transferred from the Jail at Cuddalore, where he had served as a Duffadar for 38 years, to Cumbum he was dismissed from his situation by the Sub Collector at that station on the misrepresentation of one of his Subordinates

10th July 1843

and concludes by praying that this Court will in consideration of his long services, enquire into the circumstances and issue orders directing his restoration to the said situation.

On a perusal of the above address, the Court observe that there are no grounds to justify their interference on behalf of the Petitioner, who should apply to the Local Authorities.

Ordered accordingly that this Petition be dismissed, and that copy of these Proceedings be granted to the Petitioner on application.

Read Miscellaneous Petition presented on the 12th Ultimo by Ranga Charry Agent of Sriviliputtoor

(Hereunto M.P. No. 4 of 1843)

The Petitioner states that the right of performing various ceremonies within the Pagoda of Sreerungum was confirmed exclusively in favor of the

10th July 1843

the Tengalla Brahmans by decree on Original Suits Nos 130 of 1807 and 82 of 1825 on the files of the late Zillah Court of Trichinopoly and that of Combaconum respectively: and that in opposition to those decrees certain Vadagalliars persons the said suits within the Pagoda mentioned - The Petitioner concludes by praying this Court to issue directions to the Magistrate of Trichinopoly to take cognizance of the case, and adopt such measures as may be necessary for the future prevention of any invasion of the right -

With reference to the above address the Court of Sudder Adalut are of opinion that no grounds exist to justify their interference in the manner solicited - If the matter be duly represented to the Magistrate and sufficient cause be shewn, they have no doubt the necessary steps will be taken by that Officer, whose duty it is to prevent any riotous concourse of persons, or assemblage of persons

F. C.

10th July 1843

persons disposed to act in defiance of Law the rights of others, or established Customs

Ordered accordingly that the Petition be dismissed, and that copy of these proceedings be granted to the Petitioner on application -

Read Miscellaneous Petition presented on the 19th Ultimo by Chetumbra Pillay of the Zillah of Cuddapah

(Here enter M. P. No 42 of 1843)

With reference to a former Petition to this Court praying for the issue of orders directing the remission of the fine imposed, and the annulment of the precept issued for the attachment of his main lands by the 2d Judge on Circuit in the Centre Division; which address this Court in their proceedings under date 12th June 1843 rejected, the Petitioner now prays that the precept of the 2d Judge on Circuit which he states directed his removal from the Office of Curnum, and the attachment of

F. M. M. P. No 31 of 1843.

of his waste lands, be acceded to.

The Petitioner is referred to the orders passed by the Court on the 12th Ultimo, which must be considered final.

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

Read Miscellaneous Petition presented on the 19th Ultimo by Shaik Salamoon.

[Here enter M.P. No 43 of 1843.]

The Petitioner states that he formerly held the situation of a Peon in the Jail at Chinsurah, from which, at the request of one of his relations, he was transferred to Guntoor, and that in consequence of the reduction in the establishment at the latter place, he has been thrown out of employ, and concludes by praying this Court to issue directions for his employment in

in the same capacity at Chinsurah.

The Court of Foujdaree Udalut on a consideration of the above address, see no grounds for their interference in the manner solicited by the Petitioner, who should apply to the Local authorities.

Ordered accordingly, that this Petition be dismissed, and that Copy of these proceedings be granted to the Petitioner on application.

Read letter dated 19th May 1843 from the 2d Judge presiding at the 2d Quarter Sessions of 1843 in the Southern Division, forwarding the record of Case No 1 of the Calendar submitted by the Acting Assistant Criminal Judge of Tipperah for the decision of the Foujdaree Udalut.

[Here enter No 891 of 1843.]

Read also letter dated 23d June 1843 from the 2d Judge presiding at the 2d Quarter Sessions of 1843 in the

the

10th July 1843

the Southern Division, returning the record of Case No 1 of the Trichinopoly Calendar submitted by the Acting Joint Criminal Judge of Trichinopoly for the decision of the Court of Foujdaree Udalut, together with copy of the Order issued to the Acting Joint Criminal Judge regarding the 3d, 4th, 5th and 6th prisoners in the said Case.

Hereunto entered No 1034 of 1843.

The Court of Foujdaree Udalut

Mr M Lewin and Mr Maclean

on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the Prisoners,

1st Peneapsee.
2d Periamaroodayy
3d Curpen
4th Rengan
5th Chinnapsee,
and
6th Marooda,

are not convicted on presumptive proofs or on the evidence of credible witnesses or

No 6 acquitted

No 11.
10th July 1843.

or on their own confession, of the crime of Highway Robbery, do acquit them thereof, and under the provisions of Clause 6th Section II Regulation XV of 1843, direct that they be set at liberty.

2.

The Court of Foujdaree Udalut after maturely weighing the evidence addduced in support of the prosecution in this case, are clearly of opinion that it is unworthy of credit, and they resolve to order the release of the prisoners.

3.

It appears that the strength of the case depends on a torch light recognition and a Cloth, the property of Prosecutor, said to have been found in the house of 7th Prisoner, neither of which are under the circumstances developed on the trial to be depended on

Ordered that Copy of these proceedings be sent to the 2d Judge presiding at Trichinopoly for his information

information and guidance.

(Sent in: No. 873.)

Read the Criminal Reports for the Month of May 1843, received from the Acting Agent to the Governor of Fort St. George at Vizagapatam.

(Here enter F. R. No. 1038 of 1843.)

Report No. II
Case No. II

1.

In this Case the prisoners appear to have been detained in the Talook for 21 days, by the Police Authorities; and no explanation has been afforded of so protracted a delay, nor does it appear from the Report that any was supplied by the Head of Police.

2.

The Court of Zoujdaree Udalut resolve to call for information relative to the circumstances which caused the delay in question, and to intimate to the Acting Government Agent that the Zoujdaree Udalut's Circular Order should be conformed to.

18th May 1832

Ordered, that Extract from these proceedings be forwarded to the Acting Agent to the Governor of Fort St.

St. George at Vizagapatam, for his information by precept returnable in 10 days, from and after its receipt.

(Sent following precept No. 874.)

Read Return and Supplemental Return dated the 21st and 23d Ultimo with the latter of which is submitted an Extract from the Proceedings of the Provincial Court in the Centre Division of the same date, with reference to the precept of the Zoujdaree Udalut of 30th May last directing them to call for the record of Case No. 34 of the Cuddalore Criminal Reports and pass such orders as may appear requisite.

(Here enter F. R. Nos. 1021 and 1022 of 1843.)

In the above proceedings the Provincial Court state their conviction of the correctness of the sentence passed on the Prisoner who, having effected his escape from his Guard whilst under detention, "was amenable to the provisions of the Regulation under which the Assistant Judge punishes him."

The

10th July 1843

The Court of Foujdaree Udalut are not satisfied with the opinions expressed by the Provincial Court, since if the Prisoner escaped merely from a Talier or Village Watcher he was not under the Custody which the Law contemplates as capable of entailing the punishment of escape. A more efficient guard ought to have been provided to have rendered the Regulation quoted applicable to the Prisoner.

3. Under these circumstances the Foujdaree Udalut direct that the punishment awarded to the Prisoner may be remitted.

Ordered, that Extracts of these proceedings be sent to the Provincial Court in the Centre Division, and by them communicated to the Assistant Judge of Cuddalore for his information and guidance.

(Sent in No. 675.)

Read

F. U.

10th July 1843.

Read letter dated the 1st instant from the Magistrate of Canara forwarding copy of a communication from the Head Assistant Magistrate of that District detailing the circumstances of a serious Gang robbery and Murder of a Peon in the Soopah Talooke, and soliciting sanction for the offer of a reward of 200 Rupees for the apprehension of the ring-leader of the Gang.

(Here enter No. 1082)

Read also further communication dated the 4th instant from the same Officer, submitting with reference to his address of the 1st instant copy of a second letter from the Head Assistant Magistrate of Canara on the aforesaid subject and soliciting sanction for the offer of an increased reward of Rupees 300 for the apprehension of the leader in the Gang robbery and Murder therein alluded to.

1st July 1843

(Here enter No. 1084)

Under

10th July 1843

1

The Court of Foujdaree Udalut are not satisfied with the opinion expressed by the Provincial Court, since if the Prisoner escaped merely from a Talier or Village Watcher he was not under the Custody which the Law contemplates as capable of entailing the punishment of escape. A more efficient guard ought to have been provided to have rendered the Regulation quoted applicable to the Prisoner.

3

Under these circumstances the Foujdaree Udalut direct that the punishment awarded to the Prisoner may be remitted.

Ordered, that Extracts of these proceedings be sent to the Provincial Court in the Central Division, and by them communicated to the Assistant Judge of Cuddalore for his information and guidance.

(Sent in No. 675.)

(Read

F. U.

10th July 1843

Read letter dated the 1st instant from the Magistrate of Canara forwarding copy of a communication from the Head Assistant Magistrate of that District detailing the circumstances of a serious Gang robbery and Murder of a Peon in the Soopah Talooke, and soliciting sanction for the offer of a reward of 200 Rupees for the apprehension of the ring-leader of the Gang.

(Here enter No. 1063)

Read also further communication dated the 4th instant from the same Officer, submitting with reference to his address of the 1st instant copy of a second letter from the Head Assistant Magistrate of Canara on the aforesaid subject and soliciting sanction for the offer of an increased reward of Rupees 300 for the apprehension of the leader in the Gang robbery and Murder therein alluded to.

1st July 1843

(Here enter No. 1084)

Under

10th July 1843.

Under the provisions of Section XXI Regulation IX of 1816, the Court of Sowdaree Udalut authorize the Magistrate of Canara to offer a reward of Rupees (500) five hundred for the apprehension and conviction of Sanoo, the leader of the gang adverted to.

Ordered, that Extract from these proceedings be forwarded to the Magistrate of Canara for his information.

(Sent in No. 678)

Sorabjee moves the Court to return the enclosure in his Extra Miscellaneous Petition No. 23 of 1843.

Ordered accordingly.

Forbonjee Jyen of the Zillah of Madura, moves the Court to return the enclosures in his Miscellaneous Petition No. 40 of 1843.

Ordered accordingly.

Cheetumbarum of the Zillah of Cudalpah, moves the Court to return the enclosures in his Miscellaneous Petition No. 42 of 1843.

Ordered accordingly.

E.K.
12th July 1843.

Read the Criminal Report dated the 31st May 1843 from the Criminal Judge of Salem for the month of May 1843.—

(Here enter No. 977 of 1843.)

Read letter dated the 6th instant from the Magistrate of Bellary, submitting the explanation of the causes which operated in bringing about the detention of the Prisoners in Case No. 59 in the Records of the Head of Police of Bellary for the period noted by the Court.—

(Here enter No. 1002 of 1843.)

Read return dated the 6th instant from the Centre Provincial Court of Circuit to the precept of the Sowdaree Udalut of the 19th June 1843, directing them to look into the record of Cases No. 20 and 23 of the Chingleput Criminal Reports for the month of May 1843 and pass such orders as they may deem necessary, reporting the result for the information of the Sowdaree Udalut.—

(Here enter No. 1071 of 1843.)

Read return dated the 6th instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Sowdaree Udalut.

12th July 1843.

Eg.

Edict of the 27th April last, directing them to look into Cases Nos. 9, 11, 12, 14 and 16 of the Eminently & Criminal Reports for the months of March 1843 and to pass such orders thereon as may appear necessary reporting the same for the information of the Conjidaree Edaalut.

(Here enter No. 1072 of 1843.)

RDM

Office

C. M.

Wednesday 12th July 1843.

Present,

Hon'ble Court of the Conjidaree Edaalut.

Ark — Malcolm Leaire Esqre — acting 1st Puisne Judge,

A.M — Alex. Maclean Esqre — acting 2d Puisne Judge,

WML — E. M. Leaire Esqre — acting 3d Puisne Judge,

Read letter, dated the 4th ultimo from the 1st Judge Talle on Circuit in the Southern Division, transmitting the translated Record of No. 7 of the Criminality Calendar for the 1st Sessions of 1843, for the final judgment of the Conjidaree Edaalut.

(Here enter No. 948 of 1843.)

The Court of Conjidaree Edaalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoners

1st Alagharry Naicken,

2d Cobben,

3d Comyanen,

4th Pomiaraumy Naicken,

5th Pavana Naicken,

6th Monty Naicken,

7th Vellaya Naicken and

8th Gondarian Naicken,

are

12th July 1843.

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the crime of Murder, do acquit them thereof, and under the provisions of Clause sixth Section II Regulation XV of 1823, direct that they be set at liberty.—

1.

Having given the foregoing trial their deliberate consideration and directed the release of the Prisoners, it remains for the Court of Sudder Adalut to state their opinion that the depositions recorded before the 1st Judge on Circuit do not exhibit the searching enquiry desirable in a case of so much importance.—

2.

The guilt of the Prisoners rests for the most part on the testimony of the 1st and 2d witnesses for the prosecution, whose evidence in the estimation of the Sudder Adalut, is not wholly to be depended on.—

3.

With reference, moreover, to the opinion stated in the 1st para of their proceedings, the Court would point out that it would have been satisfactory had the 1st Judge on Circuit explained why, if the fact stated by the 2d witness related to the XI th of the month, the night in which the murder was perpetrated, he did not question him regarding the 1st and 2d witnesses. It would also have been satisfactory had the doubt which arises out of the date been set right by the Judge on Circuit.

Ordered

(Signed)

July 1843.

Ordered, that the Extract proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division for information.—

(Sent following letter No. 479.

Read again the Criminal Reports for the Month of May 1843 received from the Returning Criminal Judge of Malabar.—

(Recorded Vol. No. 278 of 1843.)

Read also return to the precept of the Sudder Adalut of the 2d ultimo on the review of the above reports.—

(Recorded Vol. No. 1064 of 1843.)

In the foregoing communication the

1.

Acting Criminal Judge states that the Prisoner in Case No. 90 on the Criminal file of Malabar has been tried for "the except" and convicted thereof, and that the sentence recorded in Case No. 89 by the proof of Sudameen was in consideration of both offences.—

The Sudder Adalut consider the

2.

non-perforation of the punishments awarded, in the cases mentioned, to be irregular. The offences being distinct in their nature, the sentences passed in them should also have been separate. The Acting Criminal Judge is accordingly requested to

to direct the necessary alteration to be made by the Interpreter under Ameen.—

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

(Sent in No. 680)

Read the Criminal Reports for the Months of May last, received from the Acting Joint Criminal Judge of Guntoor.—

(Here enter P.L. No. 1045.)

With reference to the delay in the transmission to this Court of the above Report, the Zeyd Dare Adalut desire to call the attention of the Acting Joint Criminal Judge to Circular Order No. 40 in conformity with which the Reports under consideration should have reached the Court on the 15th of last Month, whereas they do not appear to have been dispatched before the 2nd ultimo. On future occasions the Acting Joint Criminal Judge is requested to conform strictly to the Circular Order alluded to.—

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

(Sent in No. 681)

Read.

No. 6.

Saturday, 15th July 1843.

At a Court of the Sessions Adalut.

Present;

Mr. Malcolm Lewin Esqre. Acting 1st Puisne Judge,
A.M. Alexr. Maclean Esqre. Acting 2d Puisne Judge,
J.M.L. J. M. Lewin Esqre. Acting 3d Puisne Judge.

Read again letter dated the 20th April 1843 from the Acting 3d Judge on Circuit in the Northern Division transmitting the Record of the Trial in case No. 4 on the Rajahmundry Calendar for the 2d Sessions of 1842,

(Here enter J.M. No. 629 of 1843)

Read also return dated the 20th Ultimo from the Acting 3d Judge on Circuit in the Northern Division, to the precept of the Zeyd dare Adalut of the 12th May 1843 directing him to take on evidence on the subject of the Sanity of the prisoner Mootala Bapiro in case No. 4 on the Rajahmundry Calendar 2d Sessions of 1842, and to express a decided opinion as

15th July 1843.

as to the prisoners sanity or otherwise.—

(Here enter F.M. No. 1073 of 1843.)

Mr. H. Lewis
and
Mr. Marleau

The Court of Foujdaree 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 Prisoner

Mootiala Bauroo,

is not sufficient to convict her of the crime
of Murder, do acquit her thereof; but con-
sidering that the proof against her is
sufficient to convict her of the crime of
robbery attended with aggravating circum-
stances do convict her accordingly, and, under
the provisions of Clauses second and fifth,
Section IV Regulation XV of 1803, Sentence
her to be imprisoned and kept to labour
suitable to her sex, for and during the
period of fourteen (14) years.—

Sent following letter No. 683.—

Ent. F.M.

2/ F.M.

17th July 1843.

for the 1st Session of the current year.—

(Here enter F.M. No. 1060 of 1843.)

The foregoing communication
is explanatory of the circumstances under
which an approver was not admitted
in Case No. 1 of the Calendar under
review.—

2. An arrangement of that nature
in the case in question, is correctly stated
to have formed the subject of a correspondence
between this Court and the Acting Crimina
Judge of Combaconum, the result of
which was the submission of the trial to
the Judge on Circuit on the evidence
originally forthcoming; the proposition in
respect to an approver made by the Acting
Criminal Judge, having been deemed by
the Foujdaree Adalut, to be of questionable
propriety.—

3. Nothing is entered in the
abstract information exhibited in the
Calendar before the Court, to connect the
charge in Case No. 1. with that in respect

of

17th July 1843.

of which the Acting Criminal Judge formerly addressed the Court of Foujdaree Adalut by letter specifying the number of the case as it stood on the Criminal file of the Comba-comm, Court—

Such a clue is insufficient for the purposes of the expeditious scrutiny to which, under the distribution of labor obtaining amongst the Judges of this Court, the Calendars of Judges on Circuit are subjected and with reference to the correspondence which was on the records of the Acting Criminal Judge and of which copies were doubtless laid before the 1st Judge on Circuit before the commencement of the trial, the Judges of the Foujdaree Adalut are of opinion that it was incumbent on him, either in his own remarks in the Calendar or by means of the Criminal Court, to have established, by adverting thereto, the identity of the charge with that some time ago brought to the notice of the higher Court for a single special purpose.—

Ordered

17th July 1843.

Ordered that Extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division for his information and guidance, and for communication to the Acting Criminal Judge of Comba-comm.—

/ Sent in No. /—

End 7/A

Monday.
17th July 1843.

At a Court of the Tongdarre Adalut

Present

Mr. Malcolm Lewin Esq.re Act.g 1st Puisne Judge,
A.M. Alex.r Maclean Esq.re Act.g 2d Puisne Judge,
P.M.L. P. M. Lewin Esq.re Act.g 3d Puisne Judge,

Read letter dated the 6th Instant from the 1st Judge late on Circuit in the Southern Division transmitting the Record of the Trial in Case No. 16 on the Salem Calendar for the 1st Sessions of 1843.-

/Herewith J.C. No. 1094 of 1843/

M. M Lewin

The Court of Tongdarre 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 Vurdasspa Coundan
2d Commati Coundan
3d Chunkler Rungan
and
4th Moothoo Coundan

is

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

/Sent following letter No. 686/

Read the Criminal Reports for the Month of June 1843, received from the Criminal Judge of Rajahmundry.-

/Here enter Jl. No. 1075 of 1843/

It appears from the above report that the number of Cons. employed in the Rajahmundry Jail during the last Month, exceeded

exceeded by two the proportion prescribed by Circular Order No. 85. The Criminal Judge is requested to submit for the information of the Sudder Adalut an explanation of the circumstance alluded to.-

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

/Sent following precept No. 687/

Read Miscellaneous Petition presented on the 19th ultimo by Vellummah of the Zillah of Chingleput.-

/Here enter Jl. M.P. No. 44 of 1843/

The Petitioner describes herself as the wife of Maurayuppa Naick 2d Prisoner in Case No. 4 of the Chingleput Calendar for the 1st Sessions of 1843, and, on the grounds of the evidence against her husband being false, prays this Court to direct his release from the Zillah Jail, to which he had been remanded by the Circuit Judge pending

the

17th July 1843.

the receipt of final orders from the Sudder Udalut.—

With reference to the above address the Petitioner is informed that the case referred to, has been finally disposed of, and that no further order is required.—

Ordered that copy of these proceedings be granted to the Petitioner on his application.—

Sashadry Iyengar of the Dillah of Chittoor, moves the Court to return the enclosures in his Miscellaneous Petition No. 38 of 1843.—

Ordered accordingly.

Rungacharryar of Trichinopoly moves the Court to return the enclosures in his Miscellaneous Petition No. 41 of 1843.

Ordered accordingly.

Read further Return dated the 1st Instant from the 1st Judge late on Circuit in the Southern Division to this Court's precept of the 7th June 1843 regarding the disposal by that officer of the Combaconum Calendar for

J. U.

Wednesday 19th July 1843.

At a Court of the Sudder Udalut.—

Present,

Mr. Malcolm Lewin Esq.re Act.g 1st Puisne Judge
A. M. Alex.r Maclean Esq.re Act.g 2d Puisne Judge
F. M. F. M. Lewin Esq.re — Act.g 3d Puisne Judge

Read letter dated the 8th Instant from the 2d Judge late on Circuit in the Centre Division offering observations in regard to the Proceedings of this Court of the previous 4th, in review of the Cuddalore Calendars for the 1st Sessions of the current year.—

/Hereunto J. U. No. 1086 of 1843/

para 7. In regard to the instructions solicited by the 2d Judge respecting the mitigated Sentence of four (4) years imprisonment which he has proposed to pass in Case No. 26 of the Calendar under observations, the Court of Sudder Udalut resolve to intimate to Mr. Lavie that they do not see any sufficient grounds for a compliance

compliance in this instance with his recommendation.—

2. He should, therefore, rectify the mission which has occurred and move report the extent of the punishment awarded to the prisoners in whom sentence has not been declared.— the 2d Judge having confined himself to specifying only the mitigated period of imprisonment which he has recommended.—

3. In respect of the several observations and arguments which are submitted and used by the 2d Judge in extenuation of the censure conveyed in the proceedings of the Zemindary Adalut to which they form a reply, the Judges resolve to intimate to Mr Lavie that they are unable to recognize either their justness or applicability and that they are not prepared in any way to modify the instructions which were communicated to him and which should at once be obeyed.—

4. The Judges would at the same

same time express their opinion that the discursive style of communication in which Mr Lavie is in the habit of indulging is objectionable, as not falling within the limits which must be assigned to addresses proceeding from a subordinate to a superior judicial functionary, and which should relate solely to matters judicially before him as a Judge of the Court to which he belongs.—

Ordered that Extract from these proceedings be forwarded to the 2d Judge late on Circuit in the Centre Division by precept returnable in ten days from and after its receipt.—

/Sent following precept No 893-/

Read letter dated the 1st Instant from the Agent to the Governor of Fort St George in Council, reporting that there being no Cases disposed of by the Court of the Agent during the Months of June, the usual Criminal return for that Month

19th July 1843

month is not forwarded.—

/Here enter F.R. No. 1083 of 1843/

Read letter dated the 5th Instant from the 1st Judge of the Provincial Court of Circuit in the Western Division transmitting a Statement of batta paid to Prosecutors and witnesses during the 2d Quarterly Sessions of 1843.—

/Here enter F.R. No. 1102 of 1843/

Read letter dated the 8th Instant from the 3d Judge on Circuit in the Western Division, reporting the opening of the Sessions at Calicut on the 8th Instant.—

/Here enter F.R. No. 1107 of 1843/

Read letter dated the 11th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, reporting that he has this day opened the 2d Sessions of 1843 at Cuddapah, that the Calendar bears 15 Cases, and that there is a prospect of a Supplemental Calendar of 2 or 3 Cases.—

/Here enter F.R. No. 1109 of 1843/

Ex. F.R.

F.R.

Thursday 20th July 1843. At a Court of the Sudder Adalut.—

Present,

Mr. Malcolm Lewin Esq. 1st Act. 1st Puisne Judge,
A.M. Alex. Maclean Esq. 1st — Act. 2d Puisne Judge,
J.M.L. J. M. Lewin Esq. 1st — Act. 3d Puisne Judge.

Read letter dated the 8th Instant from the Acting Criminal Judge of Chingleput submitting the Criminal Reports for the Month of June 1843.—

/Here enter F.R. No. 1077 of 1843/

Suppl. Report case No. 26. Report No. 5 case No. 43

Adverting to the punishments awarded to the Prisoners charged in the cases noted in the margin, with escape from legal custody, the Judges would call the attention of the Acting Criminal Judge to the opinion expressed in their proceedings of the 5th Instant regarding the infliction of corporal punishment, the remission of which, on the grounds therein explained, was intended to apply to all the Convicts concerned in the late escape from the Gang at work in the vicinity

vicinity of Chinglepute.

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

/Sent in No. 697/

Read return dated the 27th Ultimo from the 2d Judge on circuit in the Western Division to the precept of the Foujdaree Udalut of the 27th May 1843 directing him to transmit the proceedings held by him and the subordinate authorities in Case No. 6 of the Sixth Calendar for the 1st Sessions of 1843 and to issue orders for the suspension of the Sentence passed in the Case.—

/Here enter F.M. No. 1054 of 1843/

Case No. 6.

After an attentive perusal of the voluminous papers in this case the Court of Foujdaree Udalut see no reason to question the guilt of the parties but they consider that part of the Sentence which awards Exposure to the 1st 2d 3d and 9th Prisoners as inappropriate and not likely to effect the ends contemplated by the Circuit Judge.—

The Court therefore direct that the part of the Sentence awarding Exposure may be remitted.—

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

/Sent in No. 698/

Read letter dated the 6th Instant, from the 1st Judge of the Provincial Court of Circuit in the Western Division, submitting the Fellicherry 4th Additional Calendar for the 2d Quarterly Sessions of 1843.—

/Here enter F.M. No. 1101 of 1843/

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

Ordered, that Extract from these—

these proceedings be forwarded to the 1st Judge of the Provincial Court of Circuit in the Western Division, for his information.—

/ Sent in No. 699 /

Read letter dated the 8th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division transmitting the Report prescribed by Section XXXVII Regulation VII of 1802 for the Chittoor 2d Quarterly Sessions of 1843.—

/ Here enter F.M. No. 1081 of 1843 /

The above Report not appearing to call for any remark from the Court of Foujdaree 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 for the purpose of being laid before the Most Honorable the Governor in Council.—

/ Sent in No. 700 /

J. M.

Friday, 21st July 1843.

At a Court of the Foujdaree Adalut.

Present,

Mr. Malcolm Lewin Esqre. Actg. 1st Puisne Judge,

Mr. Alex.r Maclean Esqre. Actg. 2d Puisne Judge,

Mr. J. M. Lewin Esqre. Actg. 3d Puisne Judge,

Read letter dated the 6th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division transmitting copy of the Chittoor Calendar for the 2d Quarterly Sessions of 1843.

(Here enter F.M. No. 1079 of 1843.)

Case No. 1

1. The Prisoner, Gungoorloogandoo, is charged and convicted of the offence of assaulting and robbing the Prosecutrix.—

2. The 1st Judge presiding considers that there are such palliative circumstances in the case as to allow of his recommending a mitigated punishment of 7 years imprisonment.—

3. The Foujdaree Adalut concurs in

21st July 1843.

in the view taken by the 1st Judge presiding but, from a wish to distinguish between the crime of Robbery and the crime of Theft, resolve to authorize a Mitigation of punishment to the extent of 18 right in preference to 7 years imprisonment.-

Case No. 4.

4. The Prisoners in this case Cosso Ramcodoo and Cotegandoo are charged, the first with effecting his escape from custody and inflicting a severe wound on the person who attempted his recapture, - the second with aiding the 1st in his resistance.-

5 The Judges of the Court of Zoudaree Adalut can see nothing exculpatory in the circumstances of this case as regards the 1st Prisoner and are of opinion that he ought to have been transported.-

Case No. 5

6 The Prisoners in this case, viz: 1st Roostoom alias Shrik Ally, 2d Chinnapatoo alias Vincatasamy, 3d Chenroyen and 4th Chinnien are severally charged with stealing from a Bandy and breaking open a box containing

21st July 1843.

containing property of considerable value.-

7. The 1st and 2d Prisoners are convicted both by the Mahommedan Law Officer and the presiding Judge who accordingly sentences the 1st Prisoner to 7 years imprisonment and 150 lashes, and the 2d to imprisonment with hard labor in irons for five years.-

8 As regards the 2d prisoner in this Case it appears to the Court that an error has been committed. The crime is punishable under the Mahommedan Law, and no less a sentence than 7 years could be passed by the presiding Judge.-

9. A similar error is observable in Case No. 7 where the Sentence ought to have been 7 instead of 5 years imprisonment.

10. The Court will not, however disturb the Sentences but rest satisfied with pointing out the error.-

Ordered that Extract from these proceedings be forwarded to the 1st Judge of

21st July 1843.

of the Provincial Court of Circuit in the Central Division for his information and guidance.—

(Sent in No. 702)

Read letter dated the 7th Instant from the 1st Judge of the Provincial Court of Circuit in the Western Division, reporting the death of the Prisoner in Case No. 1 on the 3d Additional Calendar of the 2d Quarterly Sessions of 1843. whose case was referred to the Fouzdaree Udalut on the 5th July 1843.—

(Here enter F.M. No. 1115 of 1843)

Read letter dated the 5th Instant from the 1st Judge of the Provincial Court of Circuit in the Western Division, submitting the record of a case of Murder and Wounding No. 1 of the 3d Additional Calendar 2d Quarterly Sessions of 1843, and recommending for reasons assigned that a Sentence of 8 or 10 years imprisonment in irons and hard labor may be passed upon the prisoner.—

(Here enter F.M. No. 1106 of 1843)

Ent. F.M.

F.M.

Saturday—
22d July 1843. At a Court of the Fouzdaree Udalut—

Present,

Mr. Malcolm Lewin Esqre. Ag. 1st Puisne Judge
Mr. Alexander Maclean Esqre. Ag. 2d Puisne Judge
Mr. F. M. Lewin Esqre. Ag. 3d Puisne Judge

Read the Coimbatore Criminal Reports for the month of June 1843.—

(Here enter F.M. No. 1089 of 1843)

Case No. 35 1. The Crime with which the Prisoner in this case is charged is one that has attracted so much attention and so often has a fatal termination, that the Court of Fouzdaree Udalut see reason to doubt the adequacy of the Sentence and, accordingly, direct the Provincial Court to look into it, pass such orders as they may deem expedient, and report their proceedings for the information of this Court.—

Case No. 41 2. From the remarks in this case the Court of Fouzdaree Udalut are led to consider the conviction questionable, and resolve to direct the Provincial Court to look into it and pass such orders as may appear requisite, reporting the result of their enquiries for the information of this Court.—

Ordered, that Extract of these

these Proceedings be sent to the Provincial Court of Circuit in the Southern Division by Precept returnable without delay.-

(Sent following Precept No. 7011)

Ordered further, that copy hereof be furnished to the Joint Criminal Judge of Coimbatore for his information and guidance.-

(Sent in No. 705

Read the Criminal Reports as submitted by the Joint Criminal Judge of Malabar for the month of June last.-

(Here enter No. 1122 of 1843)

The above Reports do not appear to call for any remark from the Court of Fouj: =daree Udalut.-

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

(Sent in No. 706.

Read the Criminal Reports for the month of June last, received from the Acting Joint Criminal Judge of Cochin.-

(Here enter F.R. No. 1143 of 1843)

Case No. 1. A delay of two days in excess of the limited period, appears to have occurred in this

this case between the apprehension of the Prisoners in the Talook and the date of their leaving it: and no explanation of this breach of the Circular Orders of the Court appears in the Report. The Court of Foujdaree Udalut accordingly desire that the necessary information be afforded, and that such omissions be guarded against in future.

2. It further appears from the Report that one Person in excess of the proportion prescribed by existing rules has been entertained in charge of the Prisoners in the Cochin Jail.- The Court of Foujdaree Udalut resolve to call upon the Acting Joint Criminal Judge to furnish an explanation of the circumstance noted.-

C. C. No. 85

Ordered, that Extract of these Proceedings be forwarded to the Acting Joint Criminal Judge of Cochin by precept returnable in 15 days, from and after its receipt.-

(Sent following Precept No. 707)

Read Return dated the 4th. Instant from the Acting Criminal Judge of Chittoor, to the Precept of the Foujdaree Udalut of the 28th. Ultimo, submitting explanation to the remarks of the Foujdaree Udalut on the Criminal Reports for May 1843.-

(Here enter F.R. No. 1061 of 1843)

Read

22d. July 1843.

Read letter dated the 4th. Instant from the 2d. Judge on Circuit for the Southern Division, forwarding the record of case No. 35 on the Combaconum Calendar for the 1st. Sessions of 1837.-

(Here enter Fl. No. 1095 of 1843)

Read letter dated the 7th. Instant from the 4th. Judge presiding at the Court of Quarterly Sessions in the Western Division, transmitting the half yearly Statement of a case referred to the Court of Foujdaree Adalut.-

(Here enter Fl. No. 1114 of 1843)

Read the Criminal Reports dated the 30th. Ultimo from the Acting Joint Criminal Judge of Masulipatam for the month of June 1843.-

(Here enter Fl. No. 1120 of 1843)

Read Letter dated the 8th. Instant from the Agent to the Governor of Fort St. George in Ganjam, submitting returns of Criminal Cases disposed of by the Acting Principal Assistant Agent in June 1843.-

(Here enter Fl. No. 1121 of 1843)

R D M
Assig.

J. U.

Monday, 24th. July, 1843.

At a Court of the Foujdaree Adalut.

Present;

M.L. Malcolm Lewin Esq.re Act.g 1st. Puisne Judge,
A.M. Alex.r Macleane Esq.re Act.g 2d. Puisne Judge,
W.M.L. W.M. Lewin Esq.re Act.g 3d. Puisne Judge.

Read letter from the Provincial Court in the Southern Division dated the 8th. Instant submitting a reference from the Officiating Joint Criminal Judge of Tinnevelly for instructions for his guidance in Cases of complaints from the ministerial Officers of his Court that their names have been made use of by individuals for the purpose of obtaining bribes.-

(Here enter Fl. No. 1104 of 1843)

The Provincial Court in concurrence with the opinion expressed by the Officiating Judge of Tinnevelly, consider that such offences do not require the intervention of the Magistrate, but may be viewed and punished as contempt of

of Court under Section XXII Regulation III of 1802.-

2. The Court of Sudder Dewanny Adalut do not consider the Regulation quoted to be in any way applicable to the question before them. The case would appear to be one of extortion of money under false pretences without any arrogation of the Courts authority in his own cause and, under such circumstances, it must be sent to the Magistrate and thence committed to the Criminal Court.-

3. As the other questions seem only subsidiary they do not call for a separate opinion.-

Ordered that Extract of these proceedings be sent to the Provincial Court in the Southern Division for their information and guidance.-

(Sent in No 711.)

Read the Criminal Reports for the Month of June 1843, received from the

the Acting Joint Criminal Judge of Trichinopoly

(Here enter J.C. No 1099 of 1843)

Report No V
Case No 749.

1 The Prisoner in this case appears to have been apprehended on the 10th May last and not to have left the Talook until the 25th of the same Month.

2. From the explanation of the Head of Police, it would appear that after detaining the Prisoner until the 21st May, he made a reference to the Magistrate for instructions as to whether the detention alluded to was justifiable that the reply of the Magistrate thereto reached him on the 25th and that the Prisoner was forwarded to the Criminal Court on the 28th.-

3. The Sudder Dewanny Adalut are unable to account for the dilatory conduct of the Head of Police in not having made the alleged reference, until the prisoner had been 11 days under restraint

24th July 1843

restraint, and his proceedings in the case appear to them to display a disregard of the repeated injunctions of this Court on the subject of unnecessary detention of Prisoners in the Talooks.-

4 It is further stated in the 11th column of the report that "no Specific instructions" were furnished by the Magistrate to the application of the Head of Police now under remark.-

5 The Sunjdaree Adalut would observe that it appears to them advisable that such instructions as may seem to be necessary should on such occasions be afforded by the Magistrate for the information of the authorities subordinate to him.-

Ordered that Extract from these proceedings be forwarded to the Acting Joint Criminal Judge of Trichinapoly for his information and for communication to the Magistrate of that District.-

Sent in No. 712

Read

2/ JA

24th July 1843.

Read the Criminal Reports for the Month of June 1843, received from the Assistant Criminal Judge in Charge of the Zillah Court of Nellore.-

Here enter J.A. No. 1100 of 1843

Report No. V
Case No. 49.

1. The Prisoner in this case appears to have been detained by the Native authorities after his arrest, on a charge of Murder, for a period of 27 days.-

2 The reason assigned by the Head of Police amounts only to the circumstance of the case being one of Murder.-

3. The Court of Sunjdaree Adalut are not disposed to admit an explanation so unsatisfactory and inconclusive as a justification of so protracted a detention.- Bearing in mind that even after this long delay no evidence appears to have been obtained in support of the charge preferred against the Prisoner, the Court of Sunjdaree Adalut desire that the Head of Police be warned against the future recurrence of so glaring a breach of this Courts Circular Order dated 18th May 1832.-

Ordered

Ordered that Extract of these proceedings be forwarded to the Assistant Criminal Judge in charge of the Tellicherry Court of Sessions for his information, and for communication to the Magistrate of Tellicherry.

/Sent in No. 713/

Read letter dated the 6th Instant from the 1st Judge late on Circuit in the Southern Division, transmitting the Record of the Trial in case No. 5 on the Salem Calendar for the 1st Sessions of 1843.

/Here enter Ft. No. No. 1093 of 1843/

W. Marlow and 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

1st Colundavalun

is sufficient to convict him of the crime of Rape, for which, in the absence of the requisite conditions of Hud, discretionary punishment is awardable under the Mahomedan law, as declared in futwas of their Law Officers, do convict

convict him thereof; and further that the proof against the Prisoners

2d Parean dee

and

4th Aroonachellum

is sufficient to convict them of having aided and abetted in the commission of the said crime, do convict them thereof and with reference to the provisions of Clause third, Section VII Regulation XII of 1803 do sentence the Prisoners

1st Colundavalun

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, and the Prisoners

2d Pareandee

and

4th Aroonachellum

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.

/Sent following letter No. 714/

Read

24th July 1843.

Read Extra Miscellaneous petition presented on the 26th. Ultimo by Syed Modeen..

/Here enter F.M. Extra M.P. No. 28 of 1843/

The Petitioner in the above address states that he has lately been dismissed by the Criminal Judge from the Situation of a Peon in the Chingleput Jail, and detailing the circumstances of the case prays this Court to issue orders directing his restoration to the situation mentioned.-

2. On a consideration of the above Petition the Court of Foujdaree Adalut are of opinion that no grounds exist for the interposition of their authority in the manner solicited.-

Ordered accordingly that this Petition be dismissed and that copy of these proceedings be granted to the Petitioner on application.-

End. 7th.

Lutchmana Mowdaly and six others move the Court to return the enclosures in their Special Appeal Petition No. 7 of 1843.

Ordered accordingly

A.

3 F.M.

24th July 1843.

A. Canhyapillay of the Zillah of Salem, moves the Court to return the enclosures in his Miscellaneous Petitions No. 203, 204 and 205 of 1843..

Ordered accordingly

Venkatarama Pillay moves the Court to return the enclosures in his Miscellaneous Petition No. 215 of 1843.

Ordered accordingly

Read letter dated the 13th Instant from the 1st Judge of the Provincial Court of Circuit in the Northern Division, reporting his having received a Calendar from the Acting Joint Criminal Judge of Vizagapatam for the 3d Quarterly Sessions of 1843.

/Here enter F.M. No. 1128 of 1843/

Read letter dated the 15th Instant from the Acting Criminal Judge of Chittoor, submitting copy of a letter from the Acting Magistrate of North Arcot dated 13th July 1843. explaining the cause of the detention of the Prisoner in Case No. 61 of the

24th July 1843.

the Chittoor Criminal Reports for the month of May 1843.-

/Here enter J.H. No. 1130 of 1843/

Read letter dated the 14th Instant from the Acting Joint Criminal Judge of Tinnivelly, transmitting the Statement of produce of labor of Prisoners for the 2d Quarter of 1843.-

/Here enter J.H. No. 1139 of 1843/

Read Statement dated the 1st Instant from the Acting Criminal Judge of Combaconum, of amount realized by the labor of the Prisoners in the 2d Quarter of 1843.

/Here enter J.H. No. 1140 of 1843/

Read letter dated the 17th Instant from the 2d Judge on Circuit in the Northern Division, reporting the opening of the Court of Circuit in the Zillah of Salem for the 2d Sessions of 1843.-

/Here enter J.H. No. 1149 of 1843/

Read return dated the 8th Instant from the Principal Sudr Ameen at Tchaipoor

24th July 1843.

Tchaipoor to the precept of the Foujdaree Adalut of the 26th June 1843. calling upon the Principal Sudr Ameen to submit an amended indictment and explain in detail the facts of the case as elicited before him shewing clearly the circumstances under which the accusation of Perjury has been brought forward in Case No. 3 of 1843 of the Criminal Report for the Months of May last.-

/Here enter J.H. No. 1161 of 1843/

Read letter dated the 17th Instant from the 2d Judge of the Provincial Court of Circuit in the Southern Division, reporting that the Notice has been given to open the 2d Sessions of 1843 at Tinnivelly on thursday the 3d Proxo.-

/Here enter J.H. No. 1163 of 1843/

Read letter dated the 10th Instant from the Principal Sudr Ameen at Tchaipoor, forwarding the Criminal Reports for the Month of June 1843.-

/Here enter J.H. No. 1164 of 1843/

Read

24th July 1843.

Read letter dated the 15th Instant from the Provincial Court of Circuit in the Western Division, transmitting translations of the Criminal Reports received from the Principal Sudr Ameen of Sirsie for June last

/Here enter J.C. No. 1165 of 1843./

Entd. W.

RDM
Asst

J. C.

Tuesday, 25th July 1843. At a Court of the Zoujdaree Udalut.

Present,

ML 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 letter dated the 12th Instant from the 3d Judge of the Provincial Court of Circuit in the Northern Division, forwarding copy of a Supplemental Calendar of persons committed for trial by the Acting Joint Criminal Judge of Masulipatam before the Court of Circuit for the 2d Quarterly Sessions of 1843.

/Here enter J.C. No. 1147 of 1843/

Case No. 1

In this case thirteen individuals were placed upon their trial for having formed part of a riotous assemblage which when ordered to disperse by the Head Assistant Magistrate refused to obey the legal orders of that functionary and opposed the passage of a car which the Magisterial authorities deemed

deemed it advisable to have removed from the spot where it had been stationed.-

2. The 3d Judge presiding concurred with the Mahomedan Law Officer in the conviction of the Prisoners from the 1st to the 11th, but being of opinion, as the accused appear to be ignorant coolies unacquainted with the penalty attached to the offence they committed, that the punishment of three years imprisonment to which legally they are liable is too severe, he recommends a mitigation of the Sentence to be passed and suggests that imprisonment for three months will be sufficient for their offence.-

3. Under the circumstances stated by the 3d Judge the Court of Sudder Adalut resolve to sanction the mitigated Sentence being passed to the extent proposed.-

Ordered that Extract from these proceedings be forwarded to the 3d Judge lately presiding at the 2d Quarterly Sessions of 1843 at Masulipatam for his information and guidance.-

/Sentence No. 717-/

Read

Read letter dated the 1st Instant from the Chief Magistrate and Superintendant of Police at Madras, transmitting the Reports of Causes tried under Act XXII of 1837 in the Months of March, April, May and June 1843.-

/Here enter J.D. No. 1155 of 1843/

Read letter dated the 21st Instant from the 1st Judge on Circuit in the Centre Division, reporting that he has this day directed the Criminal Judge of Bellary to issue the usual proclamation for the attendance of the Prosecutors and witnesses on the 17th Proximo, which day he has fixed for opening the 2d Sessions of 1843 at that Station.-

/Here enter J.D. No. 1177 of 1843/

Read letter dated the 21st Instant from the 2d Judge late on Circuit in the Centre Division, reporting that the 2d and 3d Prisoners in Case No. 26 of the Cuddalore Calendar for the 1st Sessions of 1843 were Sentenced to 14 Years imprisonment.-

/Here enter J.D. No. 1178 of 1843/

Read

25th July 1843.

Read letter dated the 20th Instant from the 2d Judge of the Provincial Court of Circuit in the Southern Division, reporting the arrival of the Court of Circuit as well as the number of Cases on the Calendar and stating that there is no prospect of a Supplemental Calendar being laid before the Court of Circuit.

/Here enter J. M. No. 1181 of 1843./

R. D. M.
Agent

J. M.

Wednesday,
26th July, 1843. At a Court of the Toudaree Adalut.

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 6th Instant from the 1st Judge late on Circuit in the Southern Division forwarding for the final judgment of the Toudaree Adalut the record of Trial No. 2 of the 6th Supplemental Calendar at Madura for the 1st Session of 1843.—

/Here enter J. M. No. 1092 of 1843./

Mr. A. Maclean and Mr. J. M. Lewin

The Court of Toudaree Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the Prisoner "Mandavee Royappa Podiar" is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession, of the Crime of Burglary, do acquit him thereof and accordingly

accordingly direct that he be set at liberty.

1. The Prisoner in the above mentioned case was charged with the crime of Burglary.

2. A perusal of the proceedings has served to impress on the Zoyd ane Udalat a conviction of the glaring improbabilities which attend the charge preferred against the Prisoner and which also the 1st Judge on Circuit would seem to admit.

3. That Officer indeed states his opinion that the "evidence for the defence does not go the length of defeating that for the prosecution". On this point the Zoyd ane Udalat would observe that such is unnecessary when the evidence for the Prosecution is in itself incredible.

4. Viewing the matter in this light the Court are satisfied that the charge against the Prisoner is the result of a conspiracy against him: nor do they attach any credit to the evidence by which it is attempted to support it.

It

It would have been more satisfactory had the Statement of the Prisoner, relative to his having been 20 years ago punished for a similar offence, been fully investigated, with a view to ascertaining whether his subsequent conduct has been such as he represented it to be.

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

/ Sent in No. 719 /

Read the Chittoor Criminal Reports for the month of June 1843.

/ Here enter J.C. No. 1103 of 1843 /

Report No. V
Case No. 75.

From the report of this case the prisoner would appear to have been more than a month in the hands of the Police authorities unless he was released on bail previous to the arrival from Madras of the witnesses referred to. The information deficient on the above point should now

be

be furnished direct by the Magistrate.-

Case No. 78. 2 The Court of Foujdaree Adalut are not satisfied of the propriety of the infliction in this case of the Corporal punishment which has been adjudged to the prisoner Alloongandoo, and accordingly resolve to direct the remission of that part of the Sentence passed on him by the late Acting Criminal Judge.-

Case No. 80 3. The nature of the references to the Joint Magistrate which the Head of Police of Poloor is shown to have made is not explained and should be reported in the manner indicated in para 1.-

Case No. 81 4 Adverting to the remarks entered in the 11th Column from which it seems the Sakeed of the Magistrate to the address of the Head Police of Bungoondy dated 12th May, was received by the Subordinate officer only on the subsequent 3rd June, the Judges would observe that in allowing an Arzee from a Head of Police regarding a party under arrest to remain without reply for 22 days some mismanagement

mismanagement has occurred which it will be desirable in future to avoid.-

Case No. 84 5 The parties from whose charge the Prisoner in this case effected his escape, being only Saleana, the Sentence passed on him for that offence should be remitted, as it has been ruled by the Foujdaree Adalut that Custody of that nature does not constitute the legal custody contemplated in the Regulation under which the additional punishment has been awarded.-

Case No. 85 6 The Cutwal appears to have detained the Prisoners in his Custody for three days. Such detention by a Subordinate Officer of Police is objectionable and should be prohibited.-

7. It is observed that one Peon in excess of the number allowed by existing rule has been employed. the Acting Criminal Judge is requested to explain the cause of this infraction of the Court's Standing orders.-

Ordered

Ordered that Extracts from the proceedings be forwarded to the Acting Commissioner Judge of Chittoor by precept returnable in 15 days with instructions to communicate a copy of paras. 1. 3. 4 and 6 to the Acting Magistrate of North Arcot.

Sent following precept the 27th Instant from the late Acting 3d Judge on circuit in the Northern Division Lub. committing a petition from Bhimma Vea. and requesting to be informed whether he can order the Petitioners to be tried for slander-

Here enter Pl. No. 1117 of 1843

1. In the above Petition accusations of bribery and corruption are brought against the Magistrate of Vizagapatam his Acting Principal Assistant and several subordinate officers in his establishment.

2. The Court of Sudder Adawlut observe that the slander in this Petition is clearly an indictable offence.

3. The Court doubt however the expediency of making such a matter the subject of a Criminal prosecution.

4 In the estimation of the Sudder Adawlut, the Magistrate, his Assistant and the other public servants accused cannot possibly suffer any injury from accusations such as these, nor do their characters stand in need of a public prosecution for their support.-

5. But an offence of a serious nature has been committed against the Court of Circuit by the false representations made to it, which had for their object to turn aside the course of justice and warp the mind of the Judge from the truth.-

6 Such conduct cannot be viewed in any other light than that of a serious contempt and requires to be visited with a marked severity.-

7 The Court are of opinion since the Magistrate and the parties accused with him

26th July 1843

him have the option of an ordinary Criminal prosecution or of an action for damages, independent of the separate offence involved in the contempt, that it is unnecessary that they should pass any orders on the subject.-

8 The Judges would observe in conclusion that in their opinion a Circuit Court has not primary cognizance of every private injury merely because it comes forth in the Court, unless, as in cases of perjury &c. there is an enactment specially to justify it.-

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

/Sent in No. 721-/

Read letter dated the 15th Instant from the 2d Judge of the Provincial Court of Circuit in the Southern Division, forwarding copy of the 2d Supplemental Calendar of the Acting Joint Criminal Judge of Trichinopoly for the 2d Quarter Sessions of 1843 together with copies of the translations of the Futwas.-

/Henceforth F.H. No. 1168 of 1843/

F. 114

Wednesday 27th July 1843.

At a Court of the Foujdaree Udalut held

Present

Malcolm Lewin Esqre Agt 1st
Alex. Maclean Esqre Agt 2d
F. M. Lewin Esqre Agt 3d
} Provincial Judges

Read letter dated the 19th Instant from the 1st Judge of the Provincial Court of Circuit in the Centre Division, transmitting the record of the trial of Case No. 8 of the Chittoor Calendar for the 2d Quarterly Sessions of 1843.

/Henceforth F.H. No. 1174/

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 "Cossoo Ramoodoo" is sufficient to Convict him of the crime of Gang robbery by open violence attended

attended with aggravating circumstances
do convict him thereof, and under the
provisions of Clause third Section IV
Regulation XV of 1803 do adjudge him
to be transported to such place or
places beyond sea as the Governor
in Council shall appoint there to be
imprisoned and kept to hard labour
in irons on the public roads or other
public works, for and during the
period of his natural life.

(Sent following letter No
Read return dated the 17th
Instant to the Precept of the 10th June
Ordant of the 16th June 1863 calling
upon the Acting Circuit Judge to
state "what crime in his opinion has
been established upon the 1st Prisoner
in Case No 2, and to specify any
circumstances of aggravation or other-
wise which the case may present
for observation or remark"

(Endorsed F.C. No 1166.)

The Acting Circuit Judge
Hobart

states that "he considers the above
Prisoner convicted on strong presump-
tive evidence of the felt committed
by himself and others in the
prosecution of secret burglary,
whilst there is reason to think that
he was not actually the leader of
the party, and that he received
only an inferior share of the proceeds"

"The Court of Vice-Regal
Adelaide observe that the aforesaid
Prisoner is punishable under the
Act above cited Law, and liable to
7 years imprisonment; they will
however, under the circumstances
mentioned, authorise the mitigated
sentence of 5 years imprisonment
awarded by the late Acting 3rd Judge
on Circuit.

Ordered, that Extract of
these Proceedings be sent to the Provincial
Court of Circuit in the Northern Division
for their information and guidance, and
for communication to the late Acting
3rd

27th July 1863

3d Judge on Circuit in the Northern Division for his information and guidance

Sent in 3rd

Read letter dated the 17th Instant from the (Acting) Criminal Judge of Malabar, submitting copy of a warrant issued by the 3d 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. 16 on the Malabar Calendar for the 2d Sessions of 1863.

(Here enter No. 1182)

The Court of Foujdaree Udalut direct that the prisoner "Mapilla Melepattoday Mamoo" be removed to the Jail at Mangalore, 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

F. 86.

27th July 1863

the Criminal Judge of Canara for their information and guidance respectively

Sent in Nos.

Read letter from the 1st Judge presiding at the Court of Quarter Sessions in the Western Division forwarding for the orders of the Foujdaree Udalut copy of a communication from the Joint Criminal Judge of Malabar, having reference to the proceedings of the Court on the 2nd Additional Calendar - 2d Quarterly Sessions of 1863.

(Here enter F. D. No. 1135)

1. The object of Mr Harris' letter is in the opinion of Mr Waters "to remove the censure passed on him, "on the 21st of last June, by drawing "a comparison between the circumstances "under which the above two cases were "committed and disapproved of, and those "under which two perjury Cases (Nos. 2 and 3) were committed on the additional

"Additional Calendar" for the 2d Quarterly
"Sessions" of 1842 and "approved of"

2 Mr Waters further observes
that he considers this reference unnecessary, and that his own opinion regarding
Mr Harris' proceedings remains unchanged

3 The Judges of the Court of
Foujdaree Udalut concur generally in
the remarks made by Mr Waters; they
consider the present reference unne-
cessary; they can perceive no grounds
for recalling their censure, and little or
no analogy between the two cases
alluded to by Mr Harris.

Ordered, that Extract of
these proceedings be sent to the 1st Judge
presiding at the 2d Quarterly Sessions
of 1843 in the Western Division for his
information, and for communication
to the Joint Criminal Judge of Tellicherry

/Sent in No 7

Read letter from the Provincial
Court of Circuit in the Southern Division
dated

dated the 11th Instant, submitting a copy
of a communication from the Criminal
Judge of Madura and its enclosures,
requesting the instructions of the Court
of Foujdaree Udalut as to the mode of
disposing of a Criminal Case in which
two material witnesses residing at
Madras are prevented by sickness from
appearing before him for examination

/Here enter No 1119 of 1843/

Read also letter from the
Criminal Judge of Madura dated the 12th
instant, explaining with reference to the
communication from this Court of the
previous 7th, that under a modified charge
the testimony of Mr Clarke, one of the
witnesses adverted to in the above com-
munication from the Provincial Court,
might be dispensed with, but that
under any circumstances Mr Regel's
attendance before the Criminal Court
at Madura would appear to be
indispensible.

/Here enter No 1129 of 1843/

The

"Additional Calendar" for the 2d Quarterly "Sessions" of 1842 and approved of."

2 Mr Waters further observes that he considers this reference unnecessary, and that his own opinion regarding Mr Harris' proceedings remains unchanged

3 The Judges of the Court of Zoujdaree Udalut concur generally in the remarks made by Mr Waters; they consider the present reference unnecessary; they can perceive no grounds for recalling their censure, and little or no analogy between the two cases alluded to by Mr Harris.

Ordered, that Extract of these proceedings be sent to the 1st Judge presiding at the 2d Quarterly Sessions of 1843 in the Western Division for his information, and for communication to the Joint Criminal Judge of Tellicherry.

(Sent in No 7)

Read letter from the Provincial Court of Circuit in the Southern Division dated

dated the 11th Instant, submitting a copy of a communication from the Criminal Judge of Madura and its enclosures, requesting the instructions of the Court of Zoujdaree Udalut as to the mode of disposing of a Criminal Case in which two material witnesses residing at Madras are prevented by sickness from appearing before him for examination.

(Here entered No 1119 of 1843.)

Read also letter from the Criminal Judge of Madura dated the 12th instant, explaining with reference to the communication from this Court of the previous 7th, that under a modified charge the testimony of Mr Clarke, one of the witnesses adverted to in the above communication from the Provincial Court, might be dispensed with, but that under any circumstances Mr Reed's attendance before the Criminal Court at Madura would appear to be indispensible.

(Here enter No 1129 of 1843)

The

27th July 1843

1.

The inconvenience likely to result from enforcing the attendance of Madras of the witnesses in question having been brought to the notice of the Court are Adduct by the husband of one of those persons, the Court and of opinion under the circumstances of the case as stated by the Criminal Judge in the foregoing address, that no objection exists to the relinquishment of such part of the indictment as charges the Prisoner with the abstraction from the letter in question of a Bank note; it being sufficient for the ends of justice that the theft of the letter itself be charged, in support of which, it appears to the Court, that the Criminal Judge has already available at the Zillah station as much evidence as will be required.

2.

If, however, the result of the enquiry held by the Criminal Judge should be insufficient for the judicial proof of the theft of the letter and the evidence of Mrs Regel eventually be

F. 41.

27th July 1843.

be shown to be absolutely necessary in support of the Prosecution, it will be the duty of the Criminal Judge to tender to Mrs Regel such an amount as may be deemed sufficient for the payment of her travelling expences from the Presidency to Madura in a manner befitting her station in life, and the state of health which would appear to have led to her recently quitting the latter station for a change of place.

Ordered, that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information, and for communication without delay to the Criminal Judge of Madura

(Sent in No.)

Friday, 28th July 1843. At a Court of the Fouzdaree Udalut.

Present,

Act. Malcolm Lewin Esq.re Act.g 1st Puisne Judge.

A.M Alex.r Maclean Esq.re — Act.g 2d Puisne Judge.

P.M.L H. M. Lewin Esq.re — Act.g 3d Puisne Judge.

Read return dated the 17th Instant from the Acting 1st Judge late on circuit in the Southern Division in reply to the comments by the Court of Fouzdaree Udalut contained in their proceedings of the previous 12th regarding the investigation made by that Officer in Case No.7 of the Tinnevelly Calendar for the 1st Sessions of 1843.-

/Here enter F.M. No. 1167 of 1843/

The explanation submitted in the foregoing communication from the 1st Judge has not satisfied the Court of Fouzdaree Udalut that the importance of the testimony of the witness adverted to was sufficiently and properly appreciated by him during the progress of the trial under remark- Had it been

F.H.C.

Friday, 28th July 1843. At a Court of the Fouzdaree Udalut.

Present,

Act Malcolm Lewin Esq.re Act.g 1st Puisne Judge,

A.M Alex.r Maclean Esq.re — Act.g 2d Puisne Judge,

T.M.L T. M. Lewin Esq.re — Act.g 3d Puisne Judge,

Read return dated the 17th Instant from the Acting 1st Judge late on circuit in the Southern Division in reply to the comments by the Court of Fouzdaree Udalut contained in their proceedings of the previous 12th regarding the investigation made by that Officer in Case No.7 of the Tinnevelly Calendar for the 1st Sessions of 1843.-

/Here enter F.H. No. 1167 of 1843/

The explanation submitted in the foregoing communication from the 1st Judge has not satisfied the Court of Fouzdaree Udalut that the importance of the testimony of the witness adverted to was sufficiently and properly appreciated by him during the progress of the trial under remark- Had it

been

28th July 1843.

been otherwise the point and discrepancy which the 1st Judge has now attempted to explain by a reference to the Police and Criminal proceedings would, it is to be inferred, at once have been removed beyond a doubt by the interrogation of the witness.-

2 The omission, however, is not of the same importance as that which has occurred in the case of the 1st and 2d witnesses.-

Ordered that Extract from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division.-

/Sent in No. 738/

Read the Honble Criminal Reports for the Month of June 1843.

/Here enter F.R. No. 1169 of 1843/

Case No. 37.

As regards the fourth /4th/ Prisoner in this case the Court of Sudder Adalut see reason to doubt whether the crime of receiving the cattle with the knowledge

28th July 1843.

of them being stolen, is proved, and they accordingly direct the Provincial Court to look into the case and, having passed such orders as may appear necessary, to report the result of their inquiries for the information of this Court.-

Ordered that Extract of these proceedings be sent to the Provincial Court of Circuit in the Western Division by precept returnable without delay.-

/Sent following precept No. 739/

Ordered also that Extract of these proceedings be sent to the Acting Principal Sudr Ameen of Honore for his information.

/Sent in No. 740/

F. M.

Saturday
29th July 1843. 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,

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

Read the Criminal Reports submitted by the Criminal Judge of Canara for the Month of June 1843.

/Here enter F.M. No 1126 of 1843/

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

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

/Sentence No 741./

Read the Criminal Reports dated 11th July 1843 submitted by the Acting Criminal Judge of Malabar, for the Month of June 1843.

/Here enter F.M. No 1150 of 1843/

On

29th July 1843

1. On a perusal of the above report it is observed that Prisoners convicted under Regulation IX of 1832 of having preferred false and malicious accusations to Native Police Officers, have been sentenced by the Acting Criminal Judge only to imprisonment.

2. The Judge's desire to be informed whether Prisoners of the above class are put to hard labor in the Jail under charge of the Acting Criminal Judge: if they are not, he will be pleased to explain why hard labor has been remitted in such cases.

Ordered, that Extract from these proceedings be sent to the Acting Criminal Judge of Malabar, for his information by precept returnable in five days from and after its receipt.-

/Sent following precept No 742/

Read the Criminal Reports dated 18th July 1843 submitted by the Criminal Judge of Bellary for the Month of June 1843.

/Here enter J.H. No 1173 of 1843/

29th July 1843.

1. The foregoing reports which ought to have reached the Court of Foujdaree Adalut before the 15th of the month succeeding that for which they are prepared, were despatched from the Criminal Court at Bellary only on the 18th instant or three days after the latest date on which they should have been received.-

C.O. No 40

2. The attention of the Criminal Judge is drawn to the Circular Order of this Court which in future he is requested carefully to observe.-

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

/Sent in No 743/

Read Madura Criminal Reports for the Month of June 1843.-

/Here enter J.H. No 1145 of 1843/

Case No 37

1. If a copy of the remarks made by the Pundit Sudr Ameen in this case has not already been furnished to the

29th July 1843.

the Magistrate, the Court of Sonydara Adalut direct that it may be, since the reported mis-conduct of the Police Officers requires investigation-

Case No. 52

2 The charge in this case is for House-breaking, whereas, it would appear from the Regulation quoted as well as the extent of the Sentence awarded that the Prisoner has been punished for theft.

3. If the Prisoner was guilty of the crime charged, the Sonydara Adalut consider the punishment and Regulation equally constructable.

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

(Sent in No. 744)

Read letter dated the 17th Instant from the 3d Judge on Circuit in the Western Division, submitting for the consideration and final sentence of the Sonydara Adalut, an English translation of the record of the trial in Case No. 11 on the

Calicut

J. R.

29th July 1843.

Calicut Calendar for the 2d Sessions of 1843.

(Here enter J. R. No. 1175 of 1843)

W. M. Lewis. and M. Maclean

The Court of Sonydara Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoner,

Cheroonan Velootha,

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of Murder, do acquit him thereof, and direct that he be set at liberty.-

(Sent following letter No. 745)-

Ent W.

R. D. R.
agrd

Monday 31st July 1843. At a Court of the Fouzdaree Udalut.

Present

Mr. Malcolm Lewin Esqre. — Ag. 1st. Puisne Judge
Mr. A. Maclean Esqre. — Ag. 2nd. Puisne Judge
Mr. F. M. Lewin Esqre. — Ag. 3rd. Puisne Judge

Read Miscellaneous Petition presented on the 26th Ultimo by Kristinanna Sharyar of the Zillah of Chingleput.—

/Here enter M. P. No. 46 of 1843/

The Petitioner a Tengala Brah-man sets forth in the above address that, in consequence of a complaint falsely pre-ferred against him, of obstructing the repair of a temple at Conjeveram, by the trustee of it, a member of the Vadagaly Caste, the Magistrate of Chingleput im-posed on him a fine of Rupees 20 and that this decision was concurred in by the Provincial Court of Circuit in the Centre Division and after detailing minutely the circumstances of the case, the Petitioner concludes by praying this Court

Court to issue orders to the Magistrate thro' the Provincial Court directing the summoning and examination of his witnesses and on a reconsideration of the case, the remission of the fine complained of.—

The Petitioner in the address under consideration, having failed to satisfy the Court of Tonjolaree Udalut by the statements now made, of the existence of sufficient grounds to justify their interference in the case, in the manner solicited, they resolve not to disturb the order of the Provincial Court of Circuit, which affirms the decision, by the Magistrate, objected to, and in the propriety of which the Tonjolaree Udalut entirely concur.—

Ordered that this Petition be dismissed and that copy of these proceedings be granted to the Petitioner on his application.—

Read Miscellaneous Petition presented on the 3rd Instant: by Vuattandy Goundan,

Goundan, Duvah Saib Mootteminal and Alamalou of Chingleput.—

(Herein entered No. 2 No. 49 of 1843)

The Petitioners in the above address, describe themselves as the near relatives of the Prisoners in Case No. 7 of the Cuddalore Calendar for the 4th Sessions 1843, and on the grounds that the charges therein preferred were false, and that the deposition given in the Talook by the Prisoners were the result of coercion on the part of the Village Moonsiff, by whom the case was forwarded to the Police authorities, they pray this Court to call for the record of the case, and direct the release of the 3 prisoners sentenced by the Judge on Circuit at Cuddalore to 14 Years imprisonment and of the 4th Prisoner sentenced to 3 Years imprisonment in default of finding security for that period.—

A consideration of all the circumstances of the case in question as set

31st July 1843.-

set forth in the Calendar has satisfied the Foujdaree Udalut that no doubt whatever can be entertained of the guilt of Prisoners alluded to.-

The Court therefore declining complying with the Petitioners request.-

Ordered accordingly that this Petition be dismissed and that copy of these proceedings be granted to the Petitioner on their application.-

Read Miscellaneous Petition presented on the 3d Instant by Goora=moortiah of the Zillah of Chingleput.-

/Here enter N. D. No. 50 of 1843/

The Petitioner in the foregoing address, after entering fully into the details of Case No. 40 in the Chingleput Criminal Reports for June last, wherein the prisoners were charged by him with affault and robbery, complains that the Acting Criminal Judge notwithstanding the evidence adduced by him in Supt. of his complaint, dismissed the case and released the Prisoners:-

He

F.H.
31st July 1843.-

He therefore prays this Court to call for the whole record of the case and pass judgment on the Prisoners.

With reference to the above Petition the Foujdaree Udalut consider that the reasons given by the Acting Criminal Judge for dismissing the case, as complained of, are such as to debar them from entering upon an enquiry of the Petitioners statements, while they at the same time render unnecessary the interference of this Court in the manner solicited.-

Ordered accordingly, that this Petition be dismissed and that copy of these proceedings be granted to the Petitioner on his application.-

Read the Criminal Reports for the month of June last received from the Acting Criminal Judge of Combaconum.

/Here enter F.H. No. 1162 of 1843/

Report No. V. 1.
Case No. 75.

In the concluding para. of the report of this case it is stated that the conduct of the Police Peons

(and

and Duffadar in this affair, discovers the greatest backwardness in doing their duty, and various circumstances are mentioned in confirmation of the remark quoted.—

2. The Tanjore Udalut desire that the attention of the Magistrate be specially drawn to the serious nature of the charge alleged in the observations in question- with a view to due Enquiry being instituted by that Officer into the conduct on that occasion of the Peons referred to.—

3. The Magistrate is also requested to submit for the information of the Tanjore Udalut a report of the result of his investigations in the above matter.—

4. With respect to the date of the transmission of the report under review, the Acting Criminal Judge is desired to adhere in future more closely to the instructions conveyed in Tanjore Udalut Circular Order 40 para: 6 which requires that all Criminal

Reports be despatched so as to reach the Tanjore Udalut on the 15th of the month succeeding that for which the said reports are furnished.- The present communication did not reach the Court until the 18th Instant.-

Ordered that Extract from these proceedings be forwarded to the Acting Criminal Judge of Kumbaconum for his information and guidance and with directions to communicate para.s 1-2 and 3 to the Magistrate of the district.—

/Sent in No. 746-/

Read the Criminal Reports for the month of June last received from the Joint Criminal Judge at Cuddalore.—

/Here Enter S.R. No. 1156 of 1843/

Suppl.l Report. Case No. 50.

1. The Prisoner in this case was charged with having effected his escape from the custody of a Tottey" and being convicted was sentenced by the Judge Annam to 2 months additional imprisonment

31st July 1843.

with labor in irons under Clause third Section V Regulation VII of 1822.

2. The Tanjore Udalut have on previous occasions, ruled that escape from the custody of Village watchmen of the description above mentioned, does not subject a prisoner to the penalty provided in the regulation under which the additional punishment has been awarded in this case.—

3. The Court therefore desire that an intimation to the above effect be conveyed to the Sudr Ameen by whom the Sentence under remark was passed, for his information and the punishment adjudged be remitted.—

20th Instant. 4. Adverting to the date of the receipt of the report under consideration, the Tanjore Udalut would draw the attention of the Joint Criminal Judge of Cuddalore to the instructions conveyed in that point in Circular Ord. No. 10 para: 6, a strict compliance with which is requested for the future.—

Ordered

No 6

31st July 1843.

Ordered that Extract from these proceedings be forwarded to the Joint Criminal Judge at Cuddalore for his information and guidance: and with directions to communicate to the Sudr Ameen of his Court the paras which refer to that Officer.—

/Sent in No. 747./

Read letter dated the 15th Instant from the Joint Criminal Judge of Malabar requesting permission to be allowed to offer a conditional pardon to the 5th and 12th Prisoners in Case No. 60 on the Criminal file.—

/Here enter Ft. No. 1171/

The above two Prisoners were charged, together with 14 other persons, with the crime of gang robbery and murder, and the evidence, in the opinion of the Joint Criminal Judge, is not sufficient to insure a conviction without the admission of approvers.—

2. The Court of Tanjore Udalut

See

31st July 1843.

see reason to question the necessity of approvers in the present instance and they could not sanction the admission as approvers of the 5th and 12th Prisoners as they have confessed the robbery and are fit objects for exemplary punishment.

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

(Sent in No. 748)

4th J.

P.D.M.
A.M.

Tuesday, 1st August 1843.

At a Court of the Sowdaree Adalut.

Present,

Mr. Malcolm Lewin Esqre — Actg 1st Puisne Judge,
A.M. Alexr. Maclean Esqre — Actg 2d Puisne Judge,
W.M.L. S. M. Lewin Esqre — Actg 3d Puisne Judge,

Read letter dated 17th Ultimo from the 3d Judge on Circuit in the Western Division, referring the Trial in Case No. 1 on the Calicut Calendar for the 2d Sessions of 1843.

(Here enter J.A. No. 1176 of 1843.)

Mr. M. Lewin and Mr. Maclean

The Court of Sowdaree 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 Ambittan Koorrookan patch, Ramen's son Andy, is sufficient to convict him of the crime of Murder, to convict 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 1802, would in this instance

1st August 1843

instance be too severe, the Court do under the pro-
visions of Clause Second Section VII Regulation I.
of 1825 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
/14/ fourteen years.-

1. The Prisoner in this Case was charged
with the Murder of Parany Andy, the father of
the Prosecutor by stabbing and wounding him
with a knife.-

2. The 3d Judge on Circuit considers
the charge against the Prisoner fully proved but
deeming the Murder to be the result of anger
consequent on his maltreatment by the Prosecutor
and deceased, recommends that the Prisoner be
transported beyond Sea for the remainder of his
life.-

3. From the evidence of the prosecutor
it would seem that the quarrel originated with
the deceased: the first act of aggression was on
his part, a scuffle ensued and the prisoner having
a knife, drew it and with it inflicted the wounds
which caused the death of the other.-

1st August 1843.

4. In this view of the Case the
Court of Foujdaree Udalut are of opinion that
a Sentence of 14 years imprisonment will suf-
ficiently meet the ends of justice.-

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

/Sent following letter No 749/

Read letter dated the 20th Ultimo
from the 3d Judge on Circuit in the Western
Division, transmitting the Record of the Trial
in Case No 7 on the Calicut Calendar for the
2d Sessions of 1843.-

/Here enter F.H. No 1191 of 1843/

Mr Maclean
and
Mr J. McLaurin

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,
Ampalathody Koonhy Moye,
is sufficient to convict him of the crime of Murder,
do convict him thereof, and under the provisions

of

Criminal Judge of Trichinopoly for the 3d Quarter Sessions of 1843, together with copies of the translation of the Inclosures.—

/Here enter J. Ct. No. 1202 of 1843/

Read letter dated the 27th Ultimo from the 2d Judge on Circuit in the Southern Division, reporting the issue of the Proclamation to the Acting Joint Criminal Judge at Tanjore, notifying the opening of the 2d Sessions at that Station on the 21st Instant.—

/Here enter J. Ct. No. 1209 of 1843/

Read Extract from the Minutes of Consultation dated the 27th Ultimo, communicating the observations of Government on the Half Yearly Criminal Reports for the 1st Half Year of 1842.—

/Here enter J. Ct. No. 1221 of 1843/

Read letter dated the 24th Ultimo from the Acting Agent to the Governor of Fort St. George at Vizagapatam, submitting the Criminal Reports for the Month of June last.—

/Here enter J. Ct. No. 1224 of 1843/ Read

Read letter dated the 24th Ultimo from the 3d Judge on Circuit in the Western Division, forwarding copy of a return made by the Magistrate of Malabar to the Circuit Court's Precept of the 14th Ultimo.—

/Here enter J. Ct. No. 1227 of 1843/

Read letter dated the 20th Ultimo from the Joint Magistrate in charge of Madura, submitting explanation of the cause of reference to the Magistrate in Case No. 22 and of delay in Case No. 28 of 1843 on the Criminal file of Madura.—

/Here enter J. Ct. No. 1228 of 1843/

Read letter dated the 25th Ultimo from the 1st Judge of the Provincial Court of Circuit in the Northern Division, reporting his having received a Supplemental Calendar for the 3d Quarterly Sessions of 1843.—

/Here enter J. Ct. No. 1234 of 1843/

Read letter dated the 26th Ultimo from the 2d Judge of the Provincial

Court

2d August 1843.

Court of Circuit in the Western Division, forwarding the Statement received from the Criminal Judge of Canara shewing the amount realized by the labor of Prisoners in the 2d Quarter of 1843.

/Herewith F.C. No. 1236 of 1843/

Entd

apvd

Thursday.

3 August 1843. At a Court of the Foujdaree Udalut

Present

Sd. Malcolm Lewin Esqre. Agt. 1st Puisne Judge

Sd. Alex. Maclean Esqre. Agt. 2d Puisne Judge

Sd. T. M. Lewin Esqre. Agt. 3d Puisne Judge

Read the Criminal Report for the Month of June last submitted by the Officiating Joint Criminal Judge of Tinnevelly.

/Herewith No. 1146 of 1843/

The Court of Foujdaree Udalut have observed with regret that in every Case but one, the release of the Prisoners has been the result of the trials closed in the Joint Criminal Court during the month embraced in the foregoing Reports.

Whether the cause of so marked a deficiency of convictions in the Court at Tinnevelly is to be traced to a system of false accusation prevailing

the delegation of that authority to subordinate Police officers would be expedient.

3. The attention of the Acting Magistrate is drawn to the irregularity of the submission of the reference under reply, direct to the Court of Tanjore Udalut instead of through the official channel the Provincial Court of Circuit in the Southern Division.

4. In conclusion the Judges would observe that the communication from the Acting Joint Magistrate has failed to impress them with the necessity of the reference they have now disposed of and that it would have been more satisfactory had Mr Cotton proceeded at once to discharge the duties required of him without seeking to ascertain whether the provisions of the Regulation quoted above would not justify their transfer to one of his ministerial subordinates in the Police department.

Ordered

Ordered that Extract from these Proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information and for communication to the Acting Magistrate of Tanjore.

(Sent in No 760)

With reference to the Sudr Udalut's Circular Order No 14 dated 10th June 1835, the Provincial Courts of Circuit in the Northern, Central, Southern and Western Divisions are requested to make immediate arrangements for the submission without fail of the Half yearly Criminal Reports due for the 1st Half of 1843 before the 30th instant.

Ordered that Extract from these proceedings be forwarded to the Provincial Courts of Circuit in the Northern, Central, Southern, and Western Divisions for their information and guidance.

(Sent in No 761)

Read

Read: letter dated 18th Ultimo from the Criminal Judge of Ahmedabad submitting with reference to the proceedings of the Foujdaree Adalut dated the 8th Ultimo, a further explanation of his proceedings in respect to the commitment of the Rt Manajee of Rumona to take his trial before the Court of Circuit

(Here enter A: 1197 of 1843)

In support of the plea before urged by the Criminal Judge, that it was not his duty to hold a further examination in the case alluded to, that officer quotes the proceedings of this Court of date the 16th April 1840. But to the case under consideration those proceedings have no application whatever.

2. They regarded the propriety of an application to hear evidence for the defence, where the Prisoner had made a free and voluntary confession before an European Magistrate.

3 It is obvious that in such a

case it was not the duty of the Criminal Judge to take evidence for the defence because the evidence for the prosecution was not merely sufficient on which to commit the case but it amounted to a legal conviction. There could be no doubt therefore for the reasons stated in the 8th para: of the proceedings quoted by the Criminal Judge, viz: "because the only object of examining such "witnesses must be the extenuation of "the prisoner's offence and the mitigation "of his punishment, and that it could "never have the effect of preventing his "committal which is the only object "of the regulation referred to" that the witnesses in that case should not have been called.

4. The Judges will forward as requested the Criminal Judge's communication to the Government, and they consider it creditable to that officer that he should have shown a tenderness

in

3d August 1843

in matters connected with his official character. The censure to which he has taken so much exception they observed was of a negative character, and the magnitude of the affair seemed to them to render the suppression of their sentiments indispensible. The Judges further observe that the case does not come before them exactly in the form as the Criminal Judges letter represents it, it was not a failure to examine witnesses for the defence only which was noticed, but a failure to hear the prisoners defence at all.

5. The Judges must decline further discussion on the subject, it is the duty of the Criminal Judge to receive the law as laid down by the regulations and Circular Orders which are quoted and applied to the case in the proceedings of the Tongaree Adalat, and the Court feel the necessity of urging this on the present occasion - as they have

F. 44.

3d August 1843

had not time to devote to the discussion of orders and arguments, which in every instance have been misapplied by the Criminal Judge.

Ordered, that Extract from these proceedings be transmitted to the Secretary to Government, for submission to the Most Honorable the Governor in Council. together with a copy of the communication from the Criminal Judge of Madura therein referred to.

(Sent in No. 762)

Ordered, that Extract of these proceedings be also forwarded to the Criminal Judge of Madura for the information of that Officer.

(Sent in No. 763)

RDM
appd

T. U.

Friday 4th August 1843. At a Court of the Foujdaree Udalut.

Present

Mr. Malcolm Leivin Esqre. Agt. 1st Puisne Judge

Mr. Alexr. Maclean Esqre. Agt. 2d Puisne Judge

Mr. F. M. Levin Esqre. Agt. 3d Puisne Judge.

Read letter dated the 22d. Ultimo from the 1st Judge on Circuit in the Central Division, transmitting the record of the Trial of Case No. 11 of the Cuddapah Calendar for the 2d Sessions of 1843.

(Here enter T. U. No. 199.)

Mr. A. Maclean and Mr. F. M. Levin

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,

"Curmum Chinna Appiah"

is sufficient to convict him of the crime of Murder, do convict him thereof; and under the provisions of Sect

X

X Regulation VIII: of 1802, do sentenced him to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No 765)

Read letter dated the 22d Ultimo from the 1st Judge of the Provincial Court of Circuit in the Northern Division, forwarding for the final sentence of the Court pleased Udalut the record in Case No 3 in the Masulipatam Primary Calendar for the 3d Quarterly Sessions of 1843.

(Received F. D. No 1208 of 1843)

Mr. McLevin and Mr. McMacleod.

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,

"Pittala Appaya"

is sufficient to convict him of the Crime of Murder, do convict him thereof: but being of opinion, that under the circumstances of the case, the punishment to which he

is liable under the provisions of Section X Regulation VIII of 1802, would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation 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 road, or other public works for and during the period of his natural life.

The Prisoner in this case was charged with the Murder of Lakshmanaka, by beating her on the head with a bamboo Cudgel.

2. The Mahomedan Law Officer in his Futwa appears to have acquitted the Prisoner from this decree the 1st Judge dissents, and considering the offence to amount only to "Culpable Homicide", recommends imprisonment for 5 years.

3. In the view thus taken of the offence by Mr Boileau the Longplane Widalut are unable entirely to concur.

4. The commission of the crime by the Prisoner has been fully proved, and so far from there being any extenuating circumstances in the case, the facts elicited would seem rather to lead to the inference that the act was in a measured deliberate and premeditated.

5. In consequence however of the doubt entertained by the Circuit Judges as to whether the Prisoner really intended to commit murder, the Longplane Widalut consider that they would be justified in sanctioning a mitigation of punishment, though not to the extent proposed by Mr Boileau.

6. Even on the supposition that such intention did not exist in the mind of the Prisoner, the action used was such as would be considered in the commission of Murder: the act itself was

was one from which fatal consequences were likely to result, and death actually ensuing, the intention of murder might be inferred under such circumstances.

7. Under this impression the Judges are of opinion that the ends of justice would not be fully met by the infliction of a lighter punishment than Transportation for life.

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

(Sent in No 766.)

RDM
a/Sec'y

Saturday,
5th August, 1843.

At a Court of the Foujdaree Udalut.

Present,

Act. Malcolm Lewin Esqre Actg 1st Puisne Judge,
A.M. Maxr. Maclean Esq re Actg 3d Puisne Judge,
W.L. T. M. Lewin Esq re Actg 3d Puisne Judge.

Read letter dated the 21st Ultimo from the Provincial Court of Circuit in the Western Division submitting a copy of a communication from the Magistrate of Malabar requesting the decision of the higher authorities on a question regarding a Slave who has been removed by his master from the Company's Territory.-

/Here enter F. M. No. 1204 of 1843/

1. The Slave adverted to by the Magistrate is stated by that Officer to have been residing for two or three years as a refugee in the British Territory and to have been taken thence by his reputed Master, the subject of a foreign State / Cochin / against his will.-

2. In the first instance the Magistrate appears to have applied for the

acquired

required instructions in the matter under remark, to the 3d Judge on Circuit at Calicut who, however, although concurring in the view taken by Mr. Conolly of Act V of 1843, expressed his reluctance that the Magistrate should be guided by his own individual opinion in a matter of "so much interest and importance".

3.

On a further reference to the Collective Court of Circuit the opinion of that authority has been expressed that the case should be treated, under the Mahomedan Law, as that of the detention of a free man against his will, a slave being entitled to claim the protection which would be accorded to a free agent.-

4.

On a perusal of the correspondence laid before the Sudr Court it does not appear to the Judges that they are called upon to consider whether the party, forcibly sent out of the Company's territory was in a condition of slavery or not.-

5

The act committed is punishable under the general regulations, it being necessary simply to hold in view that an individual has

been arrested and detained against his will, by an authority not recognized by the law.-

6

The amount of punishment to be awarded under such circumstances, should obviously be made dependent on the object for which the illegal arrest was made: and to this end the Magistrate should adopt immediate measures for bringing the delinquent to trial as also for ensuring the return of the slave.-

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for their information, and for communication to the 3d Judge on Circuit and the Magistrate of Tellicherry.-

/Sent in No. 768-/

Read Cuddapah Criminal Reports for the Month of June 1843.-

/Here enter Jl. No. 1198 of 1843/

Case No. 94

As there appears no proof of a crime having been committed in this case, the demand of Security is improper and the

5th August 1863.

Adapah Bhuneyah and Adapah Bhuneyah were severally charged with having on the night of the 7th April 1863 attacked one Jannee Bhavany Sankur and other members of his family, and robbed them of property valued at Rupees 800--

2 The Prisoners pleaded not guilty before the Acting Agent, but seem to have made a confession of their guilt to the officers who apprehended them, whilst a considerable portion of the stolen property was discovered in their respective houses-

3 The Acting Agent convicts the 1st and 2d Prisoners and acquits the 3d, and proposes to sentence the 1st to death and the 2d to five year's imprisonment with hard labor in irons.-

4 The crime of the 1st Prisoner is of so aggravated a nature that in the opinion of the Judges of the Sessions Adalut he should not be sentenced to less than 14 years imprisonment with hard labor in irons-

As

5th August 1863.

5 As regards the 2d Prisoner the Court will not object to the sentence of five years imprisonment-

6 The Acting Agent further reports that the 1st Prisoner effected his escape from custody, and, having obtained possession of a Sword, was only recaptured after a severe struggle- but that in consequence of his having proposed a larger measure of punishment for the major offence, he did not think it necessary to put him on his trial for "escape"

7 The course pursued by the Acting Agent on this occasion was irregular and as the "escape" was attended with circumstances of no ordinary violence, the Court do not consider themselves competent to permit the offence to pass unnoticed, and they consequently direct that the 1st Prisoner may be placed on his trial on the charge of "escape" and a suitable punishment awarded independent of the sentence proposed

proposed for the robbery.-

Ordered that Extract from these proceedings be forwarded to the Acting Agent to the Governor at Vizagapatam for his information and guidance.-

/Sent in No. 771-/

Read return dated the 21st Ultimo from the Provincial Court of Circuit in the Ristna Division, to the precept of the Foujdaree Udalut of the 30th June 1843 directing them to call up the record of Case No. 28 on the Honore Criminal Report for the Months of May last, and to pass such orders as may appear to them to be advisable reporting the same for the information of the Foujdaree Udalut.-

/Here enter F.U. No. 1203 of 1843/

Read letter dated the 22d Ultimo from the Magistrate of Canara, forwarding Copy of a letter from the Head Assistant Magistrate explaining the delay noticed by the Court of Foujdaree Udalut in Case No. 32 of the Criminal Report from the Acting Principal Sudr Ameen of Honore.-

D.D.L. apvs /Here enter F.U. No. 1206 of 1843/

F. U.

Monday, 7th August, 1843. At a Court of the Foujdaree Udalut.

Present;

M. Malcolm Lewin Esqre. Actg. 1st Puisne Judge,

A.M. Alexr. Maclean Esqre. Actg. 2d Puisne Judge,

W.L. J. M. Lewin Esqre. Actg. 3d Puisne Judge,

Read Miscellaneous petition presented on the 26th June 1843 by Wm. J. G. Clarke Esq. Madras.-

/Here enter F.U.M.P. No. 45 of 1843/

The object of the foregoing Petition is to procure the issue by the Court of Foujdaree Udalut of such orders as, under the circumstances stated may have the effect of relieving the Petitioner's wife from the necessity of attending personally before the Criminal Court at Madura to give evidence in a trial now in progress at that Station.-

The Court of Foujdaree Udalut have reason to believe that the result of a reference made to them in respect of the trial in question will have rendered it unnecessary that Mr. Clarke should proceed to Madura and consequently that

that the issue of orders of the nature solicited need now be brought under their consideration.-

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

Read Miscellaneous Petition presented on the 10th Ultimo by I Vencatamee Pillay of Tinnevelly.-

/Here enter T.R.M.P. No. 51 of 1843/

The Petitioner describes himself as the elder brother of the 2d and 5th Prisoners in Trial No. 1 on the Tinnevelly Calendar for the 1st Sessions of 1843, and after recounting the circumstances of the case, prays the Sunjdaree Udalut to call for the record of the Trial and order the release of the said Prisoners sentenced by the 1st Judge on circuit, on a charge of assault to 5 Years imprisonment.-

The grounds of the above application are that the charge was false and preferred from enmity against the Prisoners on

on the part of the Prosecutors and witnesses that the evidence was contradictory, and the enquiry, conducted by the different authorities in the case, imperfect.-

On a perusal of the Statements made by the Petitioner in his address, the Court of Sunjdaree Udalut are satisfied that no grounds exist to justify their interference in the manner solicited.-

Ordered accordingly that this Petition be dismissed, and that Copy of these proceedings be granted to the Petitioner on application.-

Read Miscellaneous Petition presented on the 17th Ultimo by S Muthucarjoona Chetty of the Zillah of Chingleput.-

/Here enter T.R.M.P. No. 53 of 1843/

The Petitioner in the foregoing address, complains of the release by the Acting Criminal Judge of Chingleput, of the Prisoners in trial No. 62 on the Criminal Reports of that Zillah for the Month of June

7th Augst 1843

June last, and after detailing the circumstances of the Case, prays the Foujdaree Udalut to call for the records and issue directions for the recovery of his property, and the punishment of the Prisoners.-

The Foujdaree Udalut are of opinion that no sufficient grounds are set forth in the Petition under consideration, to justify their interference in the manner solicited. The case referred to appears to have been duly investigated and this Court see no reason to call in question the correctness of its dismissal by the Acting Criminal Judge.-

Ordered accordingly that the Petition be dismissed and that copy of the proceedings be granted to the Petitioner on application.-

Read Miscellaneous Petition presented on the 3d instant by T. Ramachendriah Vakeel on behalf of Vizianagrum Maharaja Boottschella Saver, late Manager of the Ramnad Zemindary.

(Here enter F.H. M.C. No. 48 of 1843)

The

No. 71

F.H.

7th Augst 1843.

The Petitioner in the foregoing address, prays this Court to grant him attested copies of their proceedings in case No. 1 on the Madura Supplemental Calendar for the 1st Sessions of 1843, with a view to his thereby procuring permission from Government to resume his former Office of Manager, and in order to enable him to institute proceedings against the parties implicated in bringing false charge against him in the trial alluded to.-

On a perusal of the above address the Court of Foujdaree Udalut see no reason to comply with the Petitioners request, and accordingly decline to furnish the copies of the proceedings as solicited.

Ordered that this Petition be dismissed and that copy of these proceedings be granted to the Petitioners Vakeel on application

The Reports of the 1st Judge of the Provincial Court of Circuit in the Southern Division

7th August 1843.

Division for the 1st Sessions of 1843 not having as yet been forwarded to the Court of Sujdary Udalut

Ordered that, that Officer be required by precept returnable in 5 days from and after its receipt, to submit the required Report; and to explain for the information of Government, the causes which have prevented him from earlier conforming to the provisions of Section XXXVII Regulation VII of 1802.-

/ Sent following precept No. 772 /-

Cert. 4th.

F. C.

Thursday 10th August 1843.

At a Court of the Sujdary Udalut

- Present -

Malcolm Lewin Esquire — 1st Puisne Judge

Alexander Maclean Esquire 2d Puisne Judge

Fred: Mortimer Lewin Esqre 3d Puisne Judge

Read Letter dated the 24th Ultimo from the 2d Judge on Circuit in the Southern Division, forwarding for the final sentence of the Sujdary Udalut the trial in Case No. 2 of the Malacca Calendar for the 2d Sessions 1843.-

(Here enter P. R. No. 1222.)

The Court of Sujdary 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 Ramen,

is sufficient to convict him of the crime of having escaped and returned without permission from the Island of Singapore to which he had been transported for the crime of Murder there to be imprisoned for life in conformity with the sentence of the Sujdary Udalut

passed

M. A. Maclean

and

M. F. M. Lewin.

passed on him for the said offence, do accordingly convict him thereof, but being of opinion that the punishment to which the Prisoner is liable under the provisions of Clause second Section IX Regulation XV of 1803 would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825, do sentence him to be retransported to such place or places beyond sea as the Most Noble the Governor in Council may appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.-

1. The Juydary Vakeel concurs in the opinion expressed by the 2d Judge on Circuit in the Southern Division, that the punishment awardable to the Prisoner Ramsee for the crime of which he has been convicted would be one of unusual severity, and they have accordingly sentenced him, as suggested by that officer to retransportation for life.-

2. In thus disposing however of the case, the Judges desire to call the attention of

of the Law Officer who assisted at the Trial to his omission to make any allusion in his Futwah to the mark Goona on the forehead of the Prisoner: the existence of this inscription appears to the Court to be of sufficient importance in proof of the crime charged to require notice in the summing up, in the Futwah, of the evidence against the Prisoner, and they request that their views on this point may be made known to the Law Officer.-

Ordered, that Extract from these proceedings be forwarded to the 2d Judge on Circuit in the Southern Division for his information, and for communication to the Mahomedan Law Officer attached to that Court.-

(Sent following Letter No 776.)

Read Letter dated the 26th Ultimo from the 3d Judge on Circuit in the Western Division, referring for the final sentence of the Juydary Vakeel the trial in Case No 11 on the Calcutta Calendar for the 2d Sessions of 1843.-

(Here enter P.C. No 1244.)

The

10th August 1843.

Mr. H. Lewis.
and
Mr. A. Maclean.

The Court of Sudary 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 Kullady - todoo Kayl Chattoo,

is sufficient to convict him of the crime of Murder, do convict him thereof; but considering that there are palliative circumstances in the case, which would render the infliction of the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802, too severe in this instance, the Court do, under the provisions of clause third Section III Regulation I of 1825, 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 (10) ten years. The Court of Sudary Adalut thing further of opinion that the Prisoners,

2. Kullady todoo Kayl Veloo.
3. Vikoom-moory Ramen.
4th Do Audy.
5th

No. 91.

10th August 1843.

5th Kullady - tody Koopelaw, and
6th Vikoom-moory Kooyan.

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions of having been accessaries to the crime of Murder above mentioned, do acquit them accordingly, and direct that they be set at liberty.-

1. With reference to the 1st Prisoner charged with Murder in the above case, the 3d Judge on Circuit is of opinion that "his guilt is beyond all doubt"

2. The Court of Sudary Adalut are not disposed fully to concur with the 3d Judge on Circuit or to regard the act of the Prisoner as of so heinous a character, as to justify the infliction on him of the extreme penalty of the law.-

3. The death of Chamoo was the result of a scuffle and the evidence on this point would seem to bear out the impression of Mr Morris, that the quarrel arose from an aggression on the side of the prosecution. That the fatal blow was struck by

10th August 1843.

Mr. M. Levin.

Mr. A. MacLean.

The Court of Sudder Adalut and 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 Kullady-todoo Kayl Chattoo,

is sufficient to convict him of the crime of Murder, do convict him thereof; but considering that there are palliative circumstances in the case, which would render the infliction of the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 802, too severe in this instance, the Court do, under the provisions of clause third Section III Regulation I of 1825, 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 (10) ten years. The Court of Sudder Adalut being further of opinion that the Prisoners,

2. Kullady-todoo Kayl Veloo.

3. Thoon-moory Pamen.

4th Do Audy.

5th

10th August 1843.

5. Kullady-tody Koopelaw, and

6. Kroom-moory Koonjan.

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confessions of having been accessaries to the crime of Murder above mentioned, do acquit them accordingly, and direct that they be set at liberty.-

1. With reference to the 1st Prisoner charged with Murder in the above case, the 3d Judge on Circuit is of opinion that "his guilt is beyond all doubt"

2. The Court of Sudder Adalut are not disposed fully to concur with the 3d Judge on Circuit or to regard the act of the Prisoner as of so heinous a character, as to justify the infliction on him of the extreme penalty of the law.-

3. The death of Chamoo was the result of a scuffle and the evidence on this point would seem to bear out the impression of Mr Morris, that the quarrel arose from an aggression on the side of the prosecution. That the fatal blow was struck

by

by the 1st Prisoner is proved, but the circumstances do not show that premeditation which would justify a sentence of death the Court are of opinion that a sentence of 10 years imprisonment, will under the circumstances of the case be fully assignable to the Prisoner's guilt.-

4. In regard to the evidence against the other 5 Prisoners charged with having been accessories in the above crime, the Court deem it altogether unworthy of credence; and there is no reason to suppose that they contemplated any offence for which the detention they have already suffered may not be held a sufficient punishment.-

5. The Sujdary Weakut accordingly resolved to direct that they be set at liberty.-

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

(Sent following Letter No 777-)

Read the Criminal Reports for

for the Month of June 1843 received from the Acting Joint Criminal Judge of Gunt

(Here enter S. R. No. 1238)

Supplemental Return. Case 41 of 1842.

1. The investigation of the case noted in the margin appears to have been closed since the 10th June last; but from the report no sentence is shown to have been yet passed on the Prisoner.-

2. The Sujdary Weakut resolved to call upon the Acting Joint Criminal Judge to forward to them an explanation of the circumstances which have caused so great a delay in the disposal of this trial.-

Cases 21 and 22.- 3. The charges preferred against the Prisoners in these cases appear from the report to have been under examination for two months, and the investigation is apparently still in progress. The Judges think Mr. Wood's endeavours will be directed to the speedy closing of these cases, in order that they may not appear in the next returns.-

Report No V Case 24. 4. The Prisoners in this case

on

on their trial on a charge of assault and Theft and reported to have been apprehended on the 10th April last and to have left the Talook on the 4th June.-

5. The explanation appended to the report of the delay of more than one month is unsatisfactory and does not justify the unusually long detention of the Prisoners in the Talook.-

6. The Foujdary Adalut request the Magistrate of Guntoor will enforced in future a stricter observance of their injunctions prohibiting unnecessary delay in the forwarding of Prisoners to the Criminal authorities.-

7. In conclusion the attention of the Acting Joint Criminal Judge is drawn to his mission to conform to the rules laid down in Circular Order 40 para 6, relative to the transmission of the usual Criminal reports. Their own under remarks should have reached this Court by the 15th Ultimo whereas they do not appear to have been dispatched from Guntoor until the 28th of the same month.-

Ordered that Extract from these

proceedings be forwarded to the Acting Joint Criminal Judge of Guntoor for his information and guidance, and with directions to communicate paras 4. 5. and 6. to the Magistrate of Guntoor.-

(Sent in No. 778.)

No final return having been received from the Provincial Court of Circuit in the Northern Division to the precept of the Foujdary Adalut of the 24th April last, directing the remission of the fine of 50 Rupees imposed upon Sait Seva Lall of Guntoor by the Court of Circuit for the 1st Sessions of 1838.-

Ordered, that the Provincial Court of Circuit in the Northern Division be required to make a full return to the precept aforesaid without delay.-

(Sent in No. 779.)

R D
A Pte

E. B.

Friday
11th August 1843.

At a Court of the Conjeevaram Cutcherry.

Present

M. Malcolm Lewin Esqr. ——— Acting 1st Puisne Judge,

A. M. Alexr. Maclean Esqr. ——— Acting 2d Puisne Judge,

W. L. E. B. Lewin Esqr. ——— Acting 3d Puisne Judge,

Read letter dated the 31st Ultimo from the 2d Judge on Circuit in the Northern Division transmitting the Record of Trial in Case No 7 on the Nellore Primary Calendar for the 2d Sessions of 1843.—

(Vide inter Cutcherry No. 1251 of 1843.)

Mr. M. Lewin,
Mr. R. Maclean,

The Court of Conjeevaram Cutcherry having on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the Prisoner

Nuckla Venkadoo,

is sufficient to convict him of the crime of Murder do convict him thereof, and under the provisions of Section X Regulation VIII of 1802 do sentence him to suffer death by being hanged at the usual time and

and place of execution.—

(Cont. following letter No. 780)

Read letter dated the 29th Ultimo from the 3d Judge on Circuit in the Western Division transmitting the trial in Case No. 17 on the Calicut Calendar for the 2d Sessions of 1843.—

(Here enter S.C. No. 1260 of 1843.)

Mr. M. Lewin,
and
Mr. R. Maclean,

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

Doctor Warren

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 1802, would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825, do sentence him to be imprisoned for (14) fourteen years, and to be banished during the period of his sentence from the district in which his place of abode is situated and to be kept to hard

labor

labor in irons on the public roads or other public works in the Zillah Jail of Bangalore.—

(Cont. following letter No. 781)

Read letter dated the 20th June last from the Acting 3d Judge on Circuit in the Northern Division transmitting copy of the Vizagapatam Calendar for the 1st Sessions 1843.—

(Here enter No. 1076 of 1843.)

Read letter dated the 3d Ultimo from the Acting Agent to the Governor of Fort St. George at Vizagapatam, forwarding Calendar of Cases disposed of during the quarter ending on the 30th June 1843.—

(Here enter No. 1080 of 1843.)

Read letter dated the 4th Ultimo from the Acting 3d Judge late on Circuit in the Northern Division, forwarding the Statement of Batta paid to the Prosecutors and Witnesses who attended before the Court of Circuit for the 1st Sessions 1843 at Vizagapatam.—

(Here enter No. 1082 of 1843.)

Read return dated the 8th Ultimo from the Acting Criminal Judge of Cuddapah,

to

11th August 1843.

to the Precepts of the Vizagapatam Sessions of the 10th Instant, conveying their observations and orders upon the Criminal reports for the Month of May 1843.—

(Here enter No. 1088 of 1843)

Read letter dated the 11th Instant from the Joint Criminal Judge at Vizagapatam, submitting the Monthly Criminal Reports of his Court for the Month of June 1843. as prescribed by Section XXXV Regulation X of 1816, and stating that the Report No. VII and the Statement required by Circular Order No. 80 have not been sent, there being no entry to be made in them.—

(Here enter No. 1090 of 1843.)

Read letter dated the 12th Instant from the Joint Criminal Judge at Vizagapatam, stating that the Quarterly Statement required by Circular Order No. 88 respecting other than road Labor performed by the Convicts under his charge has not been sent, there being no entry to be made.—

(Here enter No. 1091 of 1843.)

J.D.H. Agent

S.C.

Saturday 12th August 1843.

At a Court of the Conjeveram Adalut.

Present,

Mr Malcolm Lewin Esqre ——— Acting 1st Puisne Judge,

A.M Alexr Maclean Esqre ——— Acting 2d Puisne Judge,

Wm L. M. Lewin Esqre ——— Acting 3d Puisne Judge,

Read letter dated the 3d instant from the 2d Judge on Circuit in the Northern Division, forwarding for the final sentence of the Conjeveram Adalut the trial in Case No. 5 on the Nellore Primary Calendar for the 2d Sessions of 1843.—

(Here enter S.C. No. 1256 of 1843.)

Mr. M. Lewin,
Case
Mr. A. Maclean,

The Court of Conjeveram 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 Chintala Venkatayadoo

and

3d Lanmay Ramoodoo

is sufficient to convict them of the crimes of Highway robbery and Murder; and that against the

the 1st Prisoner

2d Convict Sentenced

to remain in Gaol during remainder of his natural life for the robbery of the sheep knowing it to be stolen, the Court therefore under the provisions of Section X Regulation VIII of 1822 do sentence the 2d Prisoner

3d Convict Remanded

to suffer death by being hanged at the usual time and place of execution, the jury having found him guilty, with a recommendation to the Prisoner

1st Christian Name Unknown

that there are palliating circumstances in the case which would render the infliction of the extreme punishment too severe, the Court do, under the provisions of Clause third, Section III Regulation I of 1823, sentence him to be transported to such place or places beyond Seas, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads or other public works for, and during the period of his natural life: and further, under the provisions of Clause third, Section IV Regulation VI of 1822, the Court do sentence the Prisoner

2d Convict Sentenced

to be imprisoned and kept to labour suitable to his sex

for

for and during the period of six (3) three years.—

1. In the above case the 1st and 3d Prisoners were charged with highway robbery and murder and the 2d Prisoner with having received part of the stolen property knowing it to be such.—

2. The 2d Judge on Circuit recommends that a sentence of death should be passed on the 3d Prisoner, of 14 years banishment on the 1st and of imprisonment for the same period on the 2d Prisoner.—

3. In the opinion thus expressed of the crime perpetrated by the 3d Prisoner the Judges Unanimously fully concur.—

4. The limited period of banishment to which it is proposed to sentence the 1st does not however appear to them to be commensurate with his guilt between which and that of the 3d there is but little real distinction. The Judges Unanimously consider that transportation for life, is the lightest punishment of which the circumstances of the case can justify the infliction. regarding the 2d Prisoner the Judges are of opinion that a sentence of three years imprisonment will in her case be sufficient to satisfy the ends of justice.—

Ordered

12th August 1853.

Ordered, that Extract from these proceedings be forwarded to the 2d Judge on Circuit in the Northern Division for his information.—

(Sent following letter No 788)

Read letter dated the 7th instant from the 3d Judge on Circuit in the Western Division, transmitting the Trial in Case No 3 on the Criminal Sittings Calendar 2d Sessions 1853.—

(Documents No 1268 of 1853)

Mr. M. Lewis
Mr. F. M. Lewis

The Court of Enquiry [illegible] on deliberate consideration of all the circumstances of the case in evidence before them, [illegible] of opinion that the proof against the Prisoner

Moorchittamakel Combu alias

is sufficient to convict him of the crime of Incendiary & to commit him thereof: And doth further report that the punishment to which this Prisoner is liable under the provisions of Section X Regulation VIII of 1802 annexed in the Extract is too severe, the Court therefore [illegible] of Clause third Section III Regulation I of 1825; the sentence being to be imprisoned for (six) fourteen years, and to be banished during the period of his sentence from the District in which his place of abode is situated

and

F. M.

12th August 1853.

and to be liable to hard labor in irons on the public roads or other public works in the Island Gaol of Singapore—

(Sent following letter No 784)—

LDH
agmf

F. No.

Monday
11th August
1843.

At a Court of the Foujdaree Udalut

Present,

M.L. Malcolm Lewin Esqre. Offg 1st Puisne Judge

A.M. A. Maclean Esqre. Offg 2d Puisne Judge

F.M.L. F. M. Lewin Esqre. Offg 3d Puisne Judge

Read Miscellaneous Petition presented on the 21st Ultimo by Coorumbal Tavan and Comara Tavan of the Zillah of Madura.—

(Here enter M.D. Nos 58 and 59 of 1843.)

1. The Petitioners in the above adduced have described themselves as the Representatives of 5 of the Prisoners sentenced on a charge of Gang robbery, to imprisonment in Cutcherry No 4 on the Madura Calendar for the 1st Sessions of 1843, and pray the Foujdaree Udalut to issue orders directing their release from confinement.—

2. The main grounds of this application are, that the evidence adduced was suborned, that the Prisoners were elsewhere at the time of the alleged robbery and that no stolen property was

declared on Oath being made.—

3. It is further stated by the Petitioners that they applied to the Principal Judge of Madura for a copy of the report of the Head of Police by whom the case was forwarded, and also to the Court of Circuit in the Southern Division for a copy of the Sentence passed in the above trial by him, but were informed that instructions to that effect were necessary from the Sunjedaree Adalut before the copies prayed for could be granted.—

4. The Court of Sunjedaree Adalut on a consideration of the reasons assigned in the Petition under report as well as of the circumstances as they appear in the Calendar which led to the conviction & punishment of the Prisoners in the case referred to, resolve to address the Lower Court to forward the record of the trial for investigation.—

Ordered that Extracts from these proceedings be forwarded to the 1st Judge late on Circuit in the Southern Division for his information and guidance by

precept returnable in 15 days from and after its receipt.—

Sent following precept at p. 786.

Ordered further, that copy of these proceedings be granted to the Petitioners on their application.—

Read Miscellaneous Petition presented on the 24th Ultimo by Ramiah Sharryar of Trichinopoly.—

/ Here enter G. P. No. 56 of 1843 /

Adverting to the Decrees of this Zillah Courts of Combaconum and Trichinopoly in favor of privileges claimed exclusively by the Sungathar Brahmins, the Petitioner prays to be furnished with an authenticated copy of the order passed by this Court on Miscellaneous Petition No. 149 of 1840 preferred by one Singum Syengar, in order to its production before the Magistrate of Trichinopoly.—

The Court of Sunjeree Adalut are not of opinion that sufficient cause has been shown by the Petitioner to justify

justify the grant to him of the order referred to, passed in respect of an address received from an individual with whom it does not appear that the Petitioner is in any way connected.—

Ordered accordingly, that the Petition be dismissed and that Extract from these proceedings be granted on application to the Petitioner.—

Read Circuit Report and Enclosures for the 1st Sessions of 1843 submitted by the 2nd Judge late on Circuit in the Western Division under Section XXXVII Regulation VII of 1802.—

/Here Entr. F.H. No 1223/

Calicut

The Foujdaree Udalut view with satisfaction the diminution of crime in the province of Malabar which may be in some measure attributed to the prosperous condition of the Country arising from the industrious habits of the population, and the influx of civilization.—

Mangalore.

The opinion of the Foujdaree Udalut respecting the charges effected by

by Act. I of 1843 in the registration of deeds, was so fully expressed in their letter to Government of the 9th May last, that they feel it unnecessary at present, to offer any further remarks on the subject.

The Court direct that a copy of the Circuit Judge's sentiments regarding the delay in disposing of Police Cases in Malabar may be furnished to the Magistrate who, the Judge are convinced, will use his utmost endeavours to suppress an evil of such magnitude.—

Ordered, that copy of this report and of these proceedings be forwarded to the Secretary to Government, for submission to the Most Noble the Governor in Council.

/Sent in No. 787/

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

/Sent in No. 788-/

Tuesday 15th August 1843.

At a Court of the Foujdaree Udalut

Present,

Mr Malcolm Lewin Esqre — Agt. 1st Puisne Judge

AM A. Maclean Esqre — Ag. 2d Puisne Judge

WML. T. M. Lewin Esqre — Ag 3d Puisne Judge

Read letter dated the 4th Instant from the 3d Judge on Circuit in the Western Division, transmitting the Record of the trial in Case No. 18 on the Calicut Calendar for the 2nd Sessions of 1843.—

Here enter No. 1276

The Court of Foujdaree Udr.

Mr. M. Lewin and Mr. A. Maclean.

=lut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner,

Kandom Koonnatha, alias Chembra Koonnatha Ahmed,

is sufficient to convict him of the crime of Murder, do convict him thereof, but being of opinion, under the circumstances

of

of the case that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802 would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825 do sentence him to be transported to such place or place 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. 792

Read letter dated the 31st Ultimo from the 1st Judge of the Provincial Court of Circuit in the Northern Division, submitting the Masulipatam Primary Calendar for the 3rd Quarterly Sessions of 1843.—

/Here enter No. 1258/

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

Ordered, that Extract from these

15th August 1843.

these proceedings be forwarded for the information of the 1st Judge of the Provincial Court of Circuit in the Northern Division.—

/Sentin No. 793/

RDM
Copied

Wednesday, 16th August 1843. At a Court of the Foujdary Adalut

Present

Mal Malcolm Lewin Esqre 1st Puisne Judge

AMc Alexander Maclean Esqre 2d Puisne Judge

WmL. Fred: Mortimer Lewin Esqre 3d Puisne Judge

Read letter dated 3d Instant from the 1st Judge on Circuit in the Centre Division forwarding copies of the Cuddapah Primary Calendars for the 2d Sessions of 1843.

(Here enter F. W. No 1264.)

Cases Nos 10. 13. 1. The remarks in both these cases are defective; the practice in general, as well as the Circular Order of September 6th 1819 requires that the nature of the crime and the ground of conviction should be shown, and that the Circuit Judge should not rest satisfied with a bare statement of his concurrence with the Mahomedan Law Officer.

2. The Court of Foujdary Adalut observe in regard to this case Case No 15. that a second question should have been put

put to the Law Officer, viz, if Hud had not been barred by the value of the property not being equal to nisab, and if the Prisoner had been convicted on full legal evidence, to what punishment would he have been liable"?

3. The sentence awarded by the Judge on Circuit is considered erroneous, and not 3 years being the punishment he was authorized under the Mahomedan Law to award for theft; leaving it open to the Sunjdary Adalut to consider any reasons he might advance for mitigation.-

Supplemental Calendar.

4. The omission noticed in the preceding Cases Nos 10. and 13. is equally applicable to the cases in the Supplemental Calendar, and, in order to enable the Judges to decide on the correctness of the convictions, they request Mr Taylor will submit the statement usually found in the column of remarks.-

Ordered, that Extract of these proceedings be sent to the 1st Judge on Circuit in the Centre Division by precept returnable

returnable without delay.-

(But following precept No. 794)

Read letter dated the 24th Ultimo from the 1st Judge presiding at the Court of Quarterly Sessions in the Western Division, transmitting copy of the Calendar for the 3d Quarterly Sessions of 1843, with remarks thereon, translation of the future &c.-

(Here enter No. 1210)

Read letter dated the 25th Ultimo from the 1st Judge presiding at the Court of Quarterly Sessions in the Western Division, forwarding copy of the additional Calendar for the 3d Quarterly Sessions of 1843 in the Western Division, with remarks thereon.-

(Here enter No. 1237.)

Read letter dated the 29th Ultimo from the late acting 3d Judge on Circuit in the Northern Division, forwarding the Statement required by Circular Order of the Sunjdary Adalut No. 4.-

(Here enter No. 1241.)

Read

Read return dated the 31st Ultimo from the Acting Criminal Judge of Chittoor to the precept of the Zoujdary Udalut of the 26th Ultimo, submitting explanation to the Remarks of the Zoujdary Udalut on the Criminal Reports for the Months of June 1843.-

(Here enter No. 1242.)

Read letter dated the 2d Instant from the 2d Judge on Circuit in the Northern Division, transmitting the Batta Statement for the 2d Sessions of 1843.-

(Here enter No. 1253.)

Read letter dated the 3d Instant from the 2d Judge on Circuit in the Southern Division reporting the arrival of the Court of Circuit as well as the number of causes on the Calendar and stating that there is no prospect of a Supplemental Calendar being laid before the Court of Circuit.-

(Here enter No. 1265.)

W.L.

R D C

A P M

Z. U.

Thursday, 17th August 1843.

At a Court of the Zoujdary Udalut.

-Present-

Sd. Malcolm Lewin Esquire —— Acting 1st Puisne Judge
A. M. Alexander Maclean Esquire — Acting 2d Puisne Judge.
F M L. Fred: Mortimer Lewin Esquire Acting 3d Puisne Judge.

Read letter dated the 31st Ultimo from the 2d Judge on Circuit in the Northern Division, transmitting Copy of the Nellore Primary Calendar for the 2d Sessions of 1843.-

(Here enter No. 1246.)

Case No. 9. 1. The Prisoner in this case is charged with having assaulted the Prosecutrix on the highway, and robbed her of a gold nose ring valued at 13 Rupees.

2. The Law Officer in his first Futwah declares the Prisoner liable to Dookoobut, and in his second to 4 Years imprisonment.-

3. The Judge on Circuit is of opinion that the crime amounts only to "simple Robbery," and in the absence of any unusual violence, sentences the Prisoner to

to 4 years imprisonment with labor in irons.-

4. The case as represented is one of robbery by a single unarmed robber, and the Prisoner is liable to the loss of 2 limbs commuted to imprisonment with hard labor for 14 years.-

5. Under such circumstances the Court of Sonjdary Udalut cannot sanction the very inadequate sentence passed by the Judge on Circuit, but direct him to pass another sentence awarding a mitigated punishment of 7 or 8 years imprisonment, or, to submit the entire record of the case for the consideration of the Court.-

Ordered that Extract from these proceedings be forwarded to the 2d Judge on Circuit in the Northern Division for his information and guidance.-

(Sent in No 796.)

Read Nellore Criminal Reports for the Month of July 1843.-

(Here enter P.C. No 257.)

Case No 54. The sentence awarded in this case

case is, in the opinion of the Court of Sonjdary Udalut inadequate to the offence.-

2. The wounds appear to have been of so serious a nature as to require a long detention of the Prosecutor in the Pilook under Medical treatment, and under such circumstances the Prisoner ought to have been committed.-

Ge 56. 3. The Court direct that the Prisoner in this case may be acquitted, as the provision of the Law quoted is not applicable to "village watchers" who, moreover, appear to have been asleep when the Prisoner effected his escape.-

The Court regret to perceive that out of 15 cases no fewer than 8 are reported to be "under examination."-

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

(Sent in No 797.)

Read letter dated the 30th June last from the 2d Judge late on Circuit in the Centre Division

17th August 1843.

Division forwarding the Circuit Report preceded by Section XXXVII Regulation VII of 1802 for the 1st Sessions of 1843.-

(Here enter No 1053.)

Cuddapah. 1. With regard to the remarks contained in the 8th para of the accompanying report the Court of Sudder Adalut would call Mr Lavie's attention to their proceedings of the 11th July 1833 on the Calendar from the Centre Division for the 1st Sessions of that year wherein it is observed that "all the "petty cases of Cattle stealing punishable by "the Magistrate and not clearly defined in "Section III Regulation VI of 1827 the Court "have long considered the offence as consisting "in the stealing one or two of the smaller "kinds of Cattle such as Sheep, Goats, &c." A definition is then given of the more serious offence contemplated in Clauses 1st and 2nd Section VIII Regulation XIII of 1832. From what is before them the Court are unable to determine whether the strictures of Mr Lavie in the proceedings of the Police in cases of Cattle stealing are correct or otherwise,

but

P. No. 2.

17th August 1843.

but the subject is one of sufficient moment to induce them to request that any instructions which may have been issued by Mr Lavie may be submitted for their consideration.-

2. The Court are not prepared to issue any instructions on this subject; informed are indispensable in police operations and it is for the Courts to test the value of their testimony.-

3. In concluding their review of Mr Lavie's Report the Sudder Adalut observe a tendency to prolixity, with an admission of irrelevant matter, and an indulgence in surmises unwarranted by the premises, which cannot fail to render it less valuable than if attention had been paid to the Regulations of Government as embodied in Circular Order of 30th January 1824.-

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

(Sent in No 798)

Ordered also that Extract from

17th August 1843.

42

from these proceedings be transmitted to the Secretary to Government to be laid before the Hont Noble the Governor in Council.

(Sent in No. 799.)

F.W.L.

F.W.

Friday 18th August 1843.

At a Court of the Foujdary Adalut.

Present -

A.L. Malcolm Lewin Esquire — Acting 1st Puisne Judge.

A.M. Alexander Maclean Esquire - Acting 2d Puisne Judge.

W.L. Fred: Mortimer Lewin Esquire Acting 3d Puisne Judge.

Read again the Criminal Reports submitted by the Acting Criminal Judge of Malabar for the month of June 1843.

(Here enter No. 1150.)

Read also return dated the 3d Instant from the Acting Criminal Judge of Malabar to this Court's precept of the 29th Ultimo calling for information as to whether Prisoners convicted under Regulation IX of 1832 of having preferred false and malicious accusations to Native Police Officers are put to hard labor, and if they are not to explain why hard labor has been remitted in such cases.-

(Here enter No. 1270.)

The Acting Criminal Judge

1.

has reported in the above return that

Prisoners

Prisoners of the description referred to are subjected to the same degree of labor as all other Convicts, but not in irons, as the Regulation has not provided that they should be put in irons.-

Regulation IX of 1821.

2. The Court of Foujdary Adalut would point out for the future guidance of the Acting Criminal Judge, that he is not restricted from placing in irons Prisoners sentenced to imprisonment with labor, if, for the purpose of their security, it be deemed necessary by the Officer in charge of the Jail when they are located. It is usual to prohibit the use of irons where the offence is not of an ignominious character, but it is to be observed that irons have reference not to punishment, but to security only.-

Ordered that Extract from these proceedings be forwarded to the Acting Criminal Judge of Malabar for his information.-

(Sent in No. 802)

Read communication dated the 4th Instant from the Provincial Court of

Circuit in the Western Division and its enclosures transmitting the statements received from the subordinate Courts within their jurisdiction of Prisoners in the Jails attached to them for 1st half year of 1843.-

(See enter No. 1252 of 1843.)

1. It is observed that the labor to which the Prisoners in the Jail at Honore are subjected, falls very short of that which they undergo in other Jails in the Western Division.-

2. The Court are aware that the sickly state of the inmates of the Jail at Honore has formed grounds for their partial exemption from the ordinary rules of Jail discipline and that such exemption was the result of special recommendations to that effect made by the Medical subordinate in charge of the Jail Hospital. With the information now before them, however the Court see no reason to suppose that those causes still prevail and they accordingly resolved to direct the Acting Principal Sudr Ameen to increase the

labor

8th August 1843.

hours during which the Convicts at Honore are now worked.-

Ordered that Extract from these proceedings be forwarded to the Provincial Court of Circuit in the Western Division for communication to the Acting Principal Sudr Ameen at Honore for the guidance of that Officer.-

(Sent in No. 803.)

Read letter dated the 4th Instant from the Criminal Judge of Chingleput forwarding Criminal Report &c. for the Month of July 1843.-

(Received No. 1269.)

Read return dated the 4th Instant from the Acting Joint Criminal Judge of Cochin to the precept of the Tondaey Moatut of the 22d July 1843 on the review of the Criminal Reports for the Month of June 1843.-

(Received No. 1271.)

Recd.

R D K
Offg

Monday 21st August 1843.

J. C.

At a Court of the Foujdaree Udalut

Present

Malcolm Lewin Esqre. Ag. 1st Puisne Judge

A. Maclean Esqre. Ag 2d Puisne Judge

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

Read Miscellaneous Petition presented on the 17th Ultimo by Streenivas=ingar of the Zillah of Chingleput.-

(Here enter No. P. No. 52 of 1843)

The Petitioner in the foregoing address sets forth the circumstances of Case No. 23 on the Chingleput Criminal Reports for the Month of May last, and prays the Foujdaree Udalut to call for the record and issue orders directing the remission of the fine of 25 Rupees levied from him during the progress of that trial.-

The Petitioner is informed that he must apply to the Provincial Court of Circuit in the Centre Division to re=dress the alleged grievance, on a consider=ation of which the Foujdaree Udalut

decline

decline to enter.—

Ordered, that this Petition be dismissed and that copy of these proceedings be granted to the Petitioner on his application.—

Read Miscellaneous Petition presented on the 24th Ultimo by C. Buswingum and 3 others of Masulipatam.—

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

1. Adverting to the circumstances of Case No. 1 on the 1st Supplemental Calendar for Masulipatam for the 2nd Quarterly Sessions of 1843, the Petitioners pray the Sanjdaree Adalut to issue orders directing the release of the 11 prisoners therein sentenced to different periods of imprisonment, on a charge of rioting assembling and obstructing the Amuwl, in conformity with the orders passed by the Assistant Magistrate of a Tattoo Cur in Cundapilly.—

2. The main grounds of this application are, that the orders alluded to, of the Assistant Magistrate are contrary

contrary to those issued, on the same subject, by the different local authorities, on previous occasions, that they were the result of misrepresentation and that the enquiry held before the Court of Circuit was imperfect.—

3. The Court of Sanjdaree Adalut are of opinion that the Petitioners have failed in adducing sufficient reasons for a modification or reversal of the Sentence passed on the Prisoners by the Court of Circuit in the above mentioned trial.—

Ordered, that this petition be dismissed and that copy of these proceedings be granted to the Petitioners on their application.—

Read Miscellaneous Petition presented on the 7th Instant by Sashiah Iyengar of the Zillah of Chittoor.—

(Here Enter M. P. No. 63 of 1843)

Adverting to three or four orders passed on petitions presented to this Court, the Petitioner states that no orders have been declared in any except a Sanjdaree Adalut

Petition

No. 38. Petition submitted on the 26th July last which was rejected and Petitioner referred to the orders passed upon his former Petitions. He now prays to be supplied with a copy of the former orders on his several Petitions in order to his abiding by the directions therein contained.—

An order to the effect now requested has already been given on each of the addresses presented by Petitioner, who is warned that his unnecessarily obtruding himself on the time and attention will render him liable to punishment by fine.—

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

Read the Criminal Reports submitted by the Joint Criminal Judge of Malabar for the month of July 1843.—

/Vide Entry No. 1285/

The above Reports do not appear

appear to call for any remark from the Court of Sudder Adalut.—

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

/Sent in No. 811-/

F 11.

Tuesday 22d August 1843. At a Court of the Fouzdaree Udalut

Present,

1st Malcolm Lewin Esqre. Ag 1st Puisne Judge
A.M. A. Maclean Esqre. Ag 2d Puisne Judge
F.M.L. F. M. Lewin Esqre. Ag 3d Puisne Judge

Read letter dated the 9th Instant from the 3rd Judge on Circuit in the Western Division, forwarding the proceedings of the Trial in Case No 1 on the Calicut Additional Calendar for the 2d Session of 1843.—

/Here Enter No 1300/

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

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

Kalathingal Cootty Pocker,

is sufficient to convict him of the crime of Murder, do convict him thereof; and under the provisions of Section X Regulation VIII of 1802 do sentence him to suffer death

awarded to the 1st. Prisoner. The sentence proposed is not such as would be warranted either by existing laws or indeed by the circumstances of the case, which is not marked by any acts of atrocity which would justify to severe a penalty.

4. With regard to the 2d. Prisoner, the Tongdaree Vakeel are of opinion that the crime is not proved against him. It is clear that the female Bootiatakia did not recognize him on this point the evidence of the 3d. and 4th. Witnesses will not admit of a doubt. The Prosecutor speaks of a person preambling him. Now the 2d. Prisoner resides in the same village with the Prosecutor and has been known to the Family for a number of years. He was moreover in the house during the robbery, and there could consequently be no reason to doubt his person.

5. The amulet [illegible] found in his house, is also disclaimed by the Prosecutor. The Tongdaree Vakeel accordingly

accordingly resolve to acquit the 2d. Prisoner of being accessory to the crime laid to his charge.

6. The Judges observe that it was the duty of the Circuit Judge if he deemed the suspicion against the 3d. and 4th. prisoners sufficient for a demand of security, to act on his own responsibility and not to refer their case for the final judgment of the Court of Tongdaree Vakeel. The Judges direct that Mr. Taylor now take this course. Circular Order 47.

7. In conclusion the Court would remark, with reference to the trifling nature of the wounds inflicted, according to the admission of the Prosecutor that by Circular Order of the 23d. November 1820 the Circuit Judge was competent to dispose of the case without a reference to higher authority.

Ordered, that Extract from these proceedings be forwarded to the 1st. Judge of the Court of Circuit in the Centre

2 22d August 1843

Centre Division for his information. —
/ Sent following letter No 815 /

Encl

HDM
Asst

Read return dated the 15th
Instant from the 1st Judge late on Circuit
in the Southern Division to the Presidt
of the Fouzdaree Adaulut of the 7th
Instant calling for the Circuit Report
for the 1st Sessions of 1843. —
/ Here Enter No 1328 /

F 91

F 91

Wednesday
23d August 1843

A Court of the Fouzdaree Adaulut

Present

Malcolm Lewin Esqre Agt 1st Judge

Maclean Esqre Agt 2d Judge

Alex: Maclean Esqre Agt 2d Judge

J. H. Lewin Esqre Agt 3d Judge

Read Coimbatore Criminal
Reports for the month of July 1843
/ Here enter F 91 No 1307 /

The Court of Fouzdaree
Cass No 49 Adaulut request that the result of the
Magistrates inquiry into the conduct
of the Police Officers, who are repre-
sented by the Prisoners to have
extorted a confession in this case
may be submitted for the information
of this Court.

No 50 2. The Judges consider the
sentence of 6 months imprisonment
an inadequate punishment for a
crime which, from its frequency
and facility of commission calls for
exemplary

exemplary severity.

Ordered that Extract of these proceedings be sent to the Joint Criminal Judge of Combatoor by precept returnable without delay.

(Sent following precept No

Read again letter dated the 11th April 1843, from the 1st Judge on Circuit in the Southern Division, forwarding for the final judgment of the Court of Zoujdaree Udalut the trial of Case No 1 on the Madura Supplemental Calendar for the 1st Sessions of 1843.

(Here enter No 554 of 1843)

Read again communication dated the 28th April 1843, from the Acting Chief Secretary to Government requesting the Zoujdaree Udalut to furnish Mr Morehead, Acting Principal Collector and Magistrate of Madura, with full instructions for prosecuting the investigation directed in these proceedings

of the 24th April 1843

(Here enter F. C. No 624 of 1843)

Read again letter dated the 10th June 1843 from the Acting Magistrate of Madura requesting that application to Government may be made for Sanction to commit, if proved, the charge of conspiracy against Annasawmy Iyen and Colay Tauen, for trial by the Joint Criminal Judge of Tinnevelly.

(Here enter F. C. No 63 of 1843)

Read again Extract from the Minutes of Consultation in the Judicial Department, dated 20th June 1843, No 2304, authorizing, under the provisions of Section III Regulation III of 1827, the Acting Magistrate of Madura to forward the two Prisoners Annasawmy Iyen and Colay Tauen for examination before the Joint Criminal Judge of the Auxiliary Court at Tinnevelly.

(Here enter F. C. No 999 of 1843)

Read

23d August 1843.

Read again letter from the Criminal Judge of Madura of date 6th May 1843, requesting that under the explanation now afforded he may be relieved from the censure recorded by the Tondaree Adalut on their proceedings of the 24th April last, regarding the manner in which he had disposed of the charges brought against the Sub Manigar of Ramnad by committing it for trial before the Court of Circuit, and soliciting further the transmission of his communication to the Government as the proceedings of this Court in the matter had already been laid before it.

(Here enter T. U. No 820 of 1843)

Read again letter dated 18th July 1843, from the Criminal Judge of Madura submitting with reference to the proceedings of the Tondaree Adalut dated the 8th July 1843, a further explanation of his proceedings in respect to the commitment of the Sub Manigar of Ramnad to take his trial before the Court

T. U.

23d August 1843.

Court of Circuit.

(Hereunto No 1197 of 1843)

Read letter dated 24th June 1843 from the Acting Magistrate of Madura reporting the result of his Inquiry into the charge of conspiracy brought against Annasawmy Iyen and Colay Tauen.

(Here enter T. U. No 1042 of 1843)

Read letter dated 12th August 1843 from the Secretary to Government in the Judicial Department requesting the Tondaree Adalut to report for the information of Government, the result of Mr. Morehead's investigations consequent on the instructions of the Tondaree Adalut in respect of said No 1. Madura Supplemental Calendar 1st Sessions 1843, and furnish a copy of any proceedings held thereon.

(Here enter T. U. No 1294 of 1843)

In conformity with the requisition contained in the foregoing communications

23rd August 1843

Read again letter from the
Criminal Judge of Madura of date
6th May 1843, requesting that under the
explanation now afforded he may be
relieved from the censure recorded by
the Foujdaree Adalut on their proceed-
ings of the 24th April last, regarding the
manner in which he had disposed
of the charges brought against the Ex Manag
of Ramnad by committing it for trial
before the Court of Circuit, and solicit
further the transmission of his commu
nication to the Government as the
proceedings of this Court in the matter
have already been laid before it.

(Here enter F. A. No 820 of 1843)

Read again letter dated 18th
July 1843, from the Criminal Judge of
Madura submitting with reference
to the proceedings of the Foujdaree Adalut
dated the 8th July 1843, a further explan
nation of his proceedings in respect to
the commitment of the Ex Manager of
Ramnad to take his trial before the
Court

F. A.
23rd August 1843

Court of Circuit.

(Hereunto A. No 1197 of 1843)

Read letter dated 24th June
1843 from the Acting Magistrate of
Madura reporting the result of his
Inquiry into the charge of conspiracy
brought against Annasawmy Iyen
and Colay Tauen

(Here enter F. A. No 1042 of 1843)

Read letter dated 12th August
1843 from the Secretary to Government
in the Judicial Department requesting
the Foujdaree Adalut to report for the
information of Government the result
of Mr. Morehead's investigations con-
sequent on the instructions of the Foujdaree
Adalut in respect of Case No. 1. Madura
Supplemental Calendar 1st Sessions 1843,
and furnish a copy of any proceedings
held thereon

(Here enter F. A. No 1294 of 1843)

In conformity with the
requisition contained in the foregoing
Communications

communications the Court of Tanjore Vdalut [he] to transmit a copy of Mr. Morehead's letter to this Court dated the 24th June last, reporting the result of his proceedings, to which they have added a copy of the instructions issued to that Gentleman on the previous 5th May.

On the receipt of Mr. Morehead's communications the Acting 1st and 2d Judges of the Court of Tanjore Vdalut recorded separate Minutes, copies of which they now forward. no other proceedings was held by them as the time was gone by, and considering the mass of intrigue and falsehood which appeared to beset the case, the success of any further measure appeared doubtful.

There never were any just grounds for the committment of the prisoner (Manager) for trial before the Court of Circuit, and the nature of the evidence on which it mainly depended, viz. that of the Ranee and the Sirkar Vakeel, was such as

as to make the failure of the case certain. They had, according to their own statements, been for 8 months in possession of the document on which the forgery was charged, and although the Ranee and her brother, (who was arraigned by Mr. Morehead after his arrival at Madura) had made frequent complaints to Mr. Blackburne, in the about internal against the Manager, no complaint was founded on the document in question until after the Sirkar Vakeel's visit to Mr. Fisher at Salem, who was known to be at enmity with the Ex-Manager.

4. The Judges thought it highly desirable that the intrigues which were evident, should be arrested, and that the charge against the Ex-Manager should be traced to its source. wherever that source might be.

5. The Acting 3d Judge of this Court has recorded his opinion in a Minute now laid before the Government,

2d August 1843. that "Mr. Douglas was fully borne out by

"by the very Regulation quoted in the proceed-
"ings of my (this) Colleague 8th July."

6. The Acting 1st and 2d Judges
desired to express their surprise at this
opinion.

7. As observed in the proceedings
of this Court of date 8th July 1843 Mr
Douglas was not at the time he
committed the case in a condition
to form an opinion at all upon it-
and altho' they acquit Mr Douglas of
all intention to do injustice, it was
surely a very unjust proceeding to
pass any accused person to an inferior
tribunal, without first hearing what
he had to urge in answer to the charge
made against him. It is quite clear
that the ordinary course of procedure
was departed from. The Acting 1st and
2d Judges know of no instance of a
Criminal Judge committing a case under
such circumstances as the present, and
they regard the Acting 3d Judge's opinion
as

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as an expression of the course of procedure
which has neither law nor justice for its
support.

8 The Judges are aware that
the mode of transmission of the documents
herewith sent is not strictly formal:
they however, deem it of great importance
that their proceedings in the present
case should not escape the notice of
Government.

Ordered that Extract from
these proceedings be forwarded to the
Secretary to Government for submis-
sion to the Most Noble the Governor
in Council together with transcript
of Mr Moreheads' letter dated 24th
June and an Extract of the Pongaree Udalut
proceedings under date 5th May last,
as also copies of the Minutes recorded
by the Judges of the Court between the
20th July and 12th August 1843 as
per marginal list.

Sent in Sr

Minute

Acting 1st Judge dated 20th July 1843.
Do 2d Do 22d Do 1843.
Do 3d Do 22 Do 1843.
Do 3d Do 1st August 1843.
Do 3d Do 2d Do 1843.
Do 1st and 2d Do 3d Do 1843
Do 1st Do 3d Do 1843.
Do 3d Do 5th Do 1843.
Do 1st and 2d Do no date.
Do Do 8th August 1843
Do 3d Judge 12th Do 1843.
Do 1st and 2d Do no date.
Do 3d Judge 2d August 1843.
Do 3d Do 4th Do 1843

Minute of the Acting 1st Judge

Having given this letter my best consideration it remains for me to record my opinion that the grounds on which the prosecution was dropped were insufficient. It is beyond a doubt I think that the Vakalutunnah was not a document on which a prosecution against the Manager could be founded, it had been 8 months in existence with the knowledge of the parties who came forward to act upon it - and the inference is clear supposing it to have been all this time with the Vakeel or with the Rance, without complaint of the thing were making frequent complaints at the time against the Manager that it was a genuine document. Circumstances afterwards transpired which enabled them to frame a false charge upon it - and it may be concluded I think that that charge originated in the visit to Salem - The fabrication of the charge of conspiracy did not depend on

on the circumstance of the gift in 1838 not having taken place tho' that circumstance was in support of the Managers defence the charge rested on the Vakalutnamah being genuine, or not available as a forged instrument - it is clear that it was not available, as a forged instrument for the charge (no use had been made of it as such) and it was recognized even admitting it to have been forged, by the Rance keeping it so long in her possession without complaint.

20th July 1843

Minute of the Acting 2d Judge.

I am also of opinion that more weight should have been given to the fact of the Vakalutnamah having been — for such a length of time in the custody of the Vakeel and Rance, from which its genuineness (in connexion with some transaction or other, best known to the latter) must be inferred, otherwise they would certainly have denounced

denounced it at an earlier stage as a forged Document. They did not do so and, therefore, whether the gift of the Villagers was ever intended or not – or, if intended, was not carried up to execution – it is clear that the parties charged with the conspiracy made use of this document (describing it falsely as a forged one) as a handle with which to molest and injure the Manager; and for which I should hold they were indictable. It is impossible in a case of this sort, in this Country, to get at the truth, but so far as I am able to judge, I see reason to regret that the parties were not committed for trial by the Acting Magistrate before a higher Tribunal.

22d July 1843.

Minute of the Acting 3d Judge.

The 2 Judges if seems agree to regret that the prosecution was dropped, so I have not recorded an opinion.

22d July 1843.

Minute

Minute of the Acting 3d Judge.

Tonjdaree Udalut No. 820 of 1843.

Tonjdaree Udalut Proceedings No. 86 of 1843.

8th July 1843. Tonjdaree Udalut No. 1197.

Mr. Douglas' letter 18th July 1843.

Proposed draft of the 1st Judge in reply thereto no date.

Before I go into the above papers and record my opinion on the case I request the Register will explain why the Proceedings of 8th July above mentioned which appear to have been already despatched were not sent to me as usual in circulation, as I only received them last night, upon my requisition of 27th Ultimo for "all the Papers"

I request the Register will subscribe any explanation of this omission he may have to furnish, on this paper, in order that it may form a part of the Record.

1st August 1843.

The

The Acting Register in sending the impression the proceedings of the 8th July is one which the 1st and 2d Judges desired might be despatched at once. If so, the omission to send it after despatch to the 3d Judge for perusal must have been an unintentional oversight and a similar cause must have prevented its subsequent circulation to the 3d Judge if such instructions were not issued to the Acting Register

1st August 1843.

Minute of the Acting 3d Judge.

The above explanation is unsatisfactory. No Proceedings of importance and particularly such important ones as those of 8th July should ever have been despatched without my knowledge, and such an omission is as far as I know unprecedented.

I request it may never occur again and that the Register will invariably previous to any papers of the least importance leaving

leaving the office circulated them to me as one of the Judges of the Court.

Upon a deliberate review of all the circumstances of this case No 1. Supplemental Calendar 1st Session 1843 at Madura, I think the Judges my Colleagues have taken too strong a view of Mr Douglas' conduct in committing it for trial before the Court of Circuit, and that the censures cast upon him are not deserved.

The oldest and most experienced Magistrate in conjunction with his Assistant (for both appear in the Report) forwarded this case to the Criminal Court over which Mr Douglas had recently been appointed to preside.

From the voluminous correspondence which has passed between Mr Douglas and the higher Courts which he alludes to in his letter 6th May and 18th July, it is satisfactorily proved how great attention he was devoting to the consideration

consideration of this case, and how great
the difficulties were with which he was
surrounded: four of the principal servants
of the Court were under charges preferred
against them, and the Government
exerted themselves, so conspicuous
throughout these Proceedings, was under
suspension of his office.

To such an extent did
party spirit, perjury of witnesses and
subornation of it prevail in the Zillah,
that Mr Douglas proposed to remove
the trial of the case to the Auxiliary
Court of Pachmahal.

Impressed as he was with
a sense of the guilt of the Prisoner the
Manager, from the evidence adduced on
the part of the prosecution, at the head
of which was the Magistrate himself,
I cannot conceive a wiser or a safer
course for him to have adopted than the
one he chose. He availed himself of
the remarkable circumstance of the presence
of the Circuit Court at Madura, and
committed

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committed the Trial of the Manager to
the Higher Tribunal.

I am bound to say as far
as my experience as a Criminal Judge
serves me that under similar cir-
cumstances other Criminal Judges
would have done the same as Mr
Douglas did with the evidence he had
before him.

I cannot concur with my
Colleagues in thinking it was imperative
timely necessary for Mr Douglas
to enter on the defence supported
by a cloud of forty two witnesses.

It appears to me that in
committing this case for Trial Mr
Douglas was fully borne out by
the very Regulation quoted in the Pro-
ceedings of my Colleagues of 8th July.
Regulation XIII of 1832. "Criminal
"Judges shall investigate fully the
"facts of the case and shall be com-
"petent at their discretion to take
"evidence on behalf of the accused
before

consideration of this case, and how great
the difficulties were with which he was
surrounded, four of the principal servants
of the Court were under charges preferred
against them, and the Government
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throughout these Proceedings, was under
suspension of his office.

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"Judges shall investigate fully the
"facts of the case and shall be com-
"petent at their discretion to take
"evidence on behalf of the accused
before

"before committal next for Trial" and as Mr
Douglas was satisfied there existed "a pro-
"bable probability of conviction before
"the Court of Circuit" I think he was
justified and — exercised a sound
"discretion" in declining to examine the
42 witnesses.

They were subsequently
examined, and the Prisoners defence
fully heard before the Circuit Court.

But what impresses me
still more with a sense of the propriety
of the Committal of this case, is, the
circumstance of the Law officer himself
in his Interlocutor on it having found the
Prisoner guilty of "Culpable" or "strong
suspicion of the crime laid to his charge"
and still more the Judge of Circuit
having himself referred the case for the
final disposal and sentence of the
Jury dare I doubt, because he was
convinced of the guilt of the Prisoner.

It seems to me that this
fact of itself entirely absolves Mr
Douglas

Douglas from the charge of having
needlessly or carelessly or without
due attention to the interests of Justice
committed the case for trial.

It is manifest that all
the local authorities on the spot concurred
unanimously in their opinion of the
guilt of the Prisoner, and this is a mate-
rial part of the case to be considered.

Finally comes Mr Morehead,
specially appointed to inquire into the
facts of the case divested of all feeling
one way or the other, and he commenced
his inquiries after the trial was over
and the Prisoner the Manager finally
acquitted and unconditionally released,
and therefore with all the advantage which
a reaction in the District in his favor,
must have given him to help to clear
himself in Mr Morehead's opinion —

Yet, on a careful perusal
of the result of Mr Morehead's Enquiry
contained in his letter of 24th June it
is certain that he was not at all
impressed

impressed with a conviction that the charges preferred against the Manager were entirely false, or that he had been made the victim of a conspiracy, or that the Functionaries of the Zillah of Madura had been made "the tools of malevolence and intrigue"

Too much importance cannot be attached to Mr. Morehead's letter, and I am of opinion that a copy of it should accompany the additional explanations of his conduct now submitted by Mr. Douglas with his letter of 18th July, when they are transmitted to the Government.

It is impossible to peruse Mr. Morehead's letter and particularly the paras. 34 and 35, without perceiving that a cloud still hangs over the proceedings of the Manager, and that though acquitted by the Faujdaree Adalut, Mr. Morehead does not consider him altogether innocent of Fraud.

Of Mr. Douglas' zeal and assiduity in the discharge of his public duties

duties, the Judges of the Sudr and Faujdaree Court have had ample proofs, and I think from the station he has held in the Sudr Court as Register he is entitled to a fair measure of consideration, and that even if he had erred in Judgment in the discharge of his most arduous and difficult duties, he could not have deserved such severe censure.

I beg to observe that if the Faujdaree Adalut Proceedings of 8th July last forwarded to the Government had been communicated to me at the time, I should have recorded my opinion as I have now done; and I request that this opinion may be laid before the Government together with Mr. Douglas' last letter of 18th July. I do not think that the proposed draft in reply to that letter is necessary, and I would merely transmit Mr. Douglas' letter to the Government, with this minute accompanying.

2d August 1843.

23d August 1843

Minute of the Acting 1st and 2d Judges conjointly.

The 3d Judge having called upon the Register for certain explanations in a Memo of the 1th instant, states in a minute of the following day that the explanation furnished "is unsatisfactory." For the matter alluded to the 1st and 2d Judges are responsible.

When the trial which forms the subject of this discussion reached the Court, the only part the 3d Judge took in it, was to record an acquittal of the prisoner, tho' at this time he had not perused the record. In consequence of a remonstrance made at the time, and a private communication from the 1st Judge that the 3d Judge had committed himself (the very term used) the 3d Judge withdrew his assent to the acquittal, and recorded a note "I am no party to these proceedings" - which left the disposal of the case in the hands of the 1st and 2d Judges.

The

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The 3d Judge having taken no part in past proceedings now comes forward, being in possession, (as he supposes) of more complete information, derived from subsequent inquiry, to embarrass his Colleagues, by the expression of opinions formed on matter not before the Court, when their opinions were formed - tho' that matter is neither calculated to impugn the correctness of those opinions, nor in any degree to create a doubt in the minds of the 1st and 2d Judges that their proceedings are perfectly well founded.

That the 3d Judge should seek to overthrow a majority of the Court to which he belongs by appealing to the judgment of one of their subordinates requires no comment - and it excites the more surprise that he should do so - seeing that Mr Marchand actually came to the same conclusions as the 1st and 2d Judges, and in confirmation of their opinions, regarding the confinement applied

applied for and obtained the sanction of the Government to change the venue of the trial.

The 1st and 2d Judges are not prepared to admit that the censures of the Court are of the strongest nature spoken by the 3d Judge and the subsequent proceedings of the Court (the last of which the 3d Judge objects to lay before the Government tho' why does not appear, since they go to soothe the feelings of Mr Douglas, which is professed to be the object of the 3d Judge) are calculated to remove from his mind the impression that the Court were in a serious degree dissatisfied with him.

The 1st and 2d Judges will not argue with the 3d Judge the point of law or of procedure, among other reasons because no rational doubt can exist of their having been correctly laid down in this Courts proceedings 8th July 1843 nor is it necessary now to argue what the

the Magistrates opinions were; but it will be observed that the proceedings of this Court did not say that the examination of 42 witnesses was necessary they expressly assert that the examination of 2 would have been enough - they lay stress chiefly on the fact of the accused not having been heard in his defence, a proceeding of which he had complained.

After setting forth the opinions of the Professional authorities, as deduced from their proceedings - the 3d Judge argues the correctness of Mr Douglas' proceedings and in the 14th para: combats certain expressions indicative of the origin of the charge brought against the Manager.

On the result of the trial there was no difference of opinion - the Chief Judge and the 1st and 2d Judges, all concurred that the evidence was "wholly "insufficient for a conviction." To that opinion the 1st and 2d Judges adhere. The 1st Judge greatly doubts whether the

the 3d Judge really has any knowledge of the case; but the latter is fully aware that the 1st and 2d Judges generally recorded opinions on the 20th and 22d July, that the case of conspiracy ought not to have been dropped- on these Minutes the 3d Judge recorded the following- "The 2 Judges "agree to regret that the prosecution "was dropped so I have not recorded "any opinion"-

As to laying the Minute of the 3d Judge before the Government the 1st and 2d Judges have no objection, provided it go up accompanied by an expression of their opinions- in the interim they will not agree to any further delay in the transmission of their last proceedings-

Having recorded the foregoing opinions it remains for the 1st and 2d Judges to observe that it is the duty of a Judge of this Court to take part in its proceedings while in progress and to assist the Court with his advice and

and deliberation- withholding his opinions till the turn of events, has produced as he supposes something faulty in their proceedings, and then opening an attack on them, is not doing justice to the Court of which he is a member- nor is it a dignified or candid proceeding- and shows little regard for the honor and character of a Court, which it is as much his duty, to guard as to defend-

The 1st and 2d Judges are of opinion that the circumstance of which the 3d Judge complains, is wholly imputable to his own neglect of duty- the same neglect of duty, is observable in the Cases of the Sudr Ameen Pundit of Tellicherry and of the Moonsiff of Calicut and the 1st and 2d Judges are further of opinion, as the 3d Judge has declined to take part in the proceedings in these cases also, that it is incumbent on the Majority of the Court to act independently of the 3d Judge and not to allow its proceedings to be delayed

the 3d. Judge really has any knowledge of the case; but the latter is fully aware that the 1st. and 2d. Judges generally recorded opinions on the 20th and 22d. July, that the case of conspiracy ought not to have been dropped- on these Minutes the 3d. Judge recorded the following- "The 2 Judges "agree to regret that the prosecution "was dropped, so I have not recorded "an opinion".

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at the time it is open to the 3d Judge to record his opinions and to take any course he pleases.

In conclusion the 1st and 2d Judges hope that they will be spared the necessity of answering Minutes which had the 3d Judge followed the practice of the Court never could have become necessary - as they have little time to devote to such unprofitable discussions - and still less pleasure in the occupation.

3d August 1843.

Minute of the Acting 3d Judge

Minute of 1st Judge - 3d August 1843.

The trial of the Madura Supplemental Calendar No 1 was disposed of by the 1st and 2d Judges and not by myself.

At the Last Court on Monday 24th April immediately on my arrival a Draft of a Proceeding of Vauxhall Adalut which the 1st and 2d Judges had prepared to be transmitted to the Government was

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23d August 1843

was handed to me for my initials.

As soon as I read the contents I felt certain I could not concur with my Colleagues in it, and I said so.

The 1st Judge with some warmth of manner opposed my recording any opinion in dissent without going into the record of the Trial, and I did not at the time press the subject but yielded to him to preserve the harmony of the meeting.

I stated at the time that my Dissent was confined to the address to Government at all, and to the language of the Draft of 24th April, and I conceived I had a right to record a Dissent on those points separate and distinct from the Trial itself.

It is true I did on the pressure of the moment make use of the expression I concur in the release of the Prisoner but I subsequently altered it to I cannot participate in these proceedings, I meant no more than that while I felt no disposition

disposition to interfere with my Colleagues in the release of the Prisoner, I could not concur in the propriety of addressing Government, or in the language of the Draft.

It was immaterial, for 2 Judges had concurred in disposing of the Trial.

I think the 1st Judge must have fully understood my meaning at the time, and that his resting to fasten on me a charge of dereliction of duty on such grounds is remarkable.

From that time until Mr Douglas' appeal of 6th May 1843, I have never had any occasion or opportunity to revert to the subject.

I thought the expression of
24th June 1843 an opinion on Mr Morehead's letter informing us of his having abandoned the prosecution for conspiracy quite unnecessary.

I thought the Proceedings of 3d August of Tongarae Waiata a needless prolongation of the discussions with Mr Douglas after those of 8th July had been transmitted to the Government, and I do not

not think they are "calculated to soothe his feelings."

I am perfectly acquainted with the merits of the case & the Supplemental Calendar, and have carefully studied all parts of it.

I have never neglected my duty, and when Mr Strange's Appeal comes to be laid before the Government I shall be prepared to enter on the merits of it.

5th August 1843.

Minute of the Acting 1st and 2d Judges conjointly.

The draft was, I apprehend placed before the 3d Judge out of courtesy by the Register for perusal, but not for the purpose of being considered by the 3d Judge as he had taken no part in the proceedings - the draft was the act of a competent Court, and the 1st and 2d Judges had full authority under the regulations to despatch it without the concurrence or even knowledge of the 3d Judge, who had divested himself

as

as well of the labor as of the responsibility of the case.

The 1st Judge is not aware on what ground the 3d Judge could assent to the release of the prisoner, except on a consideration of the record and he is as ignorant on what ground the 3d Judge could take exception to the Courts proceedings, without being acquainted with the subject and foundation on which they rested - the course which the 3d Judge should have pursued according to the practice of the Court was to have written "Seen" in the margin of the proceeding and to have left it in the hands of the 1st and 2d Judges.

The 3d Judge thinks "the proceedings of the 3d August a needless prolongation of the disagreement with Mr. Douglas" Yet is the 3d Judge of opinion that he consults the character of the Court by recommending that one of its subordinates should be allowed to misapply without correction one of its own

own orders, with the object of setting the Court in the wrong?

The 3d Judge says he is "perfectly acquainted with the events "of the Case" - Is he aware that after Mr. Morehead's arrival at Madeira one of the parties was charged by Mr. Morehead himself with the conspiracy and that he thought both the Sir Watkin and the Rance's brother guilty of it.

I propose that a copy of Mr. Morehead's letter be laid before the Government - and that if the 3d Judge desire it, it be at the same time made known to the Government that the 3d Judge has written a Minute counter to the proceedings of the 1st and 2d Judges - after this should the Minute be called for I would send up the Minutes which followed that of the 3d Judge - that the Government may be able to judge of

our

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our proceedings.

Minute of the Acting 1st and 2d Judges conjointly

The 1st Judge willingly undertakes the responsibility of ordering the despatch of the proceedings in question, (which had the concurrence of the 2d Judge) altho' he had no other motive in the act, than the passing of the business of the Court.

The 3d Judge thinks the act irregular. I differ with him. The regulations of the Government require 1 Judge to affirm the proceedings of a subordinate Court. 2 Judges concurred therein. The 3d Judge had declined to take any part in the proceedings. and 2 Judges had concurred.

The record in the case now under discussion, as also in the case of the Suder Ameen Punditt (which also the 3d Judge avoided) is extremely voluminous. each embracing more than a hundred sheets of paper, with letters

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letters and reports of 120 paragraphs &c and to delay the judgment of the Court for the 3d Judges consideration of it. when the time for the latter was gone by, was not required by reason, law or practice. the 3d Judge seems not to recollect that the judgment of a single Judge, is in many cases as valid in law, as the judgment of the 3 Judges collectively and the daily practice of the Court is consonant with this disposition of their jurisdiction.

The irregularity really consisted in the 3d Judge taking up the proceedings of the Court to comment on them, when he had not taken the trouble to inform himself of the subject matter to which they related.

If it were the intention of the 3d Judge to give an opinion on the case, the performance of that act, should have preceded the judgment of the Court, which having been pronounced, was binding on him and not open to the

by him - and his present proceedings having for their object to review that judgment, cannot be regarded in any other light than a factious opposition to his Colleagues who have not shrunk from the onerous duties of the case nor from its responsibilities.

The 3d Judge is not competent to record his opinion in a case which has passed thro' the Court and had the judgment of the Court recorded upon it - nor is he competent under the law to revise the judgments of a competent Court.

At the same time I will observe, that as far as I am concerned, the 3d Judge may do both - he may record his sentiments in any matter he pleases, but I will not consent to the business of the Court being one moment delayed, by an ill timed interference, and by an interposition unwarranted by law -

The 3d Judge observed that I was the cause of his not expressing an opinion

opinion on the Ramnad case - I had little doubt I was the cause.

I distinctly objected in the Court and also when the 3d Judge called upon me, to his commenting on the proceedings of the Court when he was not acquainted with the subject of them - Ever since the 3d Judge has been in the Court, I have impressed upon him the necessity of making himself acquainted with every subject before he recorded his opinion upon it - this I have done openly, as the 3d Judge knows and in the presence of Mr Dickinson and of the late Register Mr Douglas But when objecting to the 3d Judge as above stated, I also distinctly told him that it was at his discretion to take what course he deemed right but that if the 3d Judge did comment on the judgment of the Court, he must be prepared for the comments of the 1st Judge - the present 2d Judge was present

present at this time - and it seems
quite obvious, that there was just as
much reason for the 3d Judge there
to record a Minute, as there is now
for him to do so - in the case to which
these Comments apply the 3d Judge
had in 3 instances recorded that he
would take no part in the proceedings
before the Court -

8th August 1843.

Minute of the Acting 3d Judge -

1st Judge's Minute - 8th August 1843
1st Judge's Minute - August (no date)
("The Draft was Suspended")

"The question at issue
between me and my Colleagues is whether
a 3d Judge who has taken no part
in the proceedings of a case disposed
of by the other 2 Judges, is competent
upon an appeal being preferred by
the local Officer against those proceedings
to the Government, to take up the case
and pass an opinion as to the merits
of the appeal.

Although

Although the Regulations
authorise as the 1st Judge observes, a
"single Judge to affirm the Proceedings
"of a subordinate Court and 2 Judges
"to over-rule them" I do not think these
Regulations apply to the case of
appeals from the local officers to
Government; and, as I have before
observed, I think I am bound at this
stage of the proceedings both in
Mr Douglas' case and in Mr
Strange's, to record an opinion on
the merits of their respective
appeals, for the information of
Government.

With respect to the Rule
and practice of the Court I must
observe that hitherto there has been
no such reserve or withholding
of Proceedings from any one of
the 3 Judges, as has been observable
in these 2 cases, and the circumstance
of the 1st Judge insisting on the transmis-
-sion without my seeing them of the

Proceedings

23d August 1843

Proceedings of 8th July at once to Govern-
ment from the 1st Judges own manu-
script draft as explained by the
Register, is to me whether it be
legal or not an equally novel practice.

When we commenced our
public duty on my joining the Sud-
Court, the 1st Judge advocated the prin-
ciple which was agreed to by the
Judges that there should be no reser-
vations, and that (to use his own
words) "each Judge should see what
the other was doing" and this principle
has hitherto always been maintained.
The transmission of the Proceedings of
8th July "at once" to Government
without my seeing them is in direct
violation of this principle, and the
reason assigned for it viz: that I
had taken no part in the disposal of
the case, does not appear to me an
adequate one.

I cannot believe that the
1st Judge can really suppose that my
desired

F. 11.

23d August 1843

desire to record my opinion on the merits
of these appeals, proceeds from a persua-
sion to "obstruct the business of the
Court;" or that it can reasonably be
styled an "untimely interference" or a
"factious opposition," or that any
opinion on the subject of these
appeals I could record would be
influenced by any other motives than
I trust and my Guides in the transaction
of every other business placed before
me, and I am certain that in any
case in which I had found it
necessary to censure the conduct of
the local officers and they had appealed
from those censures, to the Government,
I should court rather than avoid the
judgment of all my Colleagues.

It appears to me in cases
like these where the character and con-
duct of the Gentlemen themselves
are at stake, the abstract question
of whether the other 2 Judges have a
right to exclude the 3d Judge from
entering

entering into the merits of the appeals is not of so much importance, as whether the officers themselves and the Government should not have the benefit of all 3 Judges' opinions on the appeals.

If in this point of view the question is carried against me, I am content to submit to the opinion of a competent Authority, and to withdraw my claim to sit in Judgment on Mr. Strange's appeal, but, as I have already recorded my opinion on Mr. Douglas' appeal in my Minute of 2d August, I do not see any necessity for withdrawing it.

If my opinion in Mr. Douglas' case be an erroneous one of what consequence need it be to the 2 Judges my Colleagues to withhold it from the Government and contest my right to record it. And if it be a right one can they with any justice deprive Mr. Douglas of the benefit of it?

From the concluding para-

of the 1st Judge's Minute of 3d August I did not expect any further discussion of this subject, for I am sure I do not desire to trespass on the time and attention of my Colleagues more than is necessary, or to add to my own laborious duties that of defending myself from the personal attacks of the 1st Judge.

The 1st Judge again adverts to the Draft of the Proceedings of 24th April, and seeks again to draw conclusions injurious to me from the circumstance of my having omitted to put "Seen" on that Draft when it was presented to me for my initials.

I thought I had fully explained what passed on that occasion in my Minutes of 3d and 4th of August, and I am surprised that the 1st Judge should notwithstanding that explanation and with a perfect knowledge of its truth and of every thing that passed at the time, still seek to fasten on me a

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I thought I had fully explained what passed on that occasion in my Minutes of 3d and 4th of August, and I am surprised that the 1st Judge should notwithstanding that explanation and with a perfect knowledge of its truth and of every thing that passed at the time, still seek to fasten on me a

a charge of dereliction of duty. My assent or dissent as to the Trial itself was not necessary. I objected to the addressing Government at all, and to the language of the draft, and as I have already explained in my Minute of 23d Instant, I altered my remark on the Draft to the effect that I could not participate in it, and there is the Draft to refer to in the record if necessary. With respect to the 1st Judge's proposition to send up to Government Mr Morehead's letter intimating at the same time that I have written a Minute "counter to the Proceedings of the 1st and 2d Judges" I think it would be a better plan to adopt the proposition contained in my Minute of 2d August, and merely send up my Minute of that date and Mr Morehead's letter, for the reasons I have already stated, and in justice to Mr Douglas.

12th August 1843

The

Minute of the Acting 1st & 2d Judges conjointly

The 3d Judge has been already informed that the 1st Judge has no objection to his recording his sentiments on any subject, the record of which he has perused, and the 3d Judge is aware that no other objection has been made. And in regard to both the appeals alluded to, the 1st Judge does not desire to abridge the expression of the 3d Judge's sentiments. His desire is that the practice of the Court should be preserved. And from that the 1st Judge is not prepared to depart.

The 3d Judge would seem to suppose that it was the wish of the 1st and 2d Judges to deprive Mr Douglas of the benefit of his opinion whereas this opinion is desired the 1st and 2d Judges cannot dissent. but it is opposed to the 1st Judge's own proposition that the Minute of the 3d Judge should be brought to the notice of the Government. The 3d

Judge

Judge now proposes in the last para of his Minute of the 12th August that his Minute of the 2d instant should alone form the subject of reference to the Government. To this the 1st and 2d Judges will not assent. They are of opinion that it is necessary the whole proceedings should be laid before the Government.

It is essential to the honor and character of their proceedings that the Government should know what has taken place - and that their proceedings will bear the light.

It is not less essential that the Government should be enabled to judge of the necessity of the reference of this subject to the Government by the 3d Judge without the knowledge of his Colleagues - it is essential that the Government should see whether there was any necessity for a departure from the lawful mode suggested by the 1st Judge, a mode with which the 3d Judge is perfectly well acquainted and

and in concurrence with the orders of the Government in such cases, of bringing the matter before the Government. It is not less material that the 1st and 2d Judges should remove the suspicions which the proceedings of the 3d Judge are capable of suggesting to the mind of the Government - and that they should satisfy the Government that the course adopted by the 3d Judge was neither legal, nor called for by the circumstances of the case.

Minute of the Acting 3d Judge.

Sudr Udalut 10th July 1843.

Mr. Strange's letter 24th July 1843.

I have just received the above papers and I request the Register to explain why I have not been furnished with the Sudr Udalut 10th July before, and why the communication of 1st July alluded to in Mr. Strange's letter, has not been circulated to me.

All the papers alluded to

by

by Mr. Strange in his letter of 24th July
and all the Proceedings relating to the
matter under reference and to be sent
to me as soon as possible.

2d August 1843.

The letter dated 10th July was
drafted in the presence of the 1st Judge and
if the Register's memory serves him
correctly was at once despatched by
desire of the 1st Judge. The omission to
circulate it after despatch to the 3d Judge
must have been caused by the omission
of the Establishment below to bring it
back to the Register to be sent round
in the 3d Judge's box. A letter once
despatched is detained in the record room
unless the Register calls for it. On
this occasion he regrets that he should
appear to have forgotten so to do. In
regard to the letter of the 1st July the
Register will explain when it reaches
him. It is now in circulation.

2d August 1843.

Minute.

Minute of the Acting 3d Judge.

If the 1st Judge of his own
authority directed the proceedings of 10th
July to be "despatched at once" I think
it was irregular and that they ought
to have been communicated to me,
and at all events they should have
been sent to me afterwards by the
Register long before the 24th.

I shall be much obliged
to the 1st Judge to send me the papers
relating to Mr. Strange's appeal to the
Government as soon as he can spare
them, as so much delay has already
taken place, and I am anxious to record
my sentiments upon Mr. Strange's
letter.

I cannot imagine that such
a course can be with any justice be called
"obstructing the business of the Court,"
and I think in a case of so much im-
portance as Mr. Strange's appeal to
the Government, I am bound to record
my opinion as well in justice to
my

my Colleagues and Mr Strange as for the information of the Government, and that the Government would think me wanting in my duty if I failed to do.

The 1st Judge in alluding to the 'Rammad case' charges me with pursuing a "similar course"

The 1st Judge is well aware that he was the cause of preventing my recording my opinion on the proceedings of Under Vdated of 24th April, and that on deference to his wishes or rather yielding to his vehement opposition on that occasion, I desisted from recording my dissent, and that on the following day I attempted in vain to remove his objections at his own house.

But if I forbore the exercise of my privilege as a Judge of this Court there, that is no reason why upon Mr Douglas preferring an appeal to Government against those proceedings I am to be debarred from giving my opinion now for the information of Government.

Government, and I consider that I should be wanting in my duty if I did not do so.

And as to "obstructing" in this case (Rammad) "the business of the Court" I cannot comprehend the expression.

In standing forth to defend the conduct of a Criminal Judge Mr Douglas and supporting him in what I consider to have been the honest discharge of his duty, and saving if possible his character and reputation from obloquy and disgrace, to be styled "obstructing the business of the Court"? If it is, I cannot deny the charge, and I shall cheerfully concur in any representation or reference to Government the 1st Judge may propose.

4th August 1843.

The Acting Register deems it necessary to explain with reference to the 3d Judge's request in regard to the despatch of the 1st July that it had
received

23rd August 1843

received the signature of the 2nd Judge before
it left the office.

4th August 1843.

E.W.J.

F.U.

Thursday.

24th August 1843. At a Court of the Foujdaree Adalut

Present.

M.L. Malcolm Lewin Esqre Actg 1st Puisne Judge

A.M. Alexander Maclean Esqre Actg 2nd Puisne Judge

F.M.L. F. M. Lewin Esqre Actg 3rd Puisne Judge

Read Tuckinopoly Criminal

Reports for the month of July 1843.-

(Hereunto F.U. No. 1306 of 1843)

Case No. 54

As, from the remarks in this case
the Court of Foujdaree Adalut are not satisfied
that an act of smuggling has been committed,
they direct the Provincial Court to look into
it and, having passed such orders as may appear
requisite, to report the result of their proceed-
-ings for the information of this Court.-

Ordered, that Extract of these
proceedings be sent to the Provincial Court in
the Southern Division by precept returnable
without delay.-

(Sent following precept No. 823)

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

(Sent in No. 824).

Read

24th August 1843.

Read Combaconum Criminal Reports for the month of July 1843.-

(Here enter F & R No. 1290 of 1843)

Case No. 90. 1. The Court of Foujdaree Udalut direct that the Prisoners in this case may be released as in consequence of the Witnesses not having been put upon their oaths, the evidence and conviction are illegal. The Judge should explain why the witnesses were examined without solemn affirmation.

No 92. 2. In the remarks appended to this case the evidence of the Witnesses is said to have been rejected as unworthy of credit by the Circuit Court."

3. As under act XIX of 1837 a previous conviction for any offence does not invalidate the subsequent evidence of a witness, the Court of Foujdaree Udalut desire to be informed whether, on the present occasion, the evidence of the two Witnesses was merely discredited by the Acting Criminal Judge or altogether rejected.-

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

(Sent following precept No. 825

Read letter dated the 10th instant from

24th August 1843.

from the 2d Judge on Circuit in the Southern Division, forwarding for the final sentence of the Foujdaree Udalut the trial in case No. 3 of the Madura Calendar for the 2d Sessions of

(Here enter F. & R. No. 1322 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 Parootan alias Tatapahnachary

and

2d Gopauden,

is sufficient to convict them of the crime of Rape do convict them thereof, and with reference to the provisions of Clause third Section VII Regulation XV of 1803. do sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of (7) seven years.-

Mr. H. Lewin and Mr. A. Maclean

1 The Foujdaree Udalut concur in the opinion expressed by the Judge on Circuit, that the Prisoners in the above case are clearly convicted of the crime of Rape, preferred against them: in the appreciation of the criminality of the 1st and 2d Prisoners however, the views of Mr. Hooper do not meet with the approval of this Court. who observe

no

no distinction in the degree of guilt evinced by them respectively.-

2. They accordingly resolve to sentence the Prisoners to imprisonment with hard labor for 7 years a lighter punishment than which, the nature of the crime proved against them, would render insufficient for the ends of justice.-

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

(Sent in No. 826.

Read return, dated the 8th instant from the Provincial Courts in the Southern Division, to the Precept of the Fojdaree Adalut of the 7th Ultimo. directing them to call up and look into the record of case No. 44 of the Criminal Reports of the Zillah of Madura for the month of May 1843. and to pass such orders thereon as may appear to them to be advisable, reporting the same for the information of the Court of Fojdaree Adalut.-

(Here enter F.D. No. 1287 of 1843)

Read letter dated the 11th Instant from the 1st Judge of the Provincial Court in the Northern Division, transmitting Supplemental Calendar for the 3d Quarterly Sessions of 1843.-

(Here enter F.D. letter No. 1301 of 1843)

W.D.M.
A/Sec

E.W.L.

F. 46.

Friday, 25th August, 1843.

At a Court of the Fojdaree Adalut.

Present,

M.L. Malcolm Lewin Esqre ——— acting 1st Puisne Judge

A.M. Alexr. Maclean Esqre ——— acting 2d Puisne Judge

P.M.L. E. M. Lewin Esqre ——— acting 3d Puisne Judge

Read letter dated the 12th instant from the Agent to the Governor of Fort St. George at Ganjam, submitting with reference to the rules framed by Government for his guidance, a report on the case of a Prisoner charged with highway robbery, and communicating his opinion as to the punishment to be passed on him.-

(Here enter F.D. No. 1336 of 1843.)

The Court of Fojdaree Adalut having maturely considered the Summary of the evidence taken before the Agent, the Statement of the grounds for the conviction, and his opinion as to the punishment to be awarded to the Prisoner, resolve to confirm the sentence of (14) fourteen years' imprisonment with hard labour in irons on the

the Prisoner

"Lunga Lunga"

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

(Continuation No. 829)

Read letter, dated the 16th instant, from R. P. Anstey Esqre. Magistrate of Trichinopoly, requesting the support of the Court of Conjeveram to his application for the payment to one Ramsamy Pillay of the sum of 15 Rupees as a reward for the courageous assistance rendered by that individual in dispersing a gang of robbers who, on the 29th Ultimo, attacked a house on the skirts of one of the suburbs of Trichinopoly.—

(Here enter No. 1326 of 1843.)

1. The Court of Conjeveram Relatutare of opinion that under a liberal interpretation of Section X. Regulation XIII of 1832 and on a due consideration of the objects of expediency for which the powers therein asserted to be entrusted to the

the Magistracy, it is not necessary that the actual apprehension of public offenders should result from effective aid given to arrest them, in order to entitle parties to the reward due for meritorious service of the nature of that reported by Mr. Anstey.—

2. The Court resolve, therefore, to intimate to that Officer that he is considered to possess authority at once to disburse the amount referred to in his communication recorded above.—

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

(Continuation No. 830)

Read letter dated the 12th instant from the 1st Judge of the Provincial Court of Circuit in the Southern Division, forwarding copy of the 1st Supplemental Calendar of the absent Joint Criminal Judge of Trichinopoly for the 3d quarter sessions 1843, together with a copy of the Translation of the Cutcherry.—

(Here enter No. 1302 of 1843.)

Read

25th August 1843.

Read Letter dated the 12th instant
from the Acting Criminal Judge of Tanjore,
forwarding the Criminal Reports for July last.
(Here enter No. 1317 of 1843.)

Read Letter dated the 12th instant
from the 3d Judge on Circuit in the Western
Division, forwarding the Warrant of Sentence for
execution of the sentence of death on the Prisoner
in Case No. 7 on the Cutcherry Calendar of Sessions
(Here enter No. 1319 of 1843)

Read return dated the 15th inst
from the Provincial Court of Circuit in the
Western Division to the Precept of the Sudder
Adawlut of the 28th July 1843, relating to the
Prisoner in Case No. 37 of the Madura Criminal Reports
having passed such orders as were necessary
to report the result for the information
of the Sudder Adawlut.
(Here enter No. 1320 of 1843.)

Exd.

F.C.

Saturday 26th August 1843. At a Court of the Foujdaree Udalut

Present

Malcolm Lewin Esqre. — Ag. 1st Puisne Judge
A. Maclean Esqre. — Ag. 2d Puisne Judge
F. M. Lewin Esqre. — Ag 3d Puisne Judge

Read Madura Criminal Reports for the Month of July 1843.—

(Here Enter F.C. No. 1291.)

Case No. 61. 1. With the exception of the 4th and 5th all the Prisoners in this case are distinctly charged with the crime of house breaking, whilst, from the recorded remarks and the Regulation quoted, they seem to have been sentenced as receivers of stolen property.—

2. The Court in consideration of the apparent irregularity direct the Acting Judge to submit any explanation he may have it in his power to offer, suspending the sentence on the Prisoners during the reference to this Court.—

Ordered that Extract

26th August 1843.

of these proceedings be sent to the Acting Criminal Judge of Madura by precept returnable in 3 days reporting that the exigency thereof has been complied with.—

/Sent following precept No. 831./

Read Salem Criminal Reports for the month of July 1843.—

/Here enter F.H. No. 1314/

Case No. 69. With reference to the sentence for escape passed upon the Prisoner in this case, the Court of Foujdaree Udalut would direct the future attention of the Criminal Judge to Circular Order of 13th July 1829, by which he will perceive that "escape" is always to be punished as a separate offence.—

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

/Sent in No. 832/

Ed. Th.

F.H.

Monday 28th August 1843. At a Court of the Foujdaree Udalut

Present

M.L. Malcolm Lewin Esqre. Ag 1st Puisne Judge
A.M. A. Maclean Esqre. Ag 2d Puisne Judge
F.M.L. F. M. Lewin Esqre. Ag 3d Puisne Judge

Read Miscellaneous Petition presented on the 7th Instant by T. Appiah Vatteel on behalf of Sait Sevalaul of Guntoor

/Here enter M. P. No. 62 of 1843/

No. 2. 95. 122 of 1839. 1. The Petitioner sets forth that on several former addresses presented by him to the Foujdaree Udalut relative to certain property held in deposit by him as a mortgage on account of debts due to him by one P. Vaparedyvar, the Court passed orders directing the said property to be placed in charge of the Collector and Magistrate of Guntoor pending the result of the decision of Her Majesty in Council in that case, but overlooked his request that certain rooms, separate from those which contained the property in question, but which in common with them

them, were siezed by the local authorities, should be restored to him; inasmuch as the property therein contained road in danger of being injured from want of due care.—

2. The Petitioner therefore now brings this request again to the notice of the Court and prays that an order to that effect be issued to the proper authorities.

3. Before finally disposing of this Petition the Court of Foujdaree Udalut resolve to call upon the Provincial Court to direct the Magistrate of Guntoor to report whether any and what objections exist against a compliance with the Petitioners' request, regarding the surrender of the room or rooms, in which his own property is alleged to be kept.—

Ordered that Extract of these proceedings be forwarded to the Provincial Court of Circuit in the Northern Division for communication to the Magistrate of Guntoor for his information by precept returnable

returnable in ten days from and after its receipt.—

Sent following precept No. 835.

Ordered also that copy of these proceedings be granted to the Petitioner if he call on this application.—

Read Extra Miscellaneous Petition presented on the 7th Ultimo by Moonuppa Naick of Chingleput.—

Here enter Ex. M.S. No. 31 of 1843

1. After stating that he has been employed in Combaconum and Chingleput for the space of 25 Years, in the capacity of Jail Peon, the Petitioner sets forth that on the 18th of May last, he, in common with other Peons, was discharged from his situation by the Acting Criminal Judge of Chingleput, in consequence of the escape of certain Convicts from the gang employed in the vicinity of Palaveram, while under his charge.—

2. The Petitioner contends that he opposed the attempt on the part of the Convicts, and subsequently assisted in their

their recapture, and in support of this statement he declares that depositions to this effect were given by certain of the Convicts and Prisoners present; which however the Acting Criminal Judge did not take into consideration.—

3. The Petitioner therefore prays the Court to call for the said depositions, and having investigated the matter to direct his re-employment in his former capacity.—

4. Under the circumstances set forth by the Petitioner in his address, the Court of Sujdaree Udalut resolve to direct the Judge of Chingleput to enquire into the truth of Petitioner's statements, and pass such orders in the case as he may deem proper.—

Ordered, that Extract of these proceedings be forwarded to the Criminal Judge of Chingleput for his information.—

/Sent in No. 836./

Ordered further, that copy of these proceedings be granted to the Petitioner on his application.—

Read Extra Miscellaneous Petition presented on the 7th Instant by Oomur Khan of the Zillah of Salem.—

/Here Enter Ex. M. P. No. 32 of 1843./

1. The Petitioner adverting to the long services of his Father in the Jail at Salem, sets forth that he has been employed, in that district, in the capacity of a Peon during a period of 17 years, and complains of his dismissal from his situation, in consequence of the loss of his Peon's belt. He now prays this Court to issue directions for his re-employment to the Zillah Judge of Salem.—

2. The Court of Sujdaree Udalut decline interfering in this case, as solicited by the Petitioner who should bring the circumstance to the notice of the local authorities.—

Ordered that this Petition be dismissed and that copy of these proceedings be granted to the Petitioner on his application.—

Read letter dated the 9th Instant

Tuesday
29th August 1843

At a Court of the Fouzdaree Adalut
Present

Malcolm Lewin Esqre Ag. 1st Puisne Judge
Alexander Maclean Esqre Ag 2d Puisne Judge
F. M. Lewin Esqre Ag 3d Puisne Judge

Read the Chittoor Criminal Reports submitted by the Acting Criminal Judge for the Month of July 1843.—

/Here enter No. 1304/

Case No. 85. 1. The Court being of opinion that there are circumstances connected with this case requiring investigation direct the Provincial Court to look into it, and pass such orders as they may think requisite, reporting the result of their enquiries for the information of this Court.—

Case No. 87 2 The Fouzdaree Adalut

Considering

F. A.

Tuesday
29th August 1843

At a Court of the Fouzdaree Adalut
Present

Malcolm Lewin Esqre Ag. 1st Puisne Judge
Alexander Maclean Esqre Ag 2d Puisne Judge
F. M. Lewin Esqre Ag 3d Puisne Judge

Read the Chittoor Criminal Reports submitted by the Acting Criminal Judge for the Months of July 1843.—

(Here enter No. 1304)

Case No. 86. 1. The Court being of opinion that there are circumstances connected with this case requiring investigation direct the Provincial Court to look into it, and pass such orders as they may think requisite, reporting the result of their enquiries for the information of this Court.—

Case No. 87 2 The Fouzdaree Adalut considering

considering the sentence passed
29th August 1843 in this case by the Acting Criminal
Judge disproportionate to the Of-
fence, resolve to direct the Provin-
cial Court to look into it and
pass such orders as they may deem
requisite, reporting the result of
their inquiry for the information of
this Court.-

Case No. 90 3. The Acting Criminal Judge
has omitted to mention the natur-
of the custody from which the Prison-
-er in this case effected his escape
and the Fouzdaree Adalut accord-
-ingly direct the Acting Criminal
Judge to supply the deficiency in
order to allow of their judging of
the correctness of the Sentence.

Ordered that Extract from
these Proceedings be forwarded to
the Acting Criminal Judge of Chit-
toor by precept returnable in 3 days
from and after its receipt.-

Sent

Sent the following precept No. 839)

29th August 1843 Ordered also that Extract
from these Proceedings para 1
and 2 be forwarded to the Provin-
cial Court of Circuit in the Centre
Division by precept returnable
without delay.-

Sent following precept No. 840-

Read the Canara Criminal
Reports for the Month of July
1843.-

(Here enter F. D. No. 1309)

Case No. 85 1 The Court of Fouzdaree
Adalut observe with reference to
the concluding remarks on this Case
by the Criminal Judge, that although
the sentence is correct the Case is
one of obtaining property under false
pretences and not theft.-

Ordered that Extract of
these Proceedings be sent to the
Criminal Judge of Canara for
his information and guidance

Sent in No. 841-)

Read Bellary Criminal

29th August 1843 Reports for the Month of July 1843.

Here enter F. R. No. 1316

Case No. 101 1. The Court of Foujdaree Adalut are of opinion that this case ought to have stopped when the Prosecutor declined to proceed with the charge as the after inquiry could only lead to an unnecessary expense.

Case No. 103 2 The remarks recorded in this case lead the Court of Foujdaree Adalut to suspect the correctness of the conviction and they consequently direct the Provincial Court to look into it, pass such orders as may seem necessary, and report the result of their investigation for the information of this Court.—

Ordered that Extract of these Proceedings (Para 2) be sent to the Provincial Court Centre Division by Precept returnable without delay

Sent following Precept (No. 842)

Ordered

Fr. R.

29th August 1843

Ordered further, that Extract of these Proceedings be furnished to the Criminal Judge of Bellary for his information and future guidance

(Sent in No. 843)

Read letter dated 1st Instant from the Chief Magistrate and Superintendant of Police at Madras transmitting the Report of Cases tried under Act XXII of 1837 in the Month of July 1843.—

(Here enter No. 1327)

Read letter dated 9th Instant from Appaliah Acting Principal Sudr Ameen of Honore forwarding Criminal Reports for the Month of July 1843.

(Here enter No. 1330.)

Read letter dated 15th Instant from the Acting Joint Criminal Judge of Guntoor forwarding the Criminal Reports for the Month of July 1843.—

(Here enter No. 1331.

Read

29th August 1843

Read letter dated 17th Instant from W. Warrington Esqr. 1st Judge late on Circuit Southern Division, submitting explanation regarding the delay in transmitting the cases referred to the Foujdaree Adalut during the 1st Sessions 1843.

/ Were enter No. 1334 /

Read letter dated 16th Instant from the 3d Judge on Circuit in the Western Division, requesting instructions as to his proceeding to deliver the Jail at Mangalore on closing the Sessions at Calicut.—

/ Were enter No. 1335 /

Read letter dated 15th Instant from P. B. Scoolett Esqr. Acting Governor's Agent of Vizagapatam, submitting Criminal Reports for the Month of July 1843.—

/ Were enter No. 1338. /

Read letter dated 17th Instant

from

29th August 1843 from the 2d Judge of the Western Provincial Court, transmitting Translations of the Criminal Reports of the Principal Sudr Ameen of Sirsee for the Month of July 1843.—

/ Were enter No. 1339 /

Read letter dated 16th Instant from the Centre Provincial Court of Circuit, forwarding Extract from their Proceedings of the 15th August 1843 held on Case No. 94 of the Cuddapah Criminal Reports for June 1843.—

/ Were enter No. 1341. /

Read letter dated 19th Instant from the 1st Judge of the Provincial Court of Circuit in the Western Division, reporting the death of Sheik Mullah, the Prisoner in case No. 1 on the Sirsy Calendar 2d Sessions of 1842 sentenced to transportation for life.

/ Were enter No. 1344 /

Read letter dated 21st Instant

from

29th August 1843

From the Criminal Judge of Nellore
forwarding Translations of certain
papers received from the Magistrate
of Nellore, regarding the death of the
Prisoner Gorvala Sunneyasee, and
stating that it appears from them
that no Jornal inquest was held on
the body of the deceased —

/ Here enter No. 1350. /

Read letter dated 21st Instant
from the 2d Judge of the Provincial
Court of Circuit in the Northern Division
Reporting the opening of the 2d Session
of 1843 at Guntoor on that date —

/ Here enter No. 1348. /

Read return dated 22d Instant
from the 1st Judge on Circuit in the Centre
Division, to the Precept of the Foujdaree
Adalut dated the 16th Instant, an-
=nexing his observations and orders
on the Sessions Calendar for the
2d Sessions of 1843. —

/ Here enter No. 1359. /

RDH
apsd

Sign'd.

F. A.

Wednesday 30th August 1843

At a Court of the Foujdaree Adalut
Present

Sc
A.M
J.M.L.

Malcolm Lewin Esqre Ag. 1st Puisne Judge
A. Maclean Esqre Ag. 2d Puisne Judge
F. M. Lewin Esqre Ag. 3d Puisne Judge

Read Masulipatam
Criminal Reports for the Month
of July 1843.

/ Here enter F. A. No. 1305 /

Case No. 26.

With reference to the con-
=cluding para of the remarks in
this Case by the Acting Joint Crimi
=nal Judge, the Foujdaree Adalut
would observe that where the
ends of Justice require a post
Mortem examination of a body
the opposition of Friends or relatives
ought to be disregarded.

Ordered that Extract of
these Proceedings be sent to the
Acting Joint Criminal Judge

J

30th August 1843

of Masulipatam for his information and guidance.

Sent in No. 845)

Read letter dated 19th Instant from the 3d Judge on Circuit in the Western Division reporting his having closed the 2d Sessions of 1843 at Calicut on the 19th Instant.

/Here enter No. 1360/

Read letter dated 25th Instant from the Acting Magistrate of Cuddapah forwarding Copy of a letter from the Joint Magistrate and the translation of its enclosure which contains an explanation of the delay which occurred in the transmission of the prisoners in Nos. 108 and 109.—

(Here enter No. 1362)—

Encl.

W.D.M.
Asst. Sec.

F. C.

Thursday 31st August 1843.

At a Court of the Foujdary Adalut.

—Present—

M.L. Malcolm Lewin Esquire—1st Judge.
A.M. Alexander Maclean Esquire—2d Judge. } Puisne Judges.
F.M.L. Fred: Mortimer Lewin Esqre—3d Judge.

Read letter from the Provincial Court of Circuit in the Centre Division, dated the 12th Instant, submitting with reference to the Foujdary Adalut Circular Order of the 28th January 1828, a copy of a communication from the Acting Criminal Judge of Chittoor soliciting instructions in regard to the disposal of a Prisoner who although charged with breach of trust and the fraudulent appropriation to his own use of money committed to his charge by his master, has been held by the Canzee of the Provincial Court not to be liable to punishment under Mahomedan Law

(Here enter 1289 of 1843.)

1. It is observed that in the proceedings of the Foujdary Adalut under date the 11th May 1835, a Prisoner charged with

with an offence analogous to that which forms the subject of the foregoing communication, was declared by the Mahomedan Law officers of this Court to be liable to "Tazeer, by im-"prisonment and stripes in proportion to his "offence".-

2. The Acting Criminal Judge of Chittoor should, therefore, be instructed to dispose of the case before him with reference to the above opinion and to furnish to the Cauzee of the Provincial Court for the information and future guidance of that officer, a transcript of these proceedings.-

Ordered, that Extract there-from be forwarded to the Provincial Court of Circuit in the Centre Division for communication to the Criminal Judge of Chittoor - and that the purport of the above proceedings be made the basis of a Circular order to be issued for general information.-

(Sent in No. 847.)

Read the Criminal Reports for the Month of July last received from the

the Officiating Joint Criminal Judge of Tinnevelly.-

(Here enter P. C. No. 1323.)

Report No. V Case No. 44. 1. The Prisoner in this case was convicted of Burglary, and under the provi-sions of Clause Sixth, Section II Regulation VI of 1822. sentenced to "imprisonment for one year".

2. No mention having been made as to whether labour with or without irons is included in the punishment awarded in this case, the Foujdary Adalut resolve to call upon the Officiating Joint Criminal Judge to state whether such an addition to the confinement is contemplated by him or not - and in the latter event to explain the grounds of the omission.-

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

(Sent following precept No. 848.)

Read the Criminal Reports for

with an offence analogous to that which forms the subject of the foregoing communication, was declared by the Mahomedan Law officers of this Court to be liable to "Tazeer, by imprisonment and stripes in proportion to his offence."

2. The Acting Criminal Judge of Chittoor should, therefore, be instructed to dispose of the case before him with reference to the above opinion and to furnish to the Cauzee of the Provincial Court for the information and future guidance of that officer, a transcript of these proceedings.

Ordered, that Extract therefrom be forwarded to the Provincial Court of Circuit in the Centre Division for communication to the Criminal Judge of Chittoor - and that the purport of the above proceedings be made the basis of a Circular order to be issued for general information.-

(Sent in No. 847.)

Read the Criminal Reports for the Month of July last received from the

the Officiating Joint Criminal Judge of Tinnevelly.-

(Here enter P.C. No. 1323.)

Report No. V 1. The Prisoner in this case was
Case No. 64. convicted of Burglary, and under the provisions of Clause Sixth, Section II Regulation VII of 1822 sentenced to "imprisonment for one year."

2. No mention having been made as to whether labour with or without irons is included in the punishment awarded in this case, the Judiciary Utahut resolved to call upon the Officiating Joint Criminal Judge to state whether such an addition to the confinement is contemplated by him or not - and in the latter event to explain the grounds of the omission.-

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

(Sent following precept No. 848.)

Read the Criminal Reports for

for the Month of July last, received from the Acting Criminal Judge of Cuddapah.-

(Here enter C. No. No. 1332 of 1843)

Report No. V Case 119. 1. The Sudder Adalut request that the remarks entered in this case may immediately be brought to the notice of the Acting Magistrate of the District with a view to the institution of such enquiry as may be deemed necessary by that Officer.-

Case No. 129. 2. The authority under which sentence has been passed on the Prisoners in this case is obviously inapplicable. The crime charged is one of embezzlement and punishable under Section VIII Regulation X of 1816.-

3. On a perusal of the report submitted, the Sudder Adalut resolve to direct the Provincial Court in the Centre Division to call up the record of this case and having gone into it to pass such orders as may appear advisable, reporting the same for the information of this Court.-

Case No. 130. 4. The obscurity of the phraseology and

and the indefinite nature of the expressions employed in the report of the trial, prevent the Sudder Adalut from arriving at any satisfactory conclusion as to the merits of the case, and they accordingly direct the Provincial Court to look into the record, and pass such judgment as may appear to be called for and report the result.-

Case 131. 5. From the explanation afforded by the Police authorities relative to the delay in the transmission of the Prisoners in this case, it appears that "they were seized and detained in the Village Chowkey for 4 days without any cause" though by what authority is not stated.-

6. The Acting Magistrate of Cuddapah should be required to inquire into the accuracy of this statement, and report the result of his investigation to the Sudder Adalut direct.-

Case 138. 7. The attention of the Acting Magistrate is also drawn to the unnecessarily long delay which has occurred in this case and which is alleged to have been

for the Month of July last, received from the Acting Criminal Judge of Cuddapah.-

(Here enter C. No. No. 1332 of 1843)

Report N.W. Case 119. 1. The Sudder Adalut request that the remarks entered in this case may immediately be brought to the notice of the Acting Magistrate of the District with a view to the institution of such inquiry as may be deemed necessary by that Officer.-

Case No. 129. 2. The authority under which sentence has been passed on the Prisoner in this case is obviously inapplicable. The crime charged is one of embezzlement and punishable under Section VIII Regulation X of 1816.-

3. On a perusal of the report submitted the Sudder Adalut resolve to direct the Provincial Court in the Centre Division to call up the record of this case and having gone into it to pass such orders as may appear advisable, reporting the same for the information of this Court.-

Case No. 130. 4. The obscurity of the phraseology

and

and the indefinite nature of the expressions employed in the report of the trial, prevent the Sudder Adalut from arriving at any satisfactory conclusion as to the merits of the case, and they accordingly direct the Provincial Court to look into the record, and pass such judgment as may appear to be called for and report the result.-

Case 131. 5. From the explanation afforded by the Police authorities relative to the delay in the transmission of the Prisoners in this case, it appears that they were seized and detained in the Village Chowkey for 4 days without any cause" though by what authority is not stated.-

6. The Acting Magistrate of Cuddapah should be required to inquire into the accuracy of this statement, and report the result of his investigation to the Sudder Adalut direct.-

Case 138. 7. The attention of the Acting Magistrate is also drawn to the unnecessarily long delay which has occurred in this case and which is alleged to have

been

for the Month of July last, received from the Acting Criminal Judge of Cuddapah.-

(Here enter C. No. No. 1332 of 1843)

Report No. V 1. The Sudder Adawlut request
Case 119. that the remarks entered in this case may immediately be brought to the notice of the Acting Magistrate of the District with a view to the institution of such enquiry as may be deemed necessary by that Officer.-

Case No. 129. 2. The authority under which sentence has been passed on the Prisoners in this case is obviously inapplicable. The crime charged is one of embezzlement and punishable under Section VII Regulation X of 1816.-

3. On a perusal of the report submitted, the Sudder Adawlut resolve to direct the Provincial Court in the Centre Division to call up the record of this case and having gone into it, to pass such orders as may appear advisable, reporting the same for the information of this Court.-

Case No. 130. 4. The obscurity of the phraseology

and

and the indefinite nature of the expressions employed in the report of the trial, prevent the Sudder Adawlut from arriving at any satisfactory conclusion as to the merits of the case, and they accordingly direct the Provincial Court to look into the record, and pass such judgment as may appear to be called for and report the result.-

Case 137. 5. From the explanation afforded by the Police authorities relative to the delay in the transmission of the Prisoners in this case, it appears that "they were seized and detained in the Village Chowkies for 4 days without any cause" though by what authority is not stated.-

6. The Acting Magistrate of Cuddapah should be required to enquire into the accuracy of this statement, and report the result of his investigation to the Sudder Adawlut direct.-

Case 138. 7. The attention of the Acting Magistrate is also drawn to the unnecessarily long delay which has occurred in this case and which is alleged to have

been

been caused by searching the Prisoners houses for the stolen property.-

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Cuddapah for his information and with directions to communicate to the Acting Magistrate of the District such parts of this communication as may refer to that officer.-

(Sent in No. 849)

Ordered also, that Extract from these proceedings (Paras 2. 3 and 4.) be forwarded to the Provincial Court of Circuit in the Centre Division for their information and guidance by precept returnable without delay.-

(Sent following Precept No. 850.)

Read letter dated the 2nd Instant from the Criminal Judge of Rajahmundry transmitting the Criminal Reports for July 1843.-

(Here enter No. 1275.)

Read return dated the 12th Instant from the Acting Criminal Judge

of Cuddapah, to the precept of the Puisdaree dated of the 5th Instant, enclosing observations on the Criminal Reports for June 1843.-

(Here enter No. 1279.)

Read Letter dated the 5th Instant from the Joint Criminal Judge of the Auxiliary Court at Vizagapatam, submitting the Monthly Criminal Reports of his Court for the Month of July 1843. as prescribed by Section XXXV Regulation X of 1816 stating that the Report No. VII has not been sent, there being no entry to be made in it.-

(Here enter No. 1281.)

Read Letter dated the 22d Instant from the 2d Judge on Circuit in the Southern Division, transmitting copy of the Madura Calendar for the 2nd Sessions 1843, together with Translations of the Putwas.-

(Here enter No. 1357.)

F. W.

Friday 1st September 1843. At a Court of the Foujdaree Udalut

Present,

A.L. Malcolm Lewin Esqre. — Ag. 1st Puisne Judge

A.M. A. Maclean Esqre. — Ag. 2d Puisne Judge

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

Circular Order

No. 752.

The Court of Foujdaree Uda-

=lut having in certain instances had occa-

=sion to communicate to functionaries in

the Provinces, the opinion of their Law

Officers that under the Mahomedan

Law, a Servant is liable to "Tauzeer by

"imprisonment and stripes in proportion

"to his offence" when convicted of breach

of trust and fraudulent misappropria-

tion to his own use or purposes, of money

committed by his employer to his charge,

resolve to intimate to the several judi-

cial authorities that cases of that nature

should be disposed of under the general

regulations.—

Ordered that following Circular Order No. 852./

Read

1st September 1843.

Read return, dated the 29th Ultimo, from the Acting Criminal Judge of Combaconum, to the precept of the Foujdaree Udalut of the 24th August 1843, conveying their observations and orders on the Criminal Reports for the month of July last.—

(Here enter No. 1373).

RDM
a/Regr.

Saturday
2nd September 1843.

F. U.

At a Court of the Foujdaree Udalut.

Present

Sir C. Malcolm Lewin Esqre.—Ag. 1st Puisne Judge
A M A. Maclean Esqre.——Ag. 2nd Puisne Judge
W M L. F. M. Lewin Esqre.——Ag 3rd & 4th Puisne Judge

Read the Criminal Reports submitted by the Joint Criminal Judge of Cuddalore for the month of July 1843.—

(Here enter No. 1310)

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

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

(Sent in No. 854.)

Read letter dated the 28th Ultimo from the 2nd Judge on Circuit in the Northern Division, transmitting a Statement of Batta paid to Prosecutors and witnesses who attended before the Court

2d. September 1843

Court of Circuit for the 2d. Sessions of 1843
at Guntoor.—

/Here Enter No. 1376/

Read letter dated the 29th.
Ultimo from the 2d. Judge on Circuit in
the Northern Division, transmitting the
Original Death Warrants in Case Nos.
5 and 7 on the Nellore Primary Calendar
for the 2d. Sessions of 1843.—

/Here Enter No. 1377/

Sept.

Monday
4th September 1843.

F. 116.

At a Court of the Foujdarry Adalut

Present

Malcolm Lewin Esqre. 1st Puisne Judge
Alexander Maclean Esqre. 2d Puisne Judge
J. M. Lewin Esqre. 3d Puisne Judge

Read Miscellaneous Petition
presented on the 15th Ultimo by Ramoovyen-
-gar of Zillah of Combaconum—

(Here enter M. P. No. 64 of 1843)

The Petitioner in the foregoing
address sets forth that one Sowna Royer,
Head of Police at Pauperumpaium, by
means of a false report to the Magistrate
of Tanjore, obtained the release of indivi-
-duals, charged with having assaulted
his (Petitioner's) elder brother with mur-
-derous intent on the night of the 26th May
last— after entering into the circumstances
of the alleged attack, and mentioning
different witnesses in support of the
crime charged, the Petitioner states that
he applied to the Higher Court relative

to

4th September 1843.-

to the release of the said Prisoners but the representations passed unheeded - he therefore prays the Foujdaree Udalut to order the Court of Circuit in the Southern Division to summon the 6 persons charged with the above crime, as well as the witnesses named by him, and having investigated the case, to pass judgment therein -

2. On a consideration of the statements contained in the above address the Foujdaree Udalut resolve to call upon the Provincial Court of Circuit in the Southern Division to report for the information of the Judges the measures that have been adopted by them in this case; and should it appear necessary to require the Magistrate of the District to submit an explanation of the proceedings of the subordinate authorities in the Talooks in this matter -

Ordered, that Extracts from these proceedings be forwarded to the Provincial Court of Circuit in the Southern Division for their information by

4th September 1843.- by precept returnable in XV days from and after its receipt -

(Sentence No. 859)

Ordered also, that copy of these proceedings be granted to the Petitioner on application -

Read Miscellaneous Petition presented on the 21st Ultimo by Marodusspa Chetty of Trichinopoly -

(Here enter M. L. No. 85 of 1843.)

The Petitioner complains

1. of his elder brother Appalinga Chetty having been sentenced by the Provincial Court of Circuit in the Southern Division on a charge of Perjury, to a period of 7 years imprisonment; in consequence of his having failed to establish the crime of robbery charged by him against the Prisoners in Case No. 33 in the Trichinopoly Criminal reports for the month of March 1843. -

This failure the Petitioners

2. avers was caused by the Prisoners in that case having tampered with some of his

4th September 1843.

his brother's (two) witnesses, and deboned others to prove an alibi on their part- after detailing the circumstances of the case he prays the Foujdaree Udalut to call for the record of the trial, and order the release of his brother, the punishment of the said Prisoners and the recovery from them of the sum of Rupees 72-12-0 alleged to have been stolen by them from Appalinga Chitty.-

3. From a perusal of the report of the trial of Petitioners brother for Perjury, held before the Court of quarterly Sessions, the Foujdaree Udalut consider that that crime was fully proved against him: they accordingly decline interfering in the manner requested by this Petitioner.-

Ordered, that this Petition be dismissed and that copy of these proceedings be granted to the Petitioner on application.-

Read the Criminal Reports submitted by the Principal Sudr Ameen at Tchapore for the month of July 1843.-

(Here enter No. 1352.)

The

F. No.

4th September 1843.

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

Ordered therefore, that an Extract from these proceedings be forwarded to the Principal Sudr Ameen at Tchapore.-

(Sentence No. 860)

Read letter dated the 15th Ultimo from the 3rd Judge on Circuit in the Western Division referring for the final sentence of the Foujdaree Udalut the trial in Case No. 3 on the Calicut Calendar for the 2nd Sessions of 1843.-

(Here enter F. No. 1343)

1. The attention of the Circuit Judge is drawn to the omission in the above trial to declare the sentence which he would recommend to be passed on the Prisoner Peroompayi Karunakeeral Menon- It is also necessary that he should distinctly state whether he considers the Prisoner to be guilty or not of the crime preferred against him: in the want of this intimation

any

4th September 1843.

any doubt of his guilt, he should be acquitted - and on the other hand, if deemed guilty, the measure of punishment, which the Circuit Judge considers consistent with the degree of criminality evinced, should be stated.-

2. In the present condition of the case, the Court of Fouidaree Adalut cannot proceed to pass judgment on it, and they accordingly resolve to return to the 3rd Judge on Circuit the communication recorded above, and its accompaniments with a view to the omissions pointed out, being supplied by that Officer.-

Ordered, that Extract from these proceedings be forwarded to the 3rd Judge on Circuit in the Western Division by precept returnable in X days from and after its receipt.-

(Sent following precept No 861)

J. H. D. M.
A. M.
T. M.

F. 16.

Thursday 7th September 1843.

At a Court of the Fouidaree Adalut.

Present,

J. H. Malcolm Lewin Esqre ——— Acting 1st Puisne Judge,
A. M. Alexr Maclean Esqre ——— Acting 2d Puisne Judge,
T. M. L. Mr. Lewin Esqre ——— Acting 3d Puisne Judge,

Read again letter dated the 13th July last from the Acting Criminal Judge of Combaconum, forwarding the translation of the Record of Case No 10 of the Criminal file for 1843.-

(Here enter No 1125.)

Having attentively perused the record in the preceding case, the Court of Fouidaree Adalut deem it necessary that all the other proceedings held in Nos 12. 13 and 14 on the Combaconum Primary Calendar for the 1st Sessions of 1843 should be transmitted for their consideration.-

Ordered, that Extract of these proceedings be sent to the 1st Judge late on Circuit in the Eastern Division by precept returnable without delay, and for communication to the Acting Criminal Judge of Combaconum.

(Sent following Precept No 872)

Read

Read communication dated the 29th Ultimo from the Magistrate of Chingleput and its enclosures soliciting the instructions of the Zillah Court in regard to the disposal of a charge preferred against a Native Commissioned Officer of the Artillery who is accused of having brought and concealed a convict sentenced to transportation for life, on board the vessel in which with his Company he was recently a passenger from Penang.—

(Here enter No. 1366 of 1843.)

The offence of aiding the escape from Penang of the convict referred to, which is imputed to Jamadar Raghu Singh was not committed within the jurisdiction of the Zillah Adalut.—

The Court are therefore of opinion that instructions as to the manner in which the Jamadar should be dealt, should be applied for from the Government, the Convict Dhurmoo Dewarry being in the mean time transferred to the custody of the Superintendent of Police at Madras.—

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

(Sent in No. 873.

Read

Read return dated the 31st Ultimo from the Acting Criminal Judge of Chittoor, to the precept of the Zillah Adalut of the 29th August 1843, submitting explanation to the remarks of the Zillah Adalut on the Criminal Reports for the month of July 1843.—

(Here enter No. 1378 of 1843.)

Read the final return dated the 24th Ultimo from the Provincial Court in the Northern Division, to the precept of the Zillah Adalut dated the 24th April last, reporting the remand of the fine of 50 Rupees imposed upon Lutchmana Lall of Guntoor by the Court of Circuit for the 1st Sessions of 1838.—

(Here enter No. 1386 of 1843.)

Read letter dated the 30th Ultimo from the 1st Judge on Circuit in the Centre Division, reporting for the information of the Court of Zillah Adalut that the Criminal Judge of Bellary has made a return that the Prisoners in Cases Nos. 1—2—10. 15 and 16 of the Bellary Calendar are unwilling to take their trial before him in his capacity as Sessions Judge—and he shall use his best endeavours to dispose of as many cases on the Calendar as practicable previous to his quitting

7th Sept.

7th September 1843

quitting the station for Chittoor which he expects to reach on the 16th Proceeding in time to open Court as a Special Commissioner for the Centre Division.—

(Here enter No. 1390 of 1843)

Friday 1
8th September 1843.

H. H.

At a Court of the Conjeeveram Adawlut.

Present,

Malcolm Lewin Esqre ——— acting 1st Puisne Judge,

Alex. Maclean Esqre ——— acting 2d Puisne Judge,

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

Read letter dated the 26th Ultimo from the 1st Judge on Circuit in the Centre Division, transmitting the trial in Case No. 1 of the Conjeeveram Primary Calendar for the 2d Sessions of 1843.—

(Here enter No. 1395.)

Mr. A. Maclean,
and
Mr. F. M. Lewin,

The Court of Conjeeveram 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

Seelar Beig

is sufficient to convict him of the crime of Dacoity do convict him thereof, and under the provisions of Clause third Section VII Regulation XX of 1803, do sentence him to receive 195 lashes with a Cat o'nine tails, and to be imprisoned and kept to hard labor in irons on the public roads or other public works

8th September 1843.

works, for and during the period of (7) seven years.—

(Cent following letter No. 874)

Read return dated the 7th instant from the Provincial Court of Circuit in the Southern Division, to the precept of the Coujdaree Adalut of the 22d July 1843, directing them to call up and look into the orders of Cases Nos. 35 and 41 of the Criminal Reports of the Joint Criminal Judge of Coimbatore for the months of June 1843, and to pass such orders thereon as may appear to them to be advisable, reporting the same for the information of the Court of Coujdaree Adalut.—

(Here enter No. 1393 of 1843.)

47 L.

Approved

P. D. R.

P. C.

Saturday, 9th September, 1843.

At a Court of the Coujdaree Adalut.

Present—

Mr. Malcolm Lewin Esqre — Acting 1st Puisne Judge,

Mr. Alexr. Maclean Esqre — Acting 2d Puisne Judge,

Mr. F. M. Lewin Esqre — Acting 3d Puisne Judge,

Read letter dated the 30th ultimo from the 1st Judge on Circuit in the Centre Division, referring the trial in Case No. 4 of the Cuddapah Primary Calendar for the 2d Sessions of 1843—

(Here enter C. C. No. 1380.)

Mr. M. Lewin, and Mr. A. Maclean,

The Court of Coujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoner

Gowriammah

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on her own confession of the crime of embezzlement, do acquit her thereof, and direct that she be unconditionally released.—

1. In this case the Circuit Judge recommends

recommends that a sentence of 2 years imprisonment be passed on the Prisoner charged with fraudulent appropriation of property.—

2. The Court of Enquiry are dedatut consider that the evidence adduced, is not sufficient for her legal conviction, and they accordingly direct that she be set at liberty.—

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

(Sent following letter No. 876)

Read letter dated the 6th instant from the 3d Judge on Circuit in the Eastern Division forwarding the Death Warrant in Case No. 1 on the Calicut Additional Calendar for the 2d Sessions of 1843 with copies of the reports from the Acting Criminal Judge and his Assistant.—

(Here enter No. 1405 of 1843.)

Read letter dated the 15th August 1843 from the Ist Judge late on Circuit in the Southern Division, transmitting the Circuit Reports required by Section XXXVII Regulation VII of 1802 for the Ist Sessions

Sessions of 1843.—

(Here enter No. 1321)

The Court consider the remarks in para: 15 on the complaints of certain Peons employed in the Jail of Cotacamund unmitted to a Circuit report and that they would more appropriately constitute the subject of a separate letter.—

Ordered, that Extract of these proceedings together with a copy of the above report be forwarded to the Secretary to Government with a view to their being submitted to the Most Noble the Governor in Council.—

(Sent in No. 877.)

Ordered further that Extract from these proceedings be forwarded to the Ist Judge late on Circuit in the Southern Division for his information and guidance.—

(Sent in No. 878)

No. 16.

Monday, 11th September, 1843.

At a Court of the Zillah Adalat.

Present,

MK — Malcolm Lewin Esqre — Acting 1st Puisne Judge

AM — Alexr Maclean Esqre — Acting 2d Puisne Judge

JML — Jno Mo Lewin Esqre — Acting 3d Puisne Judge

Read miscellaneous Petition presented on the 21st ultimo by Narrainsawmy and Mungummaul of Chittoor.—

(Here enter Mr. P. No. 67 of 1843.)

The object of the foregoing address is to obtain the release of Peroomall Naik, who on a charge of Burglary and theft was sentenced to a period of 7 years' imprisonment in Case No. 7 of the Chittoor Calendar for the 4th Quarterly Sessions of 1842.—

The Petitioners reiterate the arguments used by them in their former addresses to this Court on the same subject, to the effect that the charge was fabricated at the instance of one Ramasawmy in consequence of a quarrel regarding a debt stated to be due by him to Peroomall: that violence was used

Ex. M. Rec. P. Nos 140 of 1842. - - - - -
3 and 27 of 1843.

used towards the Prisoner and that the minority station were imperfect. They therefore pray the Court to order the release of the said Paroomall.—

The proceedings of the lower Court in the trial above referred to, have been already submitted to the Sunjdaree Adawlut, and on a perusal of them the Court see no reason to entertain any doubt of the guilt of the Prisoner Paroomall, whose release is the object of this Petition.—

Ordered, that this Petition be dismissed: and that copy of these proceedings be granted to the Petitioners on application.—

Read again Madura Criminal Reports for the months of July 1843.—

(Here enter Sl. No. 1291.)

Read also return dated the 31st Ultimo from the Acting Criminal Judge of Madura, to the precept of the Sunjdaree Adawlut under date the 26th ultimo, calling for an explanation, regarding the sentence passed by the Pundit Lor Ameen on the Prisoners in Criminal Case No. 61 of 1843.—

(Here enter Sl. No. 1383.)

The Prisoners in the above case, were,

1. with the exception of the 4th and 5th charged with the crime of House breaking, and, as appears from the record of the trial sentenced as receivers of stolen property.—

2. In explanation of this variance between the indictment and the finding, the Acting Criminal Judge states that the charge is incorrectly worded, and should apparently have been restricted, in the case of all the Prisoners, to the offence of receiving the stolen property knowing it to be such, of which, all except the 5th, 6th and 7th who were released, were convicted, and that in other respects the sentence of the Pundit Lor Ameen appears correct.—

3. The Sunjdaree Adawlut in consequence of the discrepancy above mentioned, are under the necessity of ordering the release of the 1st, 2nd and 3rd Prisoners, the 4th being excepted in the case under remark, and at the same time, to prevent the recurrence of such a failure of justice, they feel it incumbent on them to direct that greater care be

12th September 1843.

be taken in the wording of Criminal charges on future occasions.—

Ordered, that Extract from these proceedings be forwarded to the Acting Criminal Judge of Madura for his information by present returnable in 15 days, from and after its receipt.—

(Sent following precept No. 882.)

Read letter dated the 31st Ultimo from the 2d Judge of the Provincial Court of Circuit in the Southern Division forwarding Statements of Batta received from the Criminal and officiating Joint Criminal Judges of Madura for the 2d Sessions 1843.—

Eg. L.

(Here enter No. 1381 of 1843).

RDM
appd

No. 46.

At a Court of the Conjedaree Adalut.

Present.

Tuesday,
12th September 1843.

Malcolm Lewin Esqre ——— Returning 1st Puisne Judge,

A. M. Alexr Maclean Esqre ——— Returning 2d Puisne Judge,

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

Read letter dated the 30th Ultimo from the 1st Judge on Circuit in the Centre Division forwarding an Extract from the Proceedings of the Court of Circuit under the same date, regarding Dodda Basavaiah sentenced by the Conjedaree Adalut in Cases Nos. 14 and 16 of the Bellary Calendar for the 2d Sessions of 1837 to furnish two sureties of 1,000 Rupees each for his good behaviour and appearance when required.—

(Here enter No. 1389.)

Under the explanation afforded by the 1st Judge on Circuit and the reasons which he has assigned, the Court of Conjedaree Adalut see no objection to the proposed reduction of the security which the Prisoner in question has been required to produce, to one half of the amount originally demanded of him.—

Ordered

Ordered accordingly that extract from these proceedings be forwarded to the 1st Judge on Circuit in the Eastern Division for his information and guidance.

(Court in No. 884)

Read letter dated the 30th ultimo from the 1st Judge presiding at the Court of Sessions for the 3d quarter of 1843 in the Western Division submitting, with reference to the proceedings of the Court dated under date the 3d February last, copies of a letter from the Joint Criminal Judge of Malabar, and of its enclosure, a Medical Certificate from the Assistant Surgeon attached to the station, regarding the sanity of the Prisoner in Case No. 1 on the 3d Additional Calendar 1st Quarterly Sessions 1839.—

(Here enter No. 4 No. 1394.)

The Court of Foujdaree Adawlut are not satisfied that the release of the Prisoner Surmum Conkal, above referred to, would be justifiable under the circumstances of the case: without the responsibility of persons undertaking that he will keep the peace. They cannot therefore accede to his release, unless he can procure two sureties each in the sum of Rupees (30) thirty.—

Ordered, that extract from these proceedings be forwarded to the 1st Judge presiding at the Court of Sessions for the 3d Quarter of 1843 in

in the Western Division for his information and guidance.—

(Court in No. 885.)

No further return having been received from the Provincial Court in the Northern Division, to the precept of this Court of the 5th July 1843, directing them to look into Cases Nos. 24 and 32 of the Nellore Criminal Reports for the month of May 1843, and pass such orders thereon as may seem proper, reporting the same for the information of the higher Court.—

Ordered, that the Provincial Court of Circuit in the Northern Division be required to make a full return to the precept aforesaid without delay.—

(Court in No. 886.

Read letter dated the 23d Ultimo from A. P. Onslow Esqr. Magistrate of Trichinopoly bringing to notice the courageous resistance offered by certain villagers to an attack of gang robbers and soliciting authority to present to some of those individuals, whom he has specified, a reward in money to be distributed proportionately with reference to the injuries which they have received.—

(Here enter No. 1365 of 1843)

Under the construction placed by the Court on Section X Regulation XIII of 1832 in their proceedings

proceedings of the 25th ultimo, the Magistrate of Trichinopoly
possesses authority to make the disbursements suggested
in the manner proposed, without reference to the
Sudder Adawlut, provided the conduct of the village
named be considered by him such as shall fulfilled
the conditions contemplated in the provisions of the
law which regulate the payment of rewards for meritorious
services rendered in the apprehension and discovery of
notorious offenders.—

Ordered, that extract from these
proceedings be forwarded to the Magistrate of Trichinopoly
for his information.—

(Sent in No. 887.)

DM
Jeffery

Read letter dated the 4th instant
from the 1st Judge on Circuit in the Centre Division
transmitting the Record in Case No. 6 on the
Cuddapah Primary Calendar for the 2d Session
of 1843.—

(Here enter No. 1397 of 1843.)

W. Ross Ll. Lewin.

The Court of Sudder Adawlut on
a deliberate consideration of all the circumstances
of the case in evidence before them, [illegible] of
opinion

opinion that the proof against the Prisoner

Woodacherla Pedesaheb.

is sufficient to convict him of the crime of
wounding, do convict him thereof: and under
the provisions of Clause third Section VII Regulation
XV of 1803 do sentence him to be imprisoned and
kept to hard labour without irons, on the
public roads or other public works, for, and
during the period of (3) three years.—

(Sent following letter No. 888.)

DM

F. No.

Wednesday 13th September 1843

At a Court of the Foujdary Adalut.

Present

Malcolm Lewin Esquire — 1st Judge
Alexander Maclean Esquire — 2d Judge
Fred: Mortimer Lewin Esquire — 3d Judge
} Puisne Judges.

Mr. A. M.
Mr. J. M. L.

Read letter dated the 28th Ultimo from the 2d Judge on Circuit in the Northern Division, forwarding for the final orders of the Foujdary Adalut the trial in Case No 5 on the Sumbulpore Primary Calendar for the 2d Session of 1843.-

(Here enter F. H. No. 1401.)

The Court of Foujdary Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the Prisoners

1st Gopeselly Vonnoor.

and

2d Moospullah Cistummah.-

is sufficient to convict them of the crime of rape, do convict them thereof; and under the provisions of Clause third Section VII Regulation

Mr. M. Lewin.
and
Mr. A. Maclean.

Wednesday 13th September 1843

At a Court of the Poujdary Adalut.

Present

A.M.
W.L.

Malcolm Lewin Esquire — 1st
Alexander Maclean Esquire — 2d
Fred: Mortimer Lewin Esquire — 3d
} Puisne Judges

Read letter dated the 28th Ultimo from the 2d Judge on Circuit in the Northern Division, forwarding for the final orders of the Poujdary Adalut the trial in Case No 25 on the Sumtoor Primary Calendar for the 2d Session of 1843.-

(Here enter F.H. Dc. 1401.)

The Court of Poujdary Adalut

Mr. M. Lewin.
and
Mr. A. Maclean.

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 Gopeseetty Vonnoor.

and

2d Moosphullah Cistummah.-

is sufficient to convict them of the crime of rape, do convict them thereof; and under the provisions of Clause third Section VII Regulation

Regulation XV of 1803 do sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of (14) fourteen years.-

The Court of Sunjdaree Udalut consider that the sentence of Transportation for life recommended by the 2d Judge on Circuit in the Northern Division to be passed on the Prisoners charged with the crime of rape in the above case, would be one of unnecessary severity, and accordingly resolved to sentence them to 14 years' imprisonment with hard labor in irons.-

Ordered that Extract from these proceedings be forwarded to the 2d Judge on Circuit in the Northern Division for his information.-

(Sent in No. 890)

Read return dated the 30th Ultimo from the Joint Criminal Judge of Coimbatore submitting in accordance with the Precept of the Sunjdaree Udalut under date the 23d Ultimo the result of the Magistrate's inquiry into the conduct of the Police Officers of the Chupor Talook

Talook with reference to the remarks of the Joint Criminal Court in case No. 49 in the Criminal reports for the months of July last.-

(Here enter P. 86. No. 1384.)

Adverting to the Statement

1.

made by the Head of Police of Chupor, in his

15th July 1843.- communication to the Magistrate of Coimbatore, relative to the alleged extortion in the Talook of a confession from the Prisoners in Case No. 49. of the July Criminal reports, of the crime therein charged against them, to the effect that the injuries apparent on the persons of the 2d and 3d Prisoners at the time of their trial and which, with the view to the institution of due enquiry were subsequently brought to the notice of the Magistrate, had the appearance of old wounds, the Joint Criminal Judge declares his impression founded on a personal inspection of the injuries at the time, that the assertion of the Head of Police is "contrary to fact" and that "their state then apparently corresponded with the number of days which had elapsed since the date on which the Prisoner asserted that they had been maltreated."

The

13th September 1843.-

2. The Court of Sunjdary Adalut resolve to call the attention of the Magistrate of Coimbatore to the opinion expressed by the Joint Criminal Judge in his return now under remark, with a view to the adoption by the Magistrate of such measures as the circumstances of the case may render necessary: a report of the result being forwarded to this Court direct.-

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

47. J.

/Sent in Pc 891./

Saturday
16th September 1843.

No. 6.

Present:

Malcolm Lewin Esqre ——— Acting 1st Puisne Judge
Alexr Maclean Esqre ——— Acting 2d Puisne Judge
C. M. Lewin Esqre ——— Acting 3d Puisne Judge

Read letter dated the 31st Ultimo from the Acting Agent to the Governor of Fort St. George, in the Vizagapatam District, submitting the record of the trial in Case No. 9 of 1843 on his file.—

(Here enter Pc No. No. 1409.)

The Court of Sunjdarce Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, deem of opinion that the proof against the Prisoner,

Nunniala Venkatasawmy,

is sufficient to convict him of the crime of Murder, & to convict him thereof: But deem 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 1802 would in this instance be too severe the Court under the provisions of

Mr. M. Lewin,
and
Mr. C. M. Lewin,

of Clause Third Section III Regulation I of 1825, do sentence him to be transported to such place or places beyond the as the Governor in Council shall direct, there to be imprisoned and kept to hard labour in iron on the public roads or other public works for and during the period of his natural life.—

(Vide following letter No 898

Read letter dated the 5th instant from the Criminal Judge of Chinglepute forwarding the Criminal Reports &c. for the month of August 1843.—

(Here enter No 1396 of 1843.)

Read letter dated the 7th instant from the 2d Judge on Circuit in the Northern Division transmitting a Statement of Trials as required by the Circular Order No 4.—

(Here enter No 1412 of 1843.)

Read letter dated the 8th instant from the 1st Judge of the Provincial Court in the Northern Division submitting the statement of Costs paid to Prosecutors and witnesses for the 3d Quarter of 1843.—

(Here enter No 1413 of 1843.)

End 16th.

RDN
ASMcG

Z.G.

At a Court of the Coimbatore Cutcherry.

Monday
18th September 1843.

Present,

Malcolm Lewin Esqr ——— Acting 1st Puisne Judge
Alex.r Maclean Esqr ——— Acting 2d Puisne Judge
C. H. Lewin Esqr ——— Acting 3d Puisne Judge

Read letter dated the 28th Ultimo from the 2d Judge on Circuit in the Northern Division transmitting the English Translations in Case No 3 on the Gantoor Primary Calendar for the 2d Sessions 1843.—

(Here enter No 1400 of 1843.)

The Court of Coimbatore Cutcherry on Mr M. Lewin, and Mr A. Maclean, a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner Coma Goundadoo is sufficient to convict him of the crime of Murder do convict 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

18th September 1843.

Section X Regulation VIII of 1832 would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825 do sentence him to be transported to such place or places beyond sea as the Governor in Council shall direct, 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. J.

(Sent following letter No 895)

RDM
apvd

No.

At a Court of the Conjedaree Udalut.

Present.

Tuesday
19th September, 1843.

ML Malcolm Lewis Esqre ——— Acting 1st Puisne Judge,

AM Alexr Maclean Esqre ——— Acting 2d Puisne Judge,

WML C. ML Lewis Esqre ——— Acting 3d Puisne Judge,

Read communication dated the 29th ultimo from the 2d Judge late on Circuit in the Northern Division, transmitting the Quarterly Criminal Calendar for the 2d Sessions of 1843.

(Here enter No. 1388 of 1843.)

Case No. 4.

1.

The Judge on Circuit has stated in the Calendar of remarks appended to this case that the Law Officer "finds the Prisoner guilty of having wounded the Prosecutor and declares him liable to three years' imprisonment."

On reference to the Futwah delivered

2.

by the Cauzee who assisted at the trial, the Court observe that the provisions of Clause first Section II Regulation XV of 1803 had sufficiently been conformed to by the declaration made in the first instance by that Officer, to the effect that "on his own confession the Prisoner

was

"was liable to Cokoobut" at the discretion of the Court;
consequently that no necessity existed for the 2d question
propounded by the Judge on Circuit which has had
the effect of eliciting a reply contradictory of the previous
one shewing the punishment to be awarded to be
discretionary.—

Case No. 7. 3. This case was returned by the Judge
on Circuit without investigation in order to its disposal
by the Acting Joint Criminal Judge — and the grounds
on which that mode of proceeding was adopted
sufficiently prove the propriety of the measure.—

4. It is indeed to be regretted that the
case was ever committed for trial by the Acting Joint
Criminal Judge whose proceedings do not evince that
care and discretion which might be expected of a
functionary holding his responsible charge.—

Ordered, that Extract from these proceedings
be forwarded to the 2d Judge late on Circuit in the
Northern Division for his information.—

(Sent in No. 896.)

Ordered also, that Extract from these
proceedings be forwarded to the Special Commissioner for
the Northern Division, with instructions to communicate

copy

copy of paragraphs 3 and 4 to the late acting Joint
Criminal Judge of Ajmeer.—

(Sent in No. 897.)

Read the Criminal Reports for the
month of August last received from the Acting Joint
Criminal Judge of Masulipatam.—

(Recorded Vol. No. 1403.)

The Court of Conjecture direct at request of

Report No. V

Case No. 32. that the inconclusive nature of the remarks in the
case noted in the margin may be pointed out to the
late Nizamut Adawlut — As the sentence passed on the Prisoner
will have expired already the Court refrain from
further notice on the subject; although from the
report the justice of the conviction is open to suspicion.—

Ordered, that Extract from these
proceedings be forwarded to the late acting Joint
Criminal Judge of Masulipatam for his information,
and for communication to the late Nizamut Adawlut of the
Auxiliary Court.—

(Sent in No. 898.)

Ordered also, that Extract from
these proceedings be transmitted to the Principal
Sudr

19th September 1843.

Sub Annen of Qualification to be spread on the records of his office.—

(Sent in No. 899

Read return dated the 7th instant from the Officiating Joint Criminal Judge at Cuddalore to the Precept of the Zoujdarry Adalut of the 31st August last, conveying their observations and orders on the Criminal Reports for the month of July 1843.—

(Here enter No. 1416 of 1843.)

Read letter dated the 9th instant from the Acting Joint Criminal Judge at Cochin, transmitting the Criminal Reports for the month of August 1843.—

(Here enter No. 1421 of 1843.)

Read letter dated the 11th instant from the Joint Criminal Judge of Malabar, forwarding the Criminal Returns for August last.—

(Here enter No. 1423 of 1843.)

Read letter dated the 14th instant from the Acting Magistrate of Tanjore, reporting the result of the investigation into the case of Gang Robbery committed at Tevarore in this District.—

(Here enter No. 1430 of 1843.)

No. 16.

Wednesday,
20th September 1843. At a Court of the Zoujdary Adalut.—

—Present—

Mk. Malcolm Lewin Esquire — Offg. Pt.
A.M. Alexander Maclean Esquire — Offg. 2d. } Puisne Judges
W.L. Fred. Mortimer Lewin Esquire — Offg. 3d.

Read the Criminal Reports submitted by the Joint Criminal Judge of Vizagapatam for the month of August 1843.—

(Here enter No. 1402.)

The above Reports do not appear to call for any remark from the Court of Zoujdary Adalut.—

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

(Sent in No. 901.)

Ordered also that Extract from these proceedings be sent to the Acting Principal Sub Annen of Vizagapatam for his information.—

(Sent in No. 902.)

Read letter from the 3d Judge on Circuit in the Western Division dated the 24th Ultimo forwarding copies of the Calendars of the Prisoners committed for trial by the Acting Criminal Judge of Malabar at the 2d Sessions of 1843.-

(Here enter F.C. No 1369)

Case No. IV. 1. The 4 first Prisoners in this case are charged with having in company with certain others, armed with sticks and stones, and with lighted torches, gone to the Prosecutor's house and then and there, by force and violence to the 16th and 17th witnesses, plundered property to the value of Rs. 27-14-0:- The 5th Prisoner is charged with having secreted part of the said property knowing it to have been stolen.-

2. The Law Officer convicts the 3 first Prisoners on their own confession and declares them liable to Coroobut, but acquits the 4th and 5th Prisoners on the ground of deficiency of evidence.-

3. In this conviction the 3d Judge on Circuit expresses his full concurrence, but, in consideration of suspicion attaching to the 5th Prisoner determines to demand security for his good behaviour and appearance, and, since the prescribed punishments appear to him more severe than the ends of justice require, he submits the case of the 3 first Prisoners for the consideration of the Sudder Adalut, recommending, as the crime was not accompanied by any aggravating circumstances, a mitigated punishment of 6 year's imprisonment for the 1st and 4 year's imprisonment for the 2d and 3d Prisoners.

4. The Court of Sudder Adalut having attentively perused all the remarks of the Circuit Judge are unable to concur in the view he has taken - and, since they can perceive none of the palliative circumstances which led the Circuit Judge to recommend a mitigated sentence, but are, on the contrary of opinion that the full measure of the Law should be enforced, they decline complying with his request.-

Case No. VI 5. As the 3d Judge on Circuit has omitted to quote the provision of the Law under which he has inflicted punishment

Thursday,
21st September 1843.

At a Court of the Toujdary Udalut.-

-Present-

MK — Malcolm Lewin Esquire — 1st Judge
AM — Alexander Maclean Esquire — 2d Judge } Provincial Judges
WML — Fred: Mortimer Lewin Esquire — 3d Judge

Read the Rajahmundry Criminal Reports for the Month of August 1843.-

(Here enter T. U. No 1404.)

Case No. 20. The 2d Prisoner in this case, Gandah Syegadoo, having been implicated in two other offences of a serious nature must be considered in the light of a notoriously bad character and ought to have been committed for trial before a higher Tribunal.

Ordered that Extract of these proceedings be sent to the acting Sessions Judge of Rajahmundry for his information and future guidance.-

(Sent in No 906.)

Read return dated the 7th Instant from the Provincial Court in the Southern Division to the precept of the Toujdary Udalut

F.46.

Friday,
22d September 1843.

At a Court of the Foujdary Adalut.

-Present-

MK Malcolm Lewin Esquire — A.J.P.
AM Alexander Maclean Esquire — A.J.P. } Principal Judges
WML Fred: Mortimer Lewin Esquire A.J.P.

Read communication dated 8th instant, from the acting Criminal Judge of Cuddapah submitting for the consideration of the Foujdary Adalut whether certain Prisoners charged with killing and eating, or killing with a view to eat, a young Bull which was let loose after having been branded with sacred marks, is punishable under the Regulations

(Here enter No. 1407 of 1843)

1. A reference having been made to the Moofty of the Criminal Court, that Officer has declared the act adverted to in the Criminal Judge's communication, not to be punishable under the Mahomedan Law and for his authority refers generally to the Alumgherree.

2. The Foujdary Adalut are of

of opinion there can be no doubt of the offence imputed to the Prisoners, being punishable under the general Regulations.-

3. The relinquishment of his right of property in the Bull, by the party who turned the animal loose, did not render it the property of the Prisoners by whom it would appear to have been killed, and under these circumstances the Court consider that the charge should be treated as a case of theft, of which it has all the ingredients, the property destroyed having been taken possession of for that purpose by parties who had no title to it.-

4. The Court resolve in conclusion to require from the Moofty Sudr Ameen a specification of the part of the Allumgherry to which he would refer in support of the opinion delivered by him on the reference from the late Acting Criminal Judge.-

Ordered, that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Cuddapah by Precept returnable without delay and for communication to the late Acting Criminal Judge for the information

information of that officer.-

(Sent following precept & advice.)

Circular Order No. 153.

Applications having been received by the Foujdary Adalut from Magistrates for authority, under Section X Regulation XIII of 1832, to reward by money payments, individuals who have offered effective and courageous resistance to attacks of Gang robbers which has led to the repulse, although not to the actual apprehension, of the assailants, the Court resolve to notify by a Circular Order their opinion, that under a liberal construction of the provisions of the Code which regulate the disbursement of Remuneration for meritorious assistance rendered to the Police, it is competent to Magistrates on their own responsibility on occasions of the nature referred to the necessary conditions having been fulfilled at once to disburse without communication with the Foujdary Adalut such sums within the limits specified in Section XXIII Regulation IX of 1816 as they may consider the parties who have so

so distinguished themselves, to reserve.-

(Sent following Circular Order No 917.)

Read the Criminal Report submitted by the Joint Criminal Judge of Coimbatore for the Month of August 1843.-

(Herewith No 1410.)

The above Reports do not appear to call for any remark from the Court of Sudder Adawlut.-

Ordered therefore, that Extract from these proceedings be forwarded to the acting Principal Sudr Ameen of Coimbatore, who will make the requisite communication to the Sessions Judge at that Station in regard to the corporal punishment to be carried into effect on the Prisoner referred to in the foregoing Report, in the Jail now under charge of the Sessions Judge.-

(Sent in No 918.)

Read letter dated the 9th Instant, from the 2d Judge on Circuit in the Northern Division, transmitting the Circuit Reports prescribed by Section XXXVII Regulation VII of 1802, for the 2d Sessions of 1843.-

(Here enter F.R. No 1420.)

F.R.

22d September 1843.-

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, for the purpose of being laid before the Most Noble the Governor in Council.-

(Sent in 919.)

No.

Monday, 25th September 1843.

At a Court of the Inquisitory Adalut.

Present

Mr. Malcolm Lewin Esquire — Asst. 1st
Mr. Alexander Maclean Esquire — Asst. 2d } Puisne Judges
Mr. Fred: Mortimer Lewin Esquire Asst. 3d

Read communication dated the 30th Ultimo from the Provincial Court in the Northern Division forwarding the Criminal Statements of the Northern Division for the 1st Half year of 1843, together with an Extract of their proceedings thereon of the same date.

(Here enter No. 1387.)

1. In the Extract proceedings in question the Provincial Court have pointed out in respect of Statement No. 3, submitted by the Criminal Judge of Rajahmundry that of 4 persons concerned in a case of "Gang robbery attended with aggravating circumstances," 3 have been entered in Column 6 under the Head of "Persons acquitted by the Criminal Court in cases determinable by it" and the other in Column 7

as

25th September 1843.

2. The Sonjdary Adalut request the late acting Criminal Judge will be pleased to offer an explanation of this apparent contradiction.-

No. 109- 3. The attention of the late acting Criminal Judge is directed to Circular Order 6th September 1821 and requested, on all future occasions, to conform to it, by particularizing the several cases, as regards the time and place in which a prisoner has been previously punished.-

Ordered, that Extract of these proceedings be sent to the Acting Sessions Judge of Combaconum by precept returnable without delay.-

(Sent following precept No. 928)

Ordered further, that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Combaconum for his information and guidance.-

(Sent in No. 929)

Read the Chittoor Criminal Reports for the Month of August 1843.-

(Hers entered No. 1425.)

The

25th September 1843.

Case No. 111. 1. The Sudr Ameen Pundit states in his remarks in this case that the Prisoner appears to be "unintelligent", and the Court of Sonjdary Adalut request that they may be informed of the exact and literal meaning this word was intended to convey.-

Case No. 117. 2. As the evidence against the 4th Prisoner in this case does not seem sufficient to convict him of having, with any guilty intention, concealed the stolen property the Court of Sonjdary Adalut direct that he may be immediately released.-

Case No. 118. 3. The offence charged in this case is that of Fraud and clearly punishable under the Mahomedan law. and the prisoner's release was irregular.-

Case No. 130. 4. The Court of Sonjdary Adalut direct that the fine imposed in this case may be remitted, or, in the event of its not having been levied, that the unexpired portion of imprisonment may be cancelled, as they do not consider the trifling dispute of children fit subjects for Judicial enquiry.

Ordered, that Extract from these

these proceedings be forwarded to the Subordinate Judge of Chittoor by precept returnable in X days, from and after its receipt.-

(Sent following precept No. 930)

Read return dated 13th Instant from the Provincial Court in the Centre Division to the Precept of this Court dated the 29th August, directing them to look into cases 86 and 87 of the Chittoor Criminal Reports for the Month of July- and pass such orders as they may think proper.-

(Here enter P. 16 No. 1439.)

1. In regard to case 87 the Provincial Court are of opinion that the sentence of one Months imprisonment passed by the Acting Judge was unnecessarily lenient.-

2. The Sonjdary Adalut fully concur in the view taken by the Provincial Court in considering the sentence passed in Case 87 altogether inadequate to an offence so common and so disgraceful, and without, in the present instance, one circumstance to palliate it.-

Ordered, that Extract from these

these proceedings be forwarded to the Subordinate Judge of Chittoor for his information and guidance.-

(Sent in No. 931.)

Read the Criminal Reports submitted by the Agent to the Governor of Fort St. George at Ganjam for the Month of August 1843.-

(Here enter No. 1440.)

The above Reports do not appear to call for any remark from the Court of Sonjdary Adalut.-

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

(Sent in No. 932.)

Read Criminal Reports dated the 7th Instant from the Acting Joint Criminal Judge at Trichinopoly for the Month of August 1843.-

(Here enter No. 1432.)

Read return dated the 14th Instant from the 3d Judge on Circuit in the Western

25th September 1843.

Western Division to the Precept of this Inquiry Statute of the 6th September 1843 pointing out the mispision, in referring the trial of Case No. 2 on the Cahiers Calendar for the 2d Sessions 1843, to declare the sentence which he would recommend to be passed on the Prisoner.

(Here enter No. 1877.)

Read letter dated the 28th Instant from the Sessions Judge of Salem reporting that Prisoners committed by the Criminal Judge of Salem are willing to be tried by him as Sessions Judge.

(Here enter No. 1883.)

Read letter dated the 12th instant from the 2d Judge on Circuit in the Southern Division, referring the trial in Case No. 123 of the Summerly Calendar for the 2d Sessions of 1843.

(Here enter P.H. No. 1455.)

Mr. P. M. Laurie.

The Court of Judiciary Statute and on a deliberate consideration of all the circumstances Mr. A. Maclean. of the case in evidence before them, being of opinion that the proof against the Prisoner is sufficient to convict him of the crime of Murder, do convict him thereof and under the provisions of Section X Regulation VIII of 1812 do sentence him to suffer death by being hanged at the usual time and place of execution.

The Court of Judiciary Statute concurs in the opinion expressed by the 2d Judge in Circuit of the guilt of the Prisoner in the above case; they cannot however perceive the existence of any palliative circumstances which would justify a more lenient sentence than that provided for the crime of Murder, of which the Prisoner stands convicted.

The Court have accordingly adjudged him to suffer death.

Ordered, that Extract from the proceedings be forwarded to the Sessions Judge of Summerly for his information and guidance.

(Sent in No. 938)

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

(Sent in No. 934)

P.H.

26th September 1843.

Tuesday,
26th September 1843.

At a Court of the Foujdary Adalut

- Present -

A.L.	Malcolm Lewin Esquire — 1st	Puisne Judges
A.M.	Alexander Maclean Esquire — 2d	
F.M.L.	Fred. Mortimer Lewin Esquire 3d	

Read letter dated the 11th Instant from the 1st Judge presiding at the Court of Sessions in the Western Division for the 3d Quarter of 1843.-

(Heard mitr F.M. 11th 1843.)

1 Adverting to the sentence of the Foujdary Adalut on Ellumsettatil Coondan in Case No 1 on the Tellicherry 2d Additional Calendar for the 1st Quarterly Sessions of 1840, requiring him to produce two sureties each in 500 Rupees for his future good behaviour and appearance when called for, or in default thereof, to be detained in confinement and directing that in the event of the recognizance prescribed, not being tendered within 3 years, the case should at the close of that period, be again submitted for the consideration of the Court, the 1st Judge presiding at the

the Court of Quarterly Sessions in the Western Division reports that the Prisoner appeal to has been under restraint for the specified period and that he is unable to procure security for more than Rupees 20.-

2. In consideration of the good character previously borne by the Prisoner and of the length of time which has elapsed since the commission of the Murder, on suspicion of which, the above mentioned requisition of security was ordered, the 1st Judge recommends that the amount now tendered by him) be received and his release from confinement permitted.-

3. Under the circumstances set forth by the 1st Judge, the Court of Foujdary Adalut resolve to direct that the prisoner Chantottatil Coondan be released on the bail proposed. viz. Rupees 20.-

Ordered, that Extract from these proceedings be forwarded to the Special Commissioner for the Western Division late 1st Judge presiding at the Court of Sessions for the 3d Quarter of 1843 for his information.-

(Sent in No. 937.)

Read

Read the Criminal Reports submitted by the Acting Principal Sudr Ameen of Honore for the Month of August 1843.

(Here enter No. 1845.)

The above Reports do not appear to call for any remark from the Court of Foujdary Adalut.-

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

(Sent in No. 938.)

Read Malabar Criminal Reports for the Month of August 1843.-

(Here enter F. D. 1464.)

Case Nos. 1 and 11th. The Court of Foujdary Adalut have on many occasions decided that sentences ought to be cumulative. and not separately awarded in the several charges preferred against a Prisoner.-

* C.O. 28 October 1823. This rule not having been observed in the present instance, the Foujdary Adalut resolved to direct the Sessions Judge of Cutcherry to rectify the error.-

Ordered, that Extract of these proceedings

26th September 1843.-

proceedings be sent to the Acting Subordinate Judge of Salem for his information and future guidance.-

(Sent in No. 939.)

Ordered further, that Extract of these proceedings be communicated to the Sessions Judge for his information.-

(Sent in No. 940)

Read letter dated the 27th Ultimo from the late 3d Judge of the Provincial Court in the Northern Division transmitting the Circuit Report prescribed by Section XXXVII Regulation VII of 1802 for the Masulipatam 2d Quarterly Sessions of 1843.-

(Have enter No. 14514.)

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

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 Noble the Governor in Council.-

(Sent in No. 941.)-

PMc

Wednesday, 27th September 1843.

At a Court of the Judiciary Adalut.-

-Present-

Hl. Malcolm Lewin Esquire ——— 1st
AMc. Alexander Maclean Esquire ——— 2d
FMd. Fred: Mortimer Lewin Esquire 3d

} Puisne Judges

Read Salem Criminal Report for the Month of August 1843.-

(Have enter No. 14435)

Cases Nos. 83 and 89.- 1. The Judiciary Adalut, regret to observe the great delay that has occurred in the disposal of these cases, and hope that every exertion will be used to expedite their inquiry.-

Case No. 94.- 2. As the Regulations do not contemplate, under the term of "guard", the petty officers of a Village, the Judiciary Adalut resolve to direct the Sessions Judge to look into this case, pass the orders that may appear necessary, and report the result of his proceedings for the information of this Court.-

Ordered, that Extract of these proceedings be sent to the Subordinate Judge of Salem for his information.-

(Sent in No. 945)

Ordered

6th September 1843.-

proceedings be sent to the Acting Subordinate Judge of Salem for his information and future guidance.-

(Sent in No. 939.)

Ordered further, that Extract of these proceedings be communicated to the Sessions Judge for his information.-

(Sent in No. 940)

Read letter dated the 27th Ultimo from the late 3d Judge of the Provincial Court in the Northern Division transmitting the Circuit Report prescribed by Section XXXVII Regulation VII of 1802 for the Attamlipatam 2d Quarterly Sessions of 1843.-

(Here enter No. 1454.)

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

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 Noble the Governor in Council.-

(Sent in No. 941.)-

No.

Wednesday, 27th September 1843.- At a Court of the Pundary Adalut.-

Present-

Mr. Malcolm Lewin Esquire ——— 1st
Mr. Alexander Maclean Esquire ——— 2d
Mr. Fred: Mortimer Lewin Esquire 3d
} Puisne Judges

Read Salem Criminal Report for the Month of August 1843.-

(Here enter P.R. No. 435)

Cases Nos. 83 and 89.- 1. The Pundary Adalut, regret to observe the great delay that has occurred in the disposal of these cases, and hope that every exertion will be used to expedite their enquiry.-

Case No. 94.- 2. As the Regulations do not contemplate, under the term of "guard", the petty officers of a Village, the Pundary Adalut resolve to direct the Sessions Judge to look into this case, pass the orders that may appear necessary, and report the result of his proceedings for the information of this Court.-

Ordered, that Extract of these proceedings be sent to the Subordinate Judge of Salem for his information.-

(Sent in No. 945)

Ordered

Ordered further, that Extract from these proceedings be communicated to the Sessions Judge of Salem by precept returnable without delay.-

(Sent in No 946)

Read letter dated the 12th Instant from the late 1st Judge or Cranit in the Centre Division, submitting the Bellary Calendar of cases disposed of by him during the 2d Sessions of 1843.-

(Here enter No 1436.)

The above Calendar not requiring any remarks from the Court of Judicary Adalut.

Ordered, that Extract from these proceedings be forwarded to the late 1st Judge of the Provincial Court of Circuit recently on Circuit in the Centre Division for the communication to the Officer now in charge of the Jail at Bellary of orders in respect of the Prisoners concerned in the Calendar who have been sentenced to corporal punishment.-

(Sent in No 947).

Read letter dated the 19th Instant from the Sessions Judge of Chingleput reporting the

the arrival of two Convicts from Salem under sentence of transportation,- intimating that the criminal authorities at Salem have omitted to send a trust-worthy Peon, or Peons, in charge of the Prisoners in question, as required by the Judicary Adalut Circular Order of the 22d July 1841, and that the transmission of the usual paper for the allowance of food &c to be supplied to the Prisoners, was also omitted.-

(Here enter No 1471)

The Court of Judicary Adalut resolve to direct that the attention of the Officer recently in charge of the Jail at Salem be called to the provisions of the Judicary Adalut Circular Order dated the 22d July 1841, and that the future strict observance of it be enjoined.- That explanation be now afforded of the cause of the deviation from it in the instance under remark.-

Ordered, that Extract from these proceedings be forwarded to the Subordinate Judge of Salem, for his information by precept returnable in one week from and after the

Ordered further, that Extract from these proceedings be communicated to the Sessions Judge of Salem by precept returnable without delay.-

(Sent in No 946)

Read letter dated the 12th Instant from the late 1st Judge on Circuit in the Centre Division, submitting the Bellary Calendar of cases disposed of by him during the 2d Sessions of 1843.-

(Here enter No 1436.)

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

Ordered, that Extract from these proceedings be forwarded to the late 1st Judge of the Provincial Court of Circuit recently on Circuit in the Centre Division for the communication to the Officer now in charge of the Jail at Bellary of orders in respect of the Prisoners concerned in the Calendar who have been sentenced to corporal punishment.-

(Sent in No 947).

Read letter dated the 19th Instant from the Sessions Judge of Chingleput, reporting the

27th September 1843.-

the arrival of two Convicts from Salem under sentence of transportation,- intimating that the criminal authorities at Salem have omitted to send a trust-worthy Peon, or Peloyet, in charge of the Prisoners in question, as required by the Foujdary Udalut's Circular Order of the 22d July 1814, and that the transmission of the usual paper for the allowance of food &c. to be supplied to the Prisoners, was also omitted.-

(Here enter No 1474)

The Court of Foujdary Udalut resolve to direct that the attention of the Officer recently in charge of the Jail at Salem be called to the provisions of the Foujdary Udalut Circular Order dated the 22d July 1814, and that the future strict observance of it be enjoined further that explanation be now afforded of the cause of the deviation from it in the instance under remark.-

Ordered, that Extract from these proceedings be forwarded to the Subordinate Judge of Salem for his information by precept returnable in one week from and after

after it receipt.-

(Sent following precept No. 948)

Ordered also, that Extract from these proceedings be sent to the Sessions Judge of Salem - that the necessary explanation may be submitted through the office of the Subordinate Judge.-

(Sent in No. 949)

Read Tinnevelly Criminal Reports for the Month of August 1843.-

(Here enter F.R. No. 1450.)

Case No. 49. 1. The sentence passed in this case is similar to that passed in a former Case No. 46, altho' there was sufficient difference in the amount of property stolen to call for a distinction in the sentence.-

2. The Foujdary Adalut resolve to direct the attention of the officiating Joint Criminal Judge to the circumstances of the above cases, as recorded in his remarks; the property stolen in the one case amounting to above 400 Rupees and in the other to only 42 Rupees.-

Case No. 50. 3. The Court of Foujdary Adalut are not satisfied with the explanation given by

by the Officiating Joint Criminal Judge in this and the former case No. 34 and with reference to Circular Order No. 1147 they determine to direct the Sessions Judge to enter into both cases and report for the information of this Court the result of his inquiries.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Tinnevelly by precept returnable without delay.- copy of these proceedings being communicated for the information of the late Officiating Joint Criminal Judge.-

(Sent in No. 950)

Read the Criminal Reports from the Acting Joint Criminal Judge of Trichinopoly from the 1st to 15th of the present Month.-

(Here enter No. 1448.)

Case No. 77. The Court of Foujdary Adalut being of opinion that the Acting Joint Criminal Judge mistook the Nature of this case in supposing it to be "a false accusation" cognizable under Regulation 9 of 1832 instead of what the Magistrate doubtless intended

intended it to be considered a case of "Perjury," direct the reapprehension and committal of the Prisoner for a fresh and further enquiry.

Ordered that Extract from these proceedings be forwarded to the Acting Principal Sudr Ameen at Trichinopoly for his information and guidance.-

(Sent in No. 951.)

Read Cuddapah Criminal Reports for the Month of August 1843.-

(Here enter F.H. No. 1469.)

Case No. 148.

1.

The Prisoner in this case is stated to be an "old offender," without the nature of his previous offences being recorded, in the manner directed in Circular Order Fouj: Adawlut of 6th September 1821.-

2.

The Court of Foujdary Adalut request that the omission may now be supplied by the Acting Judge, observing at the same time, that if the Prisoner was an "old offender" his present sentence seems hardly adequate to his crime.-

Ordered, that Extract of these proceedings be sent to the Acting Subordinate Judge

Judge of Cuddapah by precept returnable in 3 days, from and after its receipt.-

(Sent following precept No. 952)

Ordered further, that copy of these proceedings be sent to the Acting Sessions Judge of Cuddapah for his information.-

(Sent in No. 953.)

P.M.

Thursday, 28th September 1843.

At a Court of the Foujdary Udalut.

Present.

M.L. Malcolm Lewin Esquire ——— 1st.
A.M. Alexander Maclean Esquire — 2d. } Puisne Judges.
F.M.L. Fred: Mortimer Lewin Esquire 3d.

Read the Nellore Criminal Reports for the Months of August 1843.

(Hereafter 1st 1831.)

Case No 58. 1. The Court of Foujdary Udalut not feeling satisfied with the remarks, and unconditional release of the Prisoner, in this case, resolve to direct the Sessions Judge to look into it and pass such orders as he may deem necessary, reporting the result of his inquiry for the information of this Court.—

Case No 61. 2. From the facts of the case as stated by the Assistant Criminal Judge, Court of the Foujdary Udalut do not consider the Prisoner was entitled to his release. The Prosecutrix seems to have immediately reported the robbery and, at the same time,

to

to have accused the Prisoner, who, in corrobo-
-ration of the charge, was seen to leave the
spot where the offence had been committed,
whilst a part of the stolen property was sub-
-sequently discovered in a heap of straw of
which he is supposed to be the owner.-

3. Under these circumstances the
Foujdary Udalut direct that the Prisoner
may be re-apprehended and committed for
trial before the Sessions Judge.-

Cases Nos 62. 4. The Court of Foujdary Udalut
are clearly of opinion that the evidence in this
case was sufficient to authorize the conviction
of the 2d Prisoner, who is reported to have
made a confession of his guilt whilst the
stolen property was discovered in the vicinity
of his house, and the only reason assigned
for discrediting the statements of the Witnesses
is the presumed existence of ill-will between the
parties.-

5. As regards the 1st Prisoner,
the Court consider the sentence inadequate to
his offence.-

Case No 65.- 6. The Sentence of 2 Months
imprisonment

imprisonment in this case is deemed by the
Foujdary Udalut too lenient a punishment
for a crime which on so many occasions has
led to the most serious results.-

Ordered, that Extract from
these proceedings be forwarded to the
Sessions Judge of Nellore for his informa-
-tion and guidance by precept returnable
in XV days, from and after its receipt.-

(Sent following precept No 958)

Ordered also, that Extract
from these proceedings be sent to the
Acting Principal Sudr Ameen at Nellore
for his information and guidance.-

(Sent in No 959.)

Read letter from the 2d Judge
of the Provincial Court of Circuit in the Southern
Division, transmitting copy of the Tinnevelly
Calendar for the 2d Sessions of 1843, together
with translations of the Futwa.-

(Here enter No 1452.)

Case No 1. 1. The Prisoner, Nynar, is convicted
of the charge of having, on the high road, robbed
the Prosecutrix of jewels of the value of Rs 14-1-
Two

to have accused the Prisoner, who, in corroboration of the charge, was seen to leave the spot where the offence had been committed, whilst a part of the stolen property was subsequently discovered in a heap of straw of which he is supposed to be the owner.-

3. Under these circumstances the Poujdary Udalut direct that the Prisoner may be re-apprehended and committed for trial before the Sessions Judge.-

Cases Nos 2 & 2. 4. The Court of Poujdary Udalut are clearly of opinion that the evidence in this case was sufficient to authorize the conviction of the 2nd Prisoner, who is reported to have made a confession of his guilt whilst the stolen property was discovered in the vicinity of his house, and the only reason assigned for discrediting the statements of the Witnesses is the presumed existence of ill-will between the parties.-

5. As regards the 1st Prisoner the Court consider the sentence inadequate to his offence.-

Case No. 65.- 6. The Sentence of 2 Months imprisonment

imprisonment in this case is deemed by the Poujdary Udalut too limit a punishment for a crime which on so many occasions has led to the most serious results.-

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Nellore for his information and guidance by precept returnable in XV days, from and after its receipt.-

(Sent following precept No. 958)

Ordered also, that Extract from these proceedings be sent to the Acting Principal Sudr Ameen at Nellore for his information and guidance.-

(Sent in No. 959.)

Read letter from the 2d Judge of the Provincial Court of Circuit in the Southern Division, transmitting copy of the Tinnevelly Calendar for the 2d Sessions of 1843, together with translations of the Tamul.-

(Here enter No. 1452.)

Case No 1. 1. The Prisoner, Nynar, is convicted of the charge of having, on the high road, robbed the Prosecutrix of Jewels of the value of Rs. 4-1.-

Two-

2. Two Tuttwahs were delivered in this case, the first declaring the Prisoner liable to Ookoobut the second to Mud. and B, as the crime does not appear to have been premeditated or accompanied with violence, but to have been committed on the spur of the moment when suffering from the cravings of hunger, the Circuit Judge recommends a mitigated sentence of five year's imprisonment with hard labor in irons.-

3. Under the circumstances mentioned, the Court of Zoujdary Adalut see reason to concur with the Judge late on Circuit and, by the authority vested in them under Clause third Section III Regulation I of 1825, sanction a mitigated punishment of five years imprisonment with hard labor in irons.-

Ordered, that Extract from these proceedings be forwarded to the late 2d Judge of the Provincial Court of Circuit in the Southern Division for his information and guidance - and communication to the Sessions Judge of Tinnevelly.-

(Sent in Dispatch)

Read

Read Madura Criminal Reports for the Month of August 1843.-

(Here enter P. 91. 1475.)

Case No. 37. 1. The Zoujdary Adalut observe, with reference to the sentence passed in this case, that the Regulation quoted is inapplicable, the offence being punishable under Section 33 of Act XVII of 1837.-

2. It is requested that the error may be amended by the substitution of the correct provision of the law.-

No. 92. 3. In the opinion of the Zoujdary Adalut the Criminal Judge ought to have been satisfied with the evidence adduced, and not have resorted to an inquiry apparently uncalled for.-

No. 78. 4. The Court see reasons to doubt the correctness of the sentence passed in this case, and resolve to call for explanation regarding the manner in which the dead were buried, as well as when and where they were buried, as in the charge they are said to have been Secured, whereas from the recorded remarks it is presumed they were

28th September 1843.

were concealed in an unprotected situation.

Ordered, that Extract of these proceedings be sent to the Acting Subordinate Judge of Madura by precept returnable in x days, from and after its receipt.

(Sent following precept No 961.

Friday 29th September 1843.

At a Court of the Tinjdary Udalut.

Present

Malcolm Lewin Esquire — 1st Judge
Alexander Maclean Esquire — 2d Judge } Puisne Judges
Fred: Mortimer Lewin Esquire — 3d Judge

Read return dated the 27th Instant from the late 2d Judge of the Provincial Court in the Centre Division, stating his opinion, with reference to the precept of the Tinjdary Udalut of 29th ultimo, that the sentence passed by the Criminal Judge of Bellary in No 103 of 1843 should be annulled.

(Vide enter F.U. No 1479.)

The Circuit Judge states "that the Prisoner in the above case was entrusted to sell some camels for the Prosecutor and that he brought and delivered a certain sum amounting to Rs 537-8, to the Prosecutor's wife; and, altho' it is stated that the Prisoner obtained 800 Rupees for 13 Camels and represented that he had paid 700 to the Prosecutor

Prosecutor's wife, that these proceedings did not constitute a case for criminal so much as a civil prosecution.-

2. The Foujdary Udalut are unable to concur with the reasoning of the late 2d Judge, the facts of the case appearing to be one of fraud and embezzlement and liable to a criminal rather than a civil prosecution.-

3. With this view of the case the Foujdary Udalut do not think it desirable to interfere with the sentence passed by the Criminal Judge.-

Ordered, that Extract of these proceedings be sent to the Acting Subordinate Judge of Chittoor for his information.-
(Sent in No 962.)
Ordered also, that Extract from these proceedings be forwarded to the Sessions Judge of Bellary for his information.-
(Sent in No 963.)-

Regd.

F.U.

Saturday 30th September 1843.

At a Court of the Foujdaree Udalut
Present

Mr. Malcolm Lewin Esqre — Actg 1st Puisne Judge
Mr. A. Maclean Esqre — Actg 2d Puisne Judge
Mr. F. M. Lewin Esqre — Actg 3d Puisne Judge

Read letter dated the 15th Ultimo from the 3d Judge on Circuit in the Western Division referring the trial in Case No 3 on the Calicut Calendar for the 2d Sessions of 1843.-

(Here enter F.U. No 1477.)

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

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

"Broombayi Narumakara Menon"

is not convicted on presumptive proof or on the evidence of credible witnesses, or on his own confession of the crime of Poisoning, do acquit him thereof, and direct that he be unconditionally released.-

The

1. The 3rd. Judge on Circuit declares his opinion that the crime of poisoning charged against the Prisoner in the above case, has been fully established, and he accordingly recommends that a sentence of [illegible] ten years imprisonment and banishment for that period from the District be passed on him.—

2. The Court of Foujdaree Udalut consider that the evidence adduced is not sufficient to justify the conviction of the Prisoner, of the charge preferred against him and resolve therefore to direct the release of the Prisoner.—

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge at Calicut for his information.—

Sent following letter No 966.

Read the Criminal Reports received from the Criminal Judge of Bellary for the month of August last.—

[illegible] No 1069]

Report No V
Case No 111.

1. The Prisoner in this case appears to

to have been apprehended on the 11th. July and forwarded to the Criminal Court on the 25th. of the same month. Of this a delay of 4 days seems to have been caused by the detention of the Prisoner by the "Duffadar and others": in justification of which no sufficient cause has been shown. The Court request that a report of the circumstances which led to the occurrence of the delay in question may be submitted by the Magistrate of Bellary direct.—

Case No 115.

2. The explanation appended to the report of this case, does not, in the opinion of the Court account satisfactorily, for the delay of 18 days which appears to have occurred in the transmission of the Prisoner to the Criminal authorities. The Prosecutor seems also to have been sent a distance of 20 miles without the Prisoner, for the purpose of searching the house of the latter.—

Case No 116.

3. The requisition of security from

from the Prisoner in this case does not seem to have been made on sufficient grounds by the Moofty Sudr Ameen.

The Court accordingly resolve to direct the Sessions Judge of Bellary to call for the record of the trial, and pass such orders in it as may be deemed necessary, reporting the same for the information of the Foujdaree Udalut.—

Case at. 123. 4. The Judge observes that the evidence in this case as reported was obviously insufficient to lead to the conviction of the Prisoner and that under these circumstances the transmission of the trial by the Police authorities to the Criminal Court was unnecessary.—

Case No. 124. 5. The Prisoner in this case is stated to have been previously punished (in Cases Nos. 67 and 68 of 1837) "for changing his name". The Subordinate Judge is requested to inform the Court whether this statement is to be taken in its literal meaning or not and whether the circumstance noted was the sole ground

ground of the Prisoner punishment in the cases mentioned.—

Ordered that Extract from these proceedings be forwarded to the Subordinate Judge of Bellary for his information and guidance and that para. 4 be communicated to the Sessions Judge and Magistrate of Bellary respectively for their information.—

/ Sent in A. 967 /

Read letter dated the 15th Instant from the Magistrate of Bellary stating that, as on many occasions the Reddies of Villages have proved themselves the abettors and advisers of Criminal offenders, he considers it an injudicious measure to allow Prisoners, who may be required to find security, the option of selecting the Reddies as their Sureties, and requests the instructions of the Court on the subject, under a conviction that an order forbidding any Potail whilst actually in Office, to stand Security

would

would have a beneficial tendency.—

/Here Entr. No. 1485/

1. The Court of Magistrates Melbourne do not consider themselves at liberty to express the decided opinion solicited by Wm Mellor as they think it would be objectionable to stigmatize or appear to distrust a body of men in consequence of criminal acts which have been committed, it may be, by none but the very worst of their members.—

2. In cases however of this description (forming exceptions to a general principle) the Magistrate is allowed considerable latitude, and the Court are of opinion that in this, as in other instances, he may exercise a discretionary power without having particular instructions for the guidance of his conduct.—

3. It is the duty of a Magistrate to satisfy himself in all cases of the respectability of the bail tendered, and it is at his discretion to refuse

that

30th September 1843.

that which may appear to him exceptionable.—

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

/Sent in No. 968/—

F. 16.

Monday 2d October 1843

At a Court of the Tongdaree Udalut

Present

SL — Malcolm Leiow Esqre Agt 1st
A. M — Alex: Maclean Esqre Agt 2d } Principal Judges
WML — F. M. Lewin Esqre Agt 3d

Read letter dated the 15th Ultimo from the 2d Judge presiding at the Court of Sessions at Chittoor for the 3d Quarter of 1843, referring the trial in Case No 6 on the Chittoor Calendar—

1st Receiver F. 16. No 4661

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

1st Mootloo Swamy,

is sufficient to convict him of the crime of Murder, do convict him thereof

Mr. M. Lewin and Mr A. Maclean

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 1802, would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825, do sentence him to be transported to such place or places beyond Sea as the Governor in Council shall direct there to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of his natural life.

1. The 1st prisoner Moothoosawmy was in this case convicted of the crime of Murder; the 2d Judge in reporting the trial recommends that he should be sentenced to death.

2. The Court of Fouzdaree Adalut are not disposed to regard this case in the light in which it has been viewed by the Sessions Judge.

The

3. The 1st Prisoner doubtless killed the deceased, but the act does not appear to have been of that deliberate character which would warrant a sentence of death.

4. The aggression is proved to have originated with the deceased; while there is no evidence to lead to the belief that the Murder was premeditated by the 1st Prisoner and was the result of provocation on the part of his adversaries. It is to be regretted that no information was elicited in the course of the trials as to how the knife, with which the wounds were inflicted, came into the Prisoners possession at the time of the Murder — a circumstance which would tend materially to shew the existence or otherwise of premeditation.

5. In the absence of any proof on this point, the Court of Fouzdaree Adalut consider that the extreme penalty of the Law is uncalled for

2d October 1843

in this case, and they accordingly sentenced the 1st Prisoner to transportation for life.

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge at Chittoor for his information.

Sent in A:969

Tuesday, 3d October 1843

F 16.

At a Court of the Fouzdaree Udalut

Present

Mr. Malcolm Lewin Esqr. Agr. 1st
A. M. Alex: Maclean Esqr. Agr. 2nd } Puisne Judges
J. M. L. F. M. Lewin Esqr. Agr. 3rd

Read letter dated the 13th Ultimo from the Joint Criminal Judge at Cuddalore, forwarding the Criminal Reports for the Month of August last.

(Here enter F. H. No. 1451 of 1843)

Supplemental Reports Case No. 272.

1. The Court of Fouzdaree Udalut are unable to discover any circumstances which can justify the infliction of so mild a sentence as that passed by the Sudr Ameen of Cuddalore, on the 1st and 2d Prisoners in this case. The award in particular of two years imprisonment to the 2d Prisoner, apparently the instigator to the crime charged, seems very inadequate

inadequate to the guilt evinced by him.

Case No 73. 2 The Prisoner Scobbey, in this case appears also to have been treated with undue leniency: the crime proved against him, together with the fact of his previous conviction of Theft, required the imposition of a severer penalty than that adjudged by the Sudr Ameen.

Report No V Case No 78. 3 A delay of 16 days appears to have occurred in this Case in the transmission of the prisoner to the Criminal Court, while the explanation, appended to the report, accounts only for a period of six days. The Judges request that they may be informed of the circumstances which caused the detention of the prisoners for the period in excess of that embraced by the explanation already afforded, to be submitted direct by the Acting Magistrate of South Arcot to this Court.

Case No 79. 4 The Court of Foujdaree Udalut observe in this case, that the Joint

Joint Criminal Judge has altogether neglected to conform to the rules laid down in the Circular Orders of this Court regarding the preparation of the indictment in charges of perjury — no statement whatever having been entered in the column for charges.

Ordered, that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Cuddalore for his information, and with directions to communicate para: 3rd to the Acting Magistrate of that District.

Sentence No 972)

Read the Criminal Reports for the month of August last, received from the Principal Sudr Ameen at Ishapoor

(Herewith Ex No 1486)

Supplemental Report Case No 5. From the remarks appended to the report of this case, it appears that on application was made on the 24th July last, to the Magistrate, to cause the attendance of certain material witnesses on

3rd October 1843.

on the 4th of the prosecution's ca
request is stated to have been sup
on the 18th Ultimo, but up to the
11th September of the report under previous therap
witnesses do not seem to have be
forwarded to the Principal Sudr
Court, and the disposal of this ca
is consequently impracticable.

2 The Judge requests that
the Magistrate of the District, will
forward their directions in the circumstance
which have led to the protracted de
aloud mentioned.

Ordered, that a Extract from
proceedings be forwarded to the Princip
Sudr Ameen of Mahaisoor for his in
tion and for communication to the
Magistrate of Canjam for his
information and Guidance.

(Sent in No 973.)

Read letter dated the 25th
Ultimo from the Acting Sessions Judge
at Chittoor requesting instructions
regarding the future disposal of the
Prisoner

F U
3rd October 1843.

Prisoner "Veeraladmu" in Case No 4
of the 1st Quarterly Sessions of 1843
at Chittoor

(Here entered F U No 1500)

1 The Prisoner above mentioned
when labouring under temporary insa-
nity committed the Murder charged
against him in the above case, and was
on that occasion placed under the care
of the Medical Officer at Chittoor for
a period of 6 Months.

2 The prescribed time having
passed and the Zillah Surgeon having
certified that "he has displayed no indica-
tions of madness" from the 23rd March
last to the 23rd September the Acting
Sessions Judge requests directions as to
the disposal of the said Prisoner.

3 The Court of Foujdaree
Udalut are of opinion that the circum-
stances under which the act referred
to was committed by the Prisoner would
not justify them in ordering the un-
conditional release of Veeraladmu

they

on the side of the prosecution; a similar request is stated to have been preferred on the 18th Ultimo; but up to the date 11th Septr. last of the report under review, the required witnesses do not seem to have been forwarded to the Principal Sudr Ameen's Court, and the disposal of this case is in consequence impracticable.

2 The Judge's request that the Magistrate of the District, will inform them, direct, of the circumstances which have led to the protracted delay above mentioned.

Ordered, that Extract from the proceedings be forwarded to the Principal Sudr Ameen of Ithapoor for his information and for communication to the Magistrate of Ganjam for his information and guidance.

(Sentin No. 973.)

Read letter dated the 25th Ultimo from the Acting Sessions Judge at Chittoor requesting instructions regarding the future disposal of the Prisoner

Prisoner "Veerabadrun" in Case No. 4 of the 1st Quarterly Sessions of 1843 at Chittoor

(Here enter F. C. No. 1500)

1 The Prisoner above mentioned when labouring under temporary insanity committed the Murder charged against him in the above case, and was on that occasion placed under the care of the Medical Officer at Chittoor for a period of 6 Months.

2 The prescribed time having passed and the Zillah Surgeon having certified that "he has displayed no indications of madness" from the 23d March last to the 23d September the Acting Sessions Judge requests directions as to the disposal of the said Prisoner.

3 The Court of Sudder Adalut are of opinion that the circumstances under which the act preferred to was committed by the Prisoner would not justify them in ordering the unconditional release of Veerabadrun

they

3rd October 1843

they accordingly resolve that he be ordered at liberty without the production of good and sufficient security for his future behaviour the amount of security required, the Court leave to the discretion of the Acting Sessions Judge, who will report the measure that may be adopted by him in this matter when brought to a conclusion.

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions Judge at Chittoor for his information.

(Continued No. 974)

Wednesday,
4th October 1843.

F. M.

At a Court of the Foujdaree Adalut.

Present.-

Mr. Malcolm Lewin Esqre. Actg. 1st Puisne Judge.

Mr. Alexander Maclean Esqre. Actg. 2d Puisne Judge.

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

Read again Miscellaneous Petitions presented on the 24th July last by Coorumba Tavee and Comara Tavee of Zillah Madura.-

(Here enter M. P. Nos. 58 and 59.)

Read also return dated the 1st instant from the Provincial Court of Circuit in the Southern Division to the precept of the Foujdaree Adalut of the 14th Ultimo calling for the record of the Trial in case No. 4 of the Madura Calendar for the 1st Sessions of 1843.-

(Here enter F. M. No. 1392.)

1. The object of the Petitioner in the foregoing addresses was to obtain the release of the 2nd, 3d, 4th, 5th and 6th Prisoners sentenced to 14 years imprisonment on a charge

3rd October 1843

they accordingly resolve that he be and
set at liberty without the production
of good and sufficient security for
his future behaviour the amount of
security required, the Court leave to
the discretion of the Acting Sessions
Judge, who will report the measure
that may be adopted by him in this
matter when brought to a conclusion.

Ordered, that Extract from
these proceedings be forwarded to the
Acting Sessions Judge at Chittor
for his information.

(Continued No 974)

Wednesday,
4th October 1843.

F. M.

At a Court of the Foujdaree Udalut.

Present.-

Mr. Malcolm Lewin Esqre. Actg. 1st Puisne Judge.
Mr. Alexander Maclean Esqre. Actg. 2d Puisne Judge.
F. M. Lewin Esqre. Actg. 3d Puisne Judge.

Read again Miscellaneous
Petitions presented on the 24th July last by
Coorumba Tavee and Comara Tavee of
Zillah Madura.-

(Here enter M. P. Nos 58 and 59.)

Read also return dated the
1st instant from the Provincial Court of
Circuit in the Southern Division to the
precept of the Foujdaree Udalut of the
14th Ultimo calling for the record of the trial
in case No 4 of the Madura Calendar for
the 1st Sessions of 1843.-

(Here enter F. M. No 1392.)

1. The object of the Petitioner
in the foregoing addresses was to obtain the
release of the 2nd, 3d, 4th, 5th and 6th Prisoners
sentenced to 14 years imprisonment on a
charge

1th October 1813.-

charge of Gang robbery in the case abovementioned

2.

A perusal of the record of the Trial in question has satisfied the Court of Foujdaree Udalut of the justice of the conviction of the parties, whose release is prayed for.- Under these circumstances the Foujdaree Udalut cannot consent to any modification of the sentence passed by the Circuit Court.

Ordered, that Extract from these proceedings be forwarded to the late 1st Judge on Circuit in the Southern Division for his information.-

(Sentence No 975)

Ordered also, that these petitions be dismissed and that copy of these proceedings be granted to the Petitioners on application.-

Read again Miscellaneous Petition presented on the 4th Ultimo by Rammoorjeegar of Zillah Combaconum.-

(Here enter M.P. No 46 of 1813.)

Read also return dated the 6th instant from the Provincial Court of Circuit in the Southern Division to the precept

1th October 1813.- precept of the Foujdaree Udalut of the previous 4th, directing them to report the measures that have been adopted by them in the case of the above Petition.-

(Here enter F.C. No 1462.)

In the address above recorded

1.

the Petitioner complained of his representations to the Provincial Court in the Southern Division regarding the release by the Head of Police at Paupavinasum, of 6 individuals charged by him with having assaulted on the person of his brother, having passed unnoticed.-

From the return abovementioned,

2.

it appears that no petition purporting to have been presented by the Petitioner in question, it to be found in the records of the Provincial Court in the Southern Division.-

The result of the enquiry

3.

called for by this Court being sufficient proof of the groundless nature of the Petitioners allegations the Foujdaree Udalut resolve to dismiss the Petition.-

Ordered

4th October 1843.

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

Read Miscellaneous Petition
presented on the 21st Ultimo by Singunnah
and Guntuppah of Zillah Bellaree.—

(Here enter M. P. No 66.)

1. The Petitioners complain of an
order issued by the Magistrate of Bellary,
depriving them and the other members of the
Paunchanum caste, of the right of conducting
certain processions, in the Village of Reddatoor-
=halum, within the limits assigned to them
in 1812, for that purpose, by the then Magistrate
Mr. Bruce, and adjudging the same to the
members of the Linga Baleja caste.—

2. They further complain of the
dismissal by the Court of Circuit without
investigation, of their application for a reversal
of the order objected to.—

3. They now pray the Foujdaree
Udalut to enter into the case, and to issue orders
directing that, in modification of the Magis-
=trate's decision, the two castes above mentioned
may

F.M.
4th October 1843.—

may be restricted, in their processions to the
limits respectively assigned to them by
Mr. Bruce.—

4. The Court of Foujdaree Udalut
see no grounds which would warrant their
interference in the above matter, as requested
by these Petitioners.—

Ordered accordingly that
this Petition be dismissed and that copy
of these proceedings be granted to the
Petitioners on applications.—

Read Miscellaneous Petition
presented on the 28th Ultimo by Appavoo
Padiachy of Zillah Combaconum.—

(Here enter M. P. No 80 of 1843.)

1. The object of the Petitioner in
the foregoing address is to obtain the release
of his son, Arooppoocara Karooppen, the
12th prisoner in case No 22 on the Combaconum
Primary Calendar for the 1st Sessions of 1843,
who was sentenced to 7 years imprisonment,
on conviction by the Circuit Court of the
crime of receiving and melting certain jewels
and other property knowing them to have
been

been stolen.-

2. The Petitioner states that certain persons whom he names were actuated by motives of hatred against his son, in consequence of his refusal to melt certain property of theirs, that they, in collusion with the native authorities, implicated his son in the crime charged, and caused search to be made in his house, on which occasion however no property was found: that, they subsequently, without due authority, searched his dwelling again, and pretended to find certain articles therein; that they supported the accusation by false testimony and that the confession of the Prisoner was extorted from him.-

3. The Petitioner further complains of certain witnesses brought forward by his son, not having been examined by the Circuit Court and prays the Foujdaree Udalut to call for the record of the case and order the release of the 12th Prisoner.-

4. The Petitioner has failed to show sufficient grounds for the interference of the Court in the manner solicited. A perusal of

of the circumstances of the case, set forth in the Calendar leaves no room for calling in question the justice of the conviction of the 12th Prisoner of the crime charged against him.-

Ordered accordingly that this Petition be dismissed and that copy of these proceedings be granted to the Petitioner on application.-

Read a Miscellaneous Petition presented on the 4th Ultimo by Woodoocherla Nungola Ramannah of Zillah Cuddapah.-

(Here enter No. 2 of 70 of 1843.)

1. The object of the Petitioner in the above address is to obtain the release of his younger brother, Woodoocherla Audee Sayshoy, charged with the crime of "wounding" in Case No 6 of the Cuddapah Primary Calendar for the 2nd Sessions of 1843 and subsequently on conviction thereof, sentenced by the Foujdaree Udalut to 3 years imprisonment.-

2. The Petitioner avers that the charge was preferred by the Prosecutor through hatred against the Prisoner who is his brother, that the object of the Prisoner in going to

the

the house, in which the Prosecutrix and another aunt of his, on whom he was alleged to have perpetrated the offence mentioned, resided, was to effect a reconciliation with them, and that he did not assault and wound the latter. In support of this he alludes to the deposition given by the wounded person, to the effect that the wounds on her body were caused by an accidental fall, and not by ill treatment on the part of the prisoner.

3. The Petitioner further prays the consideration of this Court on account of the respectability of his brother.

4. The Prisoner in the case referred to was fully convicted by this Court of the crime laid to his charge, and sentenced to 3 years imprisonment, but without irons in consideration of his previous good character and station in life, and there is nothing in the statements of this Petitioner to justify a compliance with his request to release the Prisoner.

Ordered accordingly that this petition be dismissed and that a copy of these proceedings be granted to the Petitioner on application.

Read

Read Miscellaneous Petition presented on the 11th Ultimo by Samier.

(Here enter M. P. No. 1 of 1843.)

1. The Petitioner a Carkoon in the Southern Division of Arcot, complains of his dismissal from his situation by the Acting Magistrate of the District, in consequence of certain remarks made by the 2d Judge on Circuit in the Centre Division in the Cuddalore Calendar for the 1st Sessions of the present year, regarding the Petitioner's conduct in case No. 31, and prays the Foujdaree Udalut to direct his reinstatement in that appointment.

2. The Court of Foujdaree Udalut see no reason to interfere in Petitioner's behalf, in the manner solicited by him.

Ordered accordingly that this Petition be dismissed and that a copy of these proceedings be granted to the Petitioner on application.

Read Miscellaneous Petitions presented on the 18th Ultimo by Soobaramien of Zillah Combaconum.

(Here enter M. P. No. 2.)

The

4 October 1843.

1. The Petitioner sets forth that his father gave a receipt to one S. Soondrappa Iyen in acknowledgment of a loan of Rupees 54, procured on Petitioner's account, by the mediation of one Peria Nagum, a female known to Petitioner calling for the receipt, with a view to the liquidation of the debt, it was produced, but in the meantime another receipt was brought forward by the female adverted to which was proved, and admitted by S. Soondrappa Iyen to have been forged by himself before the police authorities of Pavenasum.

2. The Petitioner states that, as by the misrepresentations of the Police the Collector of the District released the parties implicated in the alleged forgery, he may pray the Foujdaree Adalut to direct the Zillah Judge of Combaconum to call for the case and pass judgment on it.

3. The Petitioner is informed that any complaint, which he may wish to prefer against the proceedings of the Collector in his magisterial capacity, should be brought

4 October 1843.

brought to the notice of the immediate superior in the District - the Sessions Judge of the Zillah.

Ordered accordingly that this Petition be dismissed and that copy of these proceedings be granted to the Petitioner on application.

Lingumah and Guntappa of the Zillah of Bellaree, move the Court to return the enclosures in their Miscellaneous Petition No 66 of 1843.

Ordered accordingly.

Read Miscellaneous Petition presented on the 4th Ultimo by Veerasamy Iyer of Zillah Chingleput.

(Here enter M. P. No 69.)

The Petitioner sets forth that in anticipation of a complaint about to be preferred by him and his party against the 3rd Defendant mentioned in the above address, the 3rd Defendant the Tahsildar of Nayur received a false charge from the 1st and 2nd Defendants against the Petitioner and others, and issued a summons against them,

4th October 1843.

them, that the 2nd Defendant to have served the summons, at the instigation of the 1st Defendant made a false report that the parties therein named had all seen the notice and refused obedience to it, to the Tahsildar, who knowingly received it, and forthwith issued a warrant for their apprehension, and likewise for the arrest of the females of their families, who the Petitioner alleges had no concern in the matter at issue.-

The Petitioner maintains that of the persons enumerated in the summons some had never seen it, in consequence of absence, and others were in attendance at the Tahsildar's Cutcherry, at which that officer was not present.-

He next goes on to state that the complaint preferred was dismissed by the Tahsildar, who did not punish the parties who brought it, that on application, the Zillah Judge of Nellore put a called for and examination from the Tahsildar who however neglected to submit any, that the Petitioner then addressed the Circuit Judge on the subject,

4th October 1843.- who issued a precept to the Magistrate for a report on the circumstances of the case and that the Tahsildar in collusion with the 1st Defendant made false report to the Circuit Judge, who imposed a fine of Rupees 5 on the Petitioner, which was duly paid.-

The Petitioner therefore prays the Foujdaree Adalut to direct enquiry to be made into the case, with a view to the punishment of the offenders and to direct the return of the fine levied on him.-

Although the Court observe that the Petitioner has failed to produce the required copy of the order on his case passed by the Judge on Circuit, they see no reason to call in question the sufficiency of the investigation instituted by the subordinate authorities in the case referred to, and they accordingly decline acceding to Petitioners request.

Ordered that this Petition be dismissed, and that copy of these proceedings be granted to the Petitioner on application.-

R.D.M.
A.V.S.

Thursday, 5th October 1843. — At a Court of the Sonjdary Vedalur. — Present —

Mr. Malcolm Lewin Esquire - Ag.t
A.M. Alexander Maclean Esquire - A.J.
F.M.L. Fred.k Mortimer Lewin Esq.re A.J. } Puisne Judges

Read letter from the 3.d Judge of the Provincial Court in the Northern Division, dated the 6th Ultimo, requesting to be informed whether it is intended to establish a Jail at Chicacole and Vizagapatam and suggesting that all Prisoners except the few under trial or committal be kept at the former Station

(Here enter No 1414 of 1843.)

A. On a consideration of the very unfavorable report of the Jail at Vizagapatam which is submitted in the foregoing communication and of the necessity, under the provisions of Act VII of 1843, which now exists, of transferring for trial by the Sessions Judge at Chicacole all Prisoners who may be committed by the Principal Sudr Ameens at Vizagapatam and Itchapore, the Sonjdary Adalut are of opinion that

that the Jail at Chicacole should be constituted the central and general Jail of the Zillah, to be available for the incarceration of Prisoners sentenced both by the Judicial and magisterial authorities of that District.-

2. In this view they resolve, under the authority vested in them by Clause 5th Section VIII Regulation XV of 1803 and by the referred to Section XIII Regulation VIII of 1829, to direct that henceforward Prisoners sentenced by the Principal Sudr Ameens at Vizagapatam and Itchapore to more than four months' imprisonment, shall, on the arrangement being approved by Government be transferred to the custody of the Sessions Judge of Chicacole, care being taken at all times so to regulate the departure of Convicts thus transferred, that the requisitions to the Magistracy for the escort guards may be as few as possible.-

3. In order fully to carry out the change proposed by the Sanitary Board, it becomes necessary to place on the Establishment of the Sessions Court at Chicacole, the Jailor and two subordinates who now form the permanent

permanent Establishment of the Jail at Vizagapatam and for their transfer together with the arms and other material, belonging to the Vizagapatam Jail to Chicacole, the Sanitary Board further resolve to solicit the special sanction of Government.-

4. The strength of the Jail Establishment at Vizagapatam is exhibited in the margin - That of the Jail at Itchapore consists only of a Jailor on a salary of 15 Rupees per mensem; of one Duffadar on 7 Rupees and of 10 Peons at 5 Rupees a month.-

	Rs.
1 Jailor	20.
1 Serdar	11.
1 Duffadar	7.
8 Peons at 5 Rs.	40.

5. The Court of Sanitary Board do think that, for the present, the Principal Sudr Ameen at Vizagapatam should be allowed to entertain an Establishment for the Jail under his charge, equal in strength to that of the Principal Sudr Ameen at Itchapore instructions being issued to Mr. Rose, on his assuming charge of his office, to report whether a reduction will not be feasible.-

6. They would likewise at once issue similar instructions to the Principal Sudr Ameen at Itchapore as it does not appear necessary

5th October 1843.-

Prisoners 20. of whom Convicts 17.

necessary that the unimportant number of Prisoners now in jail at that station should be guarded by a body of 12 Peons including the Jailor and Tindadar.-

There appear to be now in confinement in the Jail at Vizagapatam 161 Prisoners, of whom 139 are convicts. together with 53 Prisoners received from the Agent to the Governor in that District. total 192. of which the Tondary Vedalut would transfer to Chicacole those whose unexpired period of sentence exceed four months.-

Ordered, that Extract from these proceedings be forwarded to the Secretary to Government, for submission to the Most Noble the Governor in Council.-

(Sent in No. 979-)

Read letter from the Magistrate of Madura under date the 22d Ultimo, requesting authority to amend an error of judgment, if it is considered to be such, and, at the same time desiring to be informed whether a Sessions Judge has any summary authority over the Magistracy.-

(Here enter P. H. No. 1504.)

In

2)

P. H.

5th October 1843.-

In regard to any supposed Error of judgment on the part of the Magistrate of Madura the Court of Sudary Adalut must decline expressing an opinion as the subject has not come regularly before them and, in concurrence with the Commissioner, they would recommend Mr Blackburne's applying to the Sessions Judge to whom it is obvious appeals must be preferred from Acts of the Magistrate that are impugned.-

Ordered, that Extract from these proceedings be sent to the Magistrate of Madura for his information.-

(Sent in No. 980.)

Read return dated the 25th Ultimo from the 3d Judge late on Circuit in the Western Division, to the precept of the Sudary Adalut of the 20th September 1843, conveying their observations on the Calicut Calendar for the 2d Sessions 1843.-

(Here enter No. 1513.)

Read letter dated the 25th Ultimo from the 1st Judge presiding at the Court of Quarterly Sessions in the Western

Division

Division. transmitting a Statement of batta paid to Prosecutors and Witnesses during the 3d Quarterly Sessions 1843.-

(Here enter No 1514.)

Read return dated the 28th Ultimo from the acting Sessions Judge of Combaconum, to the precept of the Foujdary Udalut of the 25th September 1843- on review of the Criminal Reports for the Month of August 1843.-

(Here enter No 1519.)

Read return dated the 29th Ultimo from the Subordinate Judge of Chittoor, to the precept of the Foujdary Udalut of the 25th Ultimo, submitting explanations to the observations of the Foujdary Udalut on the Criminal Reports for the Month of August 1843.-

(Here enter No 1520)

Read return dated the 29th Ultimo from the acting Subordinate Criminal Judge of Cuddapah, to the precept of the Foujdary Udalut of the 22d Ultimo, forwarding the explanation of the Moofty Sudr Ameen and stating that the case will be disposed of as soon as possible.-

(Here enter No 1521.)

Read

Read return dated the 29th Ultimo from the acting Subordinate Criminal Judge of Cuddapah, to the Precept of the Foujdary Udalut of the 29th Ultimo, affording explanation with regard to the Prisoner in Case No 148 of the Report No V for August 1843.-

(Here enter No 1522.)

Read letter dated the 29th Ultimo from the Sessions Judge of Coimbatore, forwarding copy of the Calendar of Case No 1. with remarks and sentence of the Session Judge in the case together with the notes taken by him during the progress of the trial and the Translation of the Futwa.-

(Here enter No 1528.)

Read return dated the 30th Ultimo from the Sessions Judge in the Zillah of Salem, to the precept of the Foujdary Udalut of the 5th September 1843, conveying their observations and orders on the Criminal Reports for the month of August 1843.-

(Here enter No 1529.)

No.

Saturday, 7th October 1843.

At a Court of the Foujdary Udalut.

Present

MM. Malcolm Lewin Esquire — 1st
S.M. Alexander Maclean Esquire — 2d
W.L. Fred: Mortimer Lewin Esquire — 3d
} Puisne Judges.

Read the Criminal Reports submitted by the Acting Agent to the Governor of Fort St George at Vizagapatam for the Month of August last.

(Here enter No. 1802 of 1843.)

Case 23.

1. In the sentence passed in this case it is observed by the Assistant to the Agent that the value of the property stolen is very trifling, but as the 1st Prisoner was formerly convicted of theft and flogged by order of the Assistant, he is now sentenced to one years imprisonment with hard labor "under the same provisions".

2. The Foujdary Udalut do not comprehend the meaning of the Assistant Agent who should be called upon to furnish a detailed explanation of the grounds of the punishment awarded and specifically to

to quote the provisions of the Regulations under which sentence is passed:- meanwhile execution of the sentence should be reserved.-

3. The Court also required to be informed why, as the 4th Prisoner has not been deemed by the Assistant Agent to have been cognizant of the Burglary charged, he has been sentenced to one months' imprisonment under Section XXXIII Regulation IX of 1816.-

4. That Officer will further submit through the Acting Agent a report of the manner in which the charge has been disposed of as regards the 2d and 3d Prisoners, of whom no mention is made in the remarks appended to the report of the case.-

Ordered, that Extract from these proceedings be sent to the Acting Agent by precept returnable within 10 days from and after its receipt.-

(Sent following precept No 985)

Read letter dated the 5th Instant from the Magistrate of Chittagong, reporting that no Sentences were passed in last Month under the authority of Section LIV Act VII of

of 1843.-

(Here enter No 1535.)

Read Statement, dated the 22d August 1843 from the Acting Criminal Judge of Cuddapah, of Batta paid to the Prosecutors and Witnesses in attendance before the Court of Circuit at the 2d Sessions 1843.

(Here enter No 1536.)

Read Statement dated the 15th Ultimo from the Criminal Judge of Bellary, shewing the amount of Batta paid to the Prosecutors and Witnesses who were in attendance before the Circuit Court at the 2d Sessions 1843, according to Section XXXIII Regulation X of 1816.-

(Here enter No 1539.)

E. E.

At a Court of the Supreme Court.

Present

Monday
9th October, 1843.

K. Malcolm Lewin Esqre ——— Acting Chief Justice

A. M. Alexr Maxwell Esqre ——— Acting 2d Puisne Judge

W. A. E. M. Lewin Esqre ——— Acting 3d Puisne Judge

Read Miscellaneous Petition presented on the 18th September last by Nundoo a party Talliyffa of Tillah Cuddapah, complaining of his younger brother Gungoolos having been murdered by certain persons and praying, since the Collector did not investigate the matter, and the Magistrate and Provincial Court would not listen to his application for a strict inquiry, that the Supreme Court will be pleased to direct the lower Courts to enter into an examination of the case.—

(Here enter Rl. P. No. 73 of 1843.)

The Petitioner is instructed to seek redress from the local authorities who will take such steps as the case may seem to them to require.—

Ordered, that the Petition be dismissed and copy of these proceedings be granted to the Petitioner on

9th October 1843.

on his application.—

Read letter dated the 25th ultimo from the 2d Judge late on Circuit in the Southern Division referring the trial in Case No 1 on the Murder Supplemental Calendar for the 2d Sessions of 1843.—

(Recorded Vol. No. No. 1812)

Mr. Mc Lean,
and
Mr. McMahon,

The Court of Enquiry directed a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the Prisoner

"Ramsden"

is sufficient to commit him of the crime of Murder, do commit him thereof, that being of opinion, under the circumstances of the case, that the punishment to which the Prisoner is liable under the provision of Section X Regulation VIII of 1802, would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825, do sentence him to be transported to such place or places beyond sea as the Governor in Council shall direct, there to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of his natural life.—

(Sent following letter No. No. 488)

9th October 1843.

1. In this Case the 2d Judge late on Circuit recommends that sentence of death should be passed on the Prisoner "Ramsden" charged with Murder.—

2. The Court of Enquiry are decidedly concurr with Mr. Cooper in considering the guilt of the Prisoner to have been established by the evidence adduced, but they are of opinion, that under the circumstances of the case, a sentence of transportation for life will be sufficient for the ends of justice.—

Ordered, that Extracts from these proceedings be forwarded to the 2d Judge late on Circuit in the Southern Division for his information.—

(Sent in No 989)

Read letter dated the 12th August last from the Th Judge of the Court of Circuit in the Southern Division, forwarding copy of the 2d Supplemental Calendar of the Sittings Court Criminal Judge of Prisoners only for the 3d quarter Sessions 1843 together with a copy of the Examination

Qr. Octobr 1843.

Translation of the Extract.—

(Here enter No. 1303 of 1843.)

Read letter dated the 11th August 1843 from the Acting Joint Criminal Judge of Colombo forwarding the Criminal Reports for the month of July 1843.—

(Here enter No. 1315 of 1843.)

Read letter dated the 15th Instant from the Acting Joint Criminal Judge of Jaffna transmitting the usual Criminal Reports for the half month of September 1843.—

(Here enter No. 1497 of 1843.)

Extract

RDK
ASM

No.

At a Court of the Supreme Judicature.

Tuesday 10th October 1843.—

Present

The Hon. Malcolm Lewin Esqr. Acting Chief Justice

The Hon. Alexr. Maclean Esqr. Acting 2d Puisne Judge

The Hon. C. S. Lewin Esqr. Acting 3d Puisne Judge

Read Report for a portion of the 3d Quarterly Sessions of 1843 submitted by the late Chief Judge of the Northern Provincial Court.—

(Here enter Sup. Ct. No. 1571.)

With reference to the remarks in the 15th para of Mr. Boileau's report and Mr. Coplestone's assertion that, to the best of his belief, the Prisoners in the Jail of Trincomalee were indulged in the indiscriminate use of Tobacco and Betel, the Supreme Judicature are inclined to think Mr. Coplestone must have misapprehended the circumstances to which he alludes, as no other sanction than that extended to the discretion of Medical Men in Circular Order 5th June 1832 has emanated from this Court with regard to prison indulgences.—

Ordered, that Extract of these Proceedings

9th October 1843.

Translation of the Extract.—

(Here enter No. 1303 of 1843.)

Read letter dated the 11th August 1843 from the Acting Joint Criminal Judge of Coding forwarding the Criminal Reports for the Month of July 1843.—

(Here enter No. 1315 of 1843.)

Read letter dated the 15th Ultimo from the Acting Joint Criminal Judge of Quilon transmitting the usual Criminal Reports for the half Month of September 1843.—

(Here enter No. 1497 of 1843.)

No. 6.

No. 6.

Extract from the Proceedings of the Provincial Court of the Southern Division.

Tuesday 10th October 1843.—

Present,

Malcolm Lewin Esqr. ——— Acting 1st Puisne Judge,

Alexr. Maclean Esqr. ——— Acting 2d Puisne Judge,

C. M. Lewin Esqr. ——— Acting 3d Puisne Judge.

Read Report for a portion of the 3d Quarterly Sessions of 1843 submitted by the Late 1st Judge of the Northern Provincial Court.—

(Here enter P. C. No. 1571.)

With reference to the remarks in the 15th para of Mr. Boileau's report and Mr. Coplestone's assertion that, to the best of his belief, the Prisoners in the Jail of Cochin of poly were indulged in the indiscriminate use of Tobacco and Betel, the Corjeare Cutchery are inclined to think Mr. Coplestone must have misapprehended the circumstances to which he alludes, as no other sanction than that extended to the discretion of Medical Men in Circular Order 5th June 1832 has emanated from this Court with regard to prison indulgences.—

Ordered, that Extract of these Proceedings

9th October 1843.

Translation of the Cathcart—

(Here enter No 1303 of 1843.)

Read letter dated the 11th August 1843 from the Acting Joint Criminal Judge of Cooling forwarding the Criminal Reports for the Month of July 1843.—

(Here enter No 1316 of 1843.)

Read letter dated the 15th Instant from the Acting Joint Criminal Judge of Gunjam transmitting the usual Criminal Reports for the half Month of September 1843.—

(Here enter No 1497 of 1843.)

Tuesday
10th October 1843.—

At a Court of the Conjeveram Adalut.

Present

Mk — Malcolm Lewin Esqre ——— Acting 1st Puisne Judge,
AM — Alexr Maclean Esqre ——— Acting 2d Puisne Judge,
JML — C. M. Lewin Esqre ——— Acting 3d Puisne Judge,

Read Report for a portion of the 3d Quarterly Sessions of 1843 submitted by the late 1st Judge of the Northern Provincial Court.—

(Here enter C. C. No 1571.)

With reference to the remarks in the 15th para of Mr Boileau's report and Mr Coffiston's assertion that, to the best of his belief, the Prisoners in the Gaol of Trichinopoly were indulged in the indiscriminate use of Tobacco and Betel, the Conjeveram Adalut are inclined to think Mr Coffiston must have misapprehended the circumstances to which he alludes, as no other sanction than that extended to the discretion of Medical Men in Circular Order 5th June 1832 has emanated from this Court with regard to Prison indulgences.—

Ordered, that Extract of these Proceedings

7 C.

6th October 1843.

Translation of the Extract.—

(Here enter No. 1303 of 1843.)

Read letter dated the 11th August 1843 from the Acting Joint Criminal Judge of Coolies forwarding the Criminal Returns for the Month of July 1843.—

(Here enter No. 1315 of 1843.)

Read letter dated the 15th Instant from the Acting Joint Criminal Judge of Cuttack transmitting the usual Criminal Returns for the half Month of September 1843.—

(Here enter No. 1497 of 1843.)

7 C.

At a Court of the Conjeveram Adalut.

Present

Tuesday 10th October 1843.—

Malcolm Lewin Esqre Acting 1st Puisne Judge

Alexr Maclean Esqre Acting 2d Puisne Judge

C. M. Lewin Esqre Acting 3d Puisne Judge

Read Report for a portion of the 3d Quarterly Sessions of 1843 submitted by the late 1st Judge of the Northern Provincial Court.—

(Here enter S.C. No. 1571.)

With reference to the remarks in the 15th para of Mr. Boileau's report and Mr. Copleston's assertion that, to the best of his belief, the Prisoner in the Gaol of Trichinopoly were indulged in the indiscriminate use of Tobacco and Betel, the Conjeveram Adalut are inclined to think Mr. Copleston must have misapprehended the circumstances to which he alludes, as no other sanction than that extended to the discretion of Medical Men in Circular Order 5th June 1832 has emanated from this Court with regard to Prison indulgences.—

Ordered, that Extract of these Proceedings

proceedings be sent to the Special Commissioner in the Northern Division for his information, with directions to forward a copy to Mr. Coplestor.—

(Sent in No. 993)

Ordered also, that Extract of these proceedings, together with copy of the above report be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Most Noble the Governor in Council.—

(Sent in No. 994.)

Read letter dated the 15th Instno, from the 2d Judge of the Provincial Court in the Centre Division, transmitting Calendar and the translations of Cutwaals for the 3d Quarterly Sessions of 1843 for Chittoor Gaol delivery.—

(Here enter No. 1465 of 1843.)

Read letter dated the 13th Instno, from the Provincial Court of Circuit in the Western Division, transmitting translations of the Sree Criminal Reports for August last.—

(Here enter No. 1474 of 1843.)

E. N. S.

No. 46.

Wednesday 11th October, 1843.

At a Court of the Zillah Adalut.

Present,

Malcolm Lewin Esqre — Acting 1st Judge
Alexr Maclean Esqre — Acting 2d Judge
E. M. Lewin Esqre — Acting 3d Judge

Read Camara Criminal Reports for the Month of August 1843.—

(Here enter Sdr. No. 1473.)

No. 90. The Zillah Adalut consider the sentence awarded in this case of Sivien Vaidien imprisonment to the 1st and 3d Prisoners, inadequate to a crime which, from its frequency in Camara, would seem to demand a greater degree of severity.—

Ordered, that Extract of these proceedings be sent to the Subordinate Judge of Camara for his information.—

(Sent in No. 995)

Read letter dated the 27th ultimo from the Acting Magistrate of Cuddapah, requesting

requesting the opinion of the Conjeveram Tahsildar whether he will be justified in complying with a requisition from the Superintendent of Police at Bangalore to arrest and forward to that station a Candahara who, being greatly in debt, has quitted Bangalore without a passport, and is understood to be residing at a village within the limits of the Cuddapah District.—

(Here enter No. 1570 of 1843.)

1. The Court of Conjeveram Tahsildar are clearly of opinion that a compliance by the Acting Magistrate with the application of the Superintendent of Police on the grounds urged by that officer, would not be legally justifiable.—

2. The absence of a passport if even it arose to require its being demanded of the Candahara, might be considered by the Magisterial authorities of the Cuddapah District to call for the detention of that individual as a measure of political necessity.— But any proceedings of that nature could not with propriety be based on the fact of his having incurred money debts.—

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

(Sent in No. 1000)

Read

Read letter dated the 11th Ultimo from the 1st Judge presiding at the Court of Quarterly Sessions in the Western Division, transmitting copies of the 3d and 4th additional Calendars 3d Quarterly Sessions 1843 with remarks thereon and translations of the features.—

(Here enter No. 1433 of 1843.)

Read letter dated the 13th Ultimo from the 1st Judge presiding at the third quarter Sessions in the Southern Division, forwarding copy of the 3d Supplemental Calendar of the Acting Joint Criminal Judge of Trichinopoly for the 3d quarter Sessions 1843 together with copy of the translation of the Cutwa.—

(Here enter No. 1434 of 1843.)

Read return dated the 13th Ultimo from the Provincial Court of Circuit in the Centre Division, to the precept of the Conjeveram Tahsildar of the 31st August last, forwarding an Extract from their proceedings of the 13th September 1843 held on Cases Nos. 129 and 130 of the Cuddapah Criminal Reports for the Month of July last.—

(Here enter No. 1440 of 1843.)

Read return dated the 15th Ultimo from

11th October 1843.

From the Criminal Judge of Chittoor, to the Precepts of the Foujdary Adalut of the 11th September 1843, directing the release of the 1st 2d and 3d Prisoners in Case No 61 of 1843 on the file of the Honble Criminal Court.—

F. L.

(Here enter No 1466 of 1843.)

F. 16.

Friday, 13th October 1843. At a Court of the Foujdary Adalut

—Present—

Malcolm Lewin Esquire — Agt
Alexander Maclean Esquire — Ag 2d
Fred. Mortimer Lewin Esquire — Ag 3d
} Puisne Judges.

Read letter dated the 29th Ultimo from the Sessions Judge of Mangalore

(Here enter F. 9th P. 1530.)

1. In the foregoing communication the Sessions Judge recommends the reduction to 6 years of the sentence of 14 years' imprisonment with hard labor, passed on Manibettoo Gopanboo, 6th prisoner in Case No 15 on the Mangalore Calendar for the 2d Sessions of 1837. In support of this recommendation the Sessions Judge states, as certified by the Zillah Surgeon, that the Prisoner is "so advanced in age and so weak in constitution as to render him a fit object for mercy," and "that the ends of justice are not likely to be affected by the reduction of his sentence to 6 years," which period of imprisonment he has already undergone.—

The

2. The arguments used by Mr Anderson, the Sessions Judge have failed to satisfy the Court that any necessity existed for the submission of the above application, or that the release of the Prisoner referred to, in consideration of his age would be justifiable.-

3. The law has prescribed certain punishments as a penalty for the commission of certain crimes, and the release of a prisoner before the completion of the punishment so awarded, requires good and sufficient grounds. The simple circumstance of a Prisoner being old and infirm is obviously insufficient in itself to justify the adoption of a measure which may prove as dangerous in the particular instances in which it is exerted as it is injurious in its general tendency. The Prisoner in question was convicted of Gangrobbery, and sentenced to 14 years imprisonment, as prescribed by the Law; had any circumstances of a palliative nature existed, which it is to be presumed were well within the scope of the Judge's discretion who tried the case as within that of the present Sessions Judge a mitigated sentence would

would doubtless have been recommended. In the absence, it is to be inferred, of such, the regular period of imprisonment was adjudged to the Prisoner and cannot now be diminished on the single ground of bodily infirmity. The Court of Sudder Adawlut accordingly declined sanctioning the mitigation proposed.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Mangalore for his information.-

(Sent in No 1002-)

Read communication dated 28th ultimo, from the Sessions Judge of Nellore, soliciting instructions in regard to the Officers by whom certain payments should be made, which are contemplated in Regulation X of 1816.-

(Here enter No 1517.)

1. The Court of Sudder Adawlut see no objection to the payment from the Treasuries of the Sessions Judges, of the allowances specified in Section XXXIII Regulation X of 1816, to all such Prosecutors and witnesses in attendance before

Is the payment authorized by Section XXXIII Regulation X of 1816, to be disbursed by the Principal Sudder Ameen or by the Sessions Judge himself?

before those functionaries, who may be in need of that assistance.-

2. It is, however, obvious that the Batta to be allowed under Foujdary Adalut Circular Order dated 23d August 1824, should be paid by the Principal Sudr Ameens themselves to such parties as may require it- whilst in attendance before their own Courts or the Courts of Sudr Ameens in Criminal cases referred for trial to those Officers.-

3. It observed by Mr Walker the payment referred to in Section XXXI Regulation XXXI Regulation X of 1815 of Subsistence money to Prisoners in confinement to be made by the Principal Sudr Ameen?- is no other than the price of supplies of food for the inmates of the Jail:- the Principal Sudr Ameens cannot, therefore, be called upon, or be requested to make it, under the circumstance of their not being vested with charge of Jails.

4. For similar reasons, the payment under Section XXXII of the Regulation above quoted, should be made by the Sessions Judges or the Officers in charge of the Jail where the Prisoners claiming it may have been con-

fined.-

Ordered, that Extract from these proceedings be circulated to the several Sessions Judges for their information and communication to the Subordinate Judges- Principal Sudr Ameens and Sudr Ameens within their respective jurisdiction.-

(Butt'is No. 1003.)

J D M
agree

Saturday, 14th October 1843.

At a Court of the Supreme Adalut.

Present

Mr. Malcolm Lewin Esquire — Chief Justice
A.M. Alexander Maclean Esquire — 2d Puisne Judges
Fred: Mortimer Lewin Esqre — 3d

Read letter dated the 26th Ultimo from the 1st Judge presiding at the Court of Quarterly Sessions in the Western Division transmitting the record of trial in Case No. 1. on the 2d Additional Calendar 3d Quarterly Sessions 1843, and recommending for reasons stated that the 1st and 6th Prisoners be transported for life and the remainder sentenced to 14 years imprisonment.

(Here enter No. 1540.)

The Court of Supreme Adalut

Mr. M. Lewin and Mr. A. Maclean

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 Caroongot Conjoony alias Onny Adiody

2d Poovatah alias Colungaraputty Coonon Tydal

Vayakara

3d Vayakara Vellatiesan Cadoongon,
4th Edapully Soray
5th Kayally alias Soddoovatiundy alias
Vellikarayen Pochar
6th Iram Vattathundy Coran
7th Sottoko Kunnot Chatoo -

and

8th Coroongat Chellatten Coongan,

is sufficient to convict them of the crimes of Murder and robbery, do convict them, therefore but being of opinion under the circumstances of the case, that the punishment to which the Prisoners are liable under the provisions of Section X Regulation VIII of 1802, would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825 do sentence the Prisoners.

1st Coroongot Coonjony alias Ommy Nairdy
6th Iram Vattathundy and Curum -

to be transported to such place or places beyond Sea as the Governor in Council shall direct, there to be imprisoned and kept to hard labor in irons on the public roads or

other public works for and during the period of their natural lives respectively - and the Prisoners

2d Poovatah alias Colangarapully Coonon Pydal -
3d Vayakara Vellatiesan Cadoongon,
4th Edapully Soray
5th Kayally, alias Soddoovatiundy alias Vellikarayen Pochar
7th Sottoko Kunnot Chatoo -

and

8th Coroongot Chellatten Coongan -

severally to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (14) fourteen years -

(Sent following Letter No: 1006.)

Read letter dated the 5th Instant from the 1st Judge late on Circuit in the Central Division, referring the trial in Case No: 8 on the Cuddapah Calendar for the 2d Session of 1843 -

(Here enter F. H. No: 1542.)

Mr. M. Lewin and Mr. A. Maclean.

The Court of Foujdary Adalut on

11th October 1843.-

in a deliberate consideration of all the circumstances of the case in question before them being of opinion that the proof against the Prisoners

1st Chatiatoo Chinna Lingadoo.

2d Chatiala Pedda Vuca tegadoo.

3d Chatiala Moddoo Venka tegadoo alias Vucateegadoo, and

4th Cotta Nagadoo.-

is sufficient to convict them of the crime of Murder, do convict them thereof; but being of opinion under the circumstances of the case that the punishment to which the Prisoners are liable under the provisions of Section X Regulation VIII of 1802, would in this instance be too severe, the Court under the provisions of Clause third, Section III Regulation I of 1825 do sentence the Prisoner

1st Chatiala Chinna Lingadoo.

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (14) fourteen years; and the prisoners

2d Chatiala Pedda Vucateegadoo.

3d

2.)

J. H.

11th October 1843.-

3d Chatiala Moddoo Vucateegadoo alias Vucateegadoo. and

4th Cotta Nagadoo;

severally to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of the years.-

1. The 4 Prisoners in this case were convicted of the crime of Murder; and the 1st Judge late on Circuit recommends that the 1st Prisoner be transported for life, the 2d and 3d imprisoned for 7 years and the 4th as apparently the tool of the others for 3 years, with hard labor in irons.-

2. The Court of Sessions Moodeliar and of opinion from the evidence in the case, that the death of the individual attacked was not contemplated: The parties appear to have been actuated by jealousy against the deceased and a severe beating seems to have been the object of the attack. Had Murder been contemplated, with the weapons said to have been used, it might easily have been effected. The Mahazar annexed, is to a considerable extent

contradicted

contradicted by the testimony in the case, which does not make out any severe wounds about the head of the deceased. Had there been the wounds on the temple, as described in the Mahazarnamah it is obvious that instantaneous death would have been the result: now the deceased lived long enough to accuse the prisoners and this is almost the only evidence in the case to attach the crime to them. Under these circumstances the Court consider that the punishment of transportation would be too severe: on the other hand they see but little distinction in the guilt of the parties to justify so great disparity in the sentences recommended to be passed on them respectively by the Circuit Judge. The Court have accordingly sentenced the first Prisoner whose conduct evinces a greater degree of criminality to be imprisoned for 10 years, and the 2d 3d and 4th for a period of 10 years.

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

(Sent following letter No. 1607.)

Ordered

Ordered also, that Extract from these proceedings be forwarded to the Acting Sessions Judge of Cuddapah for his information.

(Sent in No. 1608.)

Read letter dated the 4th Instant from the Acting Sessions Judge of Cuddapah informing that the Prisoner in Case No. 148 of Cuddapah Criminal file for August being an old offender a pretty severe punishment was inflicted on him.

(Here enter No. 1543.)

Read letter dated the 4th Instant from the Magistrate of Pincheroopoy stating that the powers vested in him under Section LIV Act VII of 1843 were not exercised in the Month of September 1843.

(Here enter No. 1547.)

Read letter dated the 6th Instant from the Acting Magistrate of North Arcot informing that during the Month of September last the Magistracy of the District did not exercise the powers vested in them by Section LIV of Act No. VII of 1843.

(Here enter No. 1548.)

Read

Read return dated the 4th Instant from the Subordinate Judge of Salem to the precept of the Foujdary Adalut of the 21st September 1843, requiring him to submit the explanation called for from the Sessions Judge, with regard to 2 Prisoners recently forwarded to the Jail at Chingleput under sentence of transportation.

(Here enter No. 1549.)

Read letter dated the 7th Instant from the Principal Sudr Ameen of Chingleput forwarding Criminal Report for the Month of September last.

(Here enter No. 1550.)

Read letter dated the 2d Instant from the Sessions Judge of Calicut transmitting copy of a Calendar received from the acting Subordinate Judge of Calicut with his remarks thereon together with copy of the notes recorded by the latter and translation of the original Tuhua.

(Here enter No. 1551.)

Read Report dated the 5th Instant from the acting Magistrate of Cuddapah

14th October 1843.

Cuddapah of persons apprehended in that District and delivered to him in the Month of September 1843.

(Here enter No. 1555.)

Read letter dated the 11th Instant from the Magistrate of Malabar reporting that no cases were disposed of by the Magistracy of this District under Section XIV Act VII of 1843.

(Here enter No. 1556.)

Read letter dated the 6th Instant from the Special Commissioner in the Southern Division, transmitting the half yearly Statements of Madura and Salem duly corrected.

(Here enter No. 1559.)

Read letter dated the 4th Instant from the Sessions Judge of Calicut transmitting a Statement of Batta paid to the Prosecutor and Witnesses who attended before the Court of Sessions during September last.

(Here enter No. 1562.)

Read letter dated the 6th Instant from the Sessions Judge of the Zillah

14th October 1843.

Zillah of Coimbatore forwarding the Calendar No. 2 of the Court of Sessions.

(Here enter No. 1503.)

Read letter dated the 1st Ultimo from the Chief Magistrate and Superintendant of Police at Madras transmitting the Report of Causes tried under Act XXII of 1837 in the Month of August 1843.-

(Here enter No. 1566.)

Eyre

WDN
ALM

F. 16.

Monday,
16th October 1843.- At a Court of the Foujdaree Adalut.

Present,

ML
A. Mc
WML.

Malcolm Lewin Esqre. Mg. 1st
Alexander Maclean Esqre. Mg. 2nd
F. M. Lewin Esqre. Mg. 3rd
} Puisne Judges.

Read letter dated the 14th Ultimo, from the late 3rd Judge on Circuit in the Western Division, transmitting the Circuit Reports prescribed by Section XXXVII Regulation VII of 1802 on the portion of Malabar, subject to the jurisdiction of the Zillah Court at Calicut and the Auxiliary Court of Cochin, for the 2nd Sessions of 1843.-

(Here enter No. 1476.)

The above Reports not appearing to call for any remarks from the Court of Foujdaree Adalut.-

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

16th October 1843.

of being laid before the Most Noble the Governor in Council.-

(Sent in No. 1010)

Read letter dated the 27th Ultimo from the Acting Sessions Judge of Cuddapah transmitting copy of Calendar in Cases No. 123 and 4 with copies of Futwahs.-

(Here enter F.C. No. 1516.)

No. 1. The Prisoners in this case deny the charge of having attacked and robbed the Prosecutrix and 1st Witness of property valued at Rupees 55-4.

2. The Mahomedan Law Officer convicts the Prisoners of Johmiah Toormagaunt-gerry: in this conviction the Acting Sessions Judge concurs and sentences them to 14 years' imprisonment with hard labor in irons.-

3. The Foujdaree Udalut think it necessary that the Mahomedan Law Officer may be directed to give a second Futwah to the following question Viz. "If the evidence had been free from technical exception what would the Futwah then have been"?-

Ordered, that Extract of these

16th October 1843.

proceedings be sent to the Acting Sessions Judge of Cuddapah by Precept returnable in 3 days from and after its receipt.-

(Sent following precept No. 1811)

Read Extract from Minutes of Consultation dated 27th July last, No. 366, containing the observations of Government on the Half yearly Criminal Reports for the 2nd Half of 1841 submitted by the Foujdaree Udalut.-

(Here enter No. 1220 of 1843.)

para. 6. In para. 6 the attention of the Judges has been drawn to the disparity between the number of convictions before the Village and the District Tribunals, the acquittal before the latter of parties charged, amounting nearly to half, whilst before the Village Police it was only 18%; and it is requested that any explanation may be furnished which can be given.-

2. The causes of the disparity noticed by the Government are, in the opinion of the Foujdaree Udalut, sufficiently obvious- Cases disposed of before a village or

Tribunal

16th October 1843.-

Tribunal are tried at once on the spot and no persons, under ordinary circumstances, are accused before a Village Officer except such as are taken with the property found on the person added to which the cases which Village Police authorities adjudicate are generally of a more simple nature and no delay occurs in the disposal of them.-

para: 8. 3. In regard to the increase exhibited in the number of persons summoned for petty assault and affray in the period under observation, compared with former years, the Court would submit that they are not satisfied full dependence can be placed on the statements from which the results adverted to by the Government, are drawn.-

para: 16. 4. In this para: the conclusions arrived at by the Government is that one half of the crimes committed escape punishment, and that the same ratio exists in nearly all the Districts under this Presidency Malabar and Madura being, however, marked exceptions.-

5. Fully admitting the correctness and

16th October 1843.-

and applicability of the above deduction, the Court of Fouzdaree Udalut would nevertheless suggest the probability of there being in the original preparation of the returns of Madura some difference of system. They consider that the result observable in the case of the District of Malabar, is mainly owing to the vigor of the people in pursuing offenders and also to the efficient working of the paid Village Establishment.-

para: 20. 6. It will not have escaped the observation of the Most Noble the Governor in Council that heinous offences are those most easily detected and most zealously enquired into, which may partly account for the number of persons implicated therein who escape apprehension, being less in proportion than in cases of crimes of a less heinous character.-

para: 21. 7. The Fouzdaree Udalut would submit that as a general rule, the state of crime indicated by the aggregate results of a series of comprehensive returns, will be found materially to depend on and to be owing

owing to difference of season.-

paras: 28-29. 8. In reply to the remarks contained in these paras: the Court deem it sufficient to point out that up to the year 1836, the Statement of crimes and misdemeanors in use, prohibited no separate heading for the offence of "cattle stealing" for which a distinct column was opened only in 1837.-

9 The Statements prepared in 1831 contained in a similar manner, no separate heading for "false complaints;" their subsequent alteration will account for the insertion therein in 1841, of 92 cases of that nature.-

10. As regards the absence in the Statements for the last mentioned year of cases of "smuggling salt and tobacco," the Judges would explain that offences of that class are now ranged under the head of breaches of certain revenue laws.-

paras 27 and 30. 11. The attention of the Judges, in conformity with the suggestion made in para: 27 will be directed to the discovery of those offences which on a review of the annual statements may be found to be decidedly on the increase in order

order to their being specially brought to the notice of the Government.- They are of opinion that the further suggestion of the Most Noble the Governor in Council that in such cases the maximum penalty authorized by the Regulations should be adjudged, is entitled to every consideration, and they will not fail to act upon it whenever an increase of the nature referred to has been satisfactorily ascertained to exist.- Their attention will also be given at the proper period to the working of the new judicial system, and to the effect which it may have on the state of crime.-

12. Concurring in opinion with the Court of Foujdaree Adalut that an extension of Act XXII of 1840 to Cuddalore, as proposed by the Magistrate of South Arcot is not necessary, it is requested by the Government that the Judges will point out to that Officer the course he should pursue in the exercise of the powers vested in him, as a means of putting down the nuisance of which he has complained in

para: 34.

the

16th October 1843.-

the Half yearly report under observation.-

13. Having expressed their opinion that, as it stands, the law is sufficient to meet the evil for the abatement of which Mr. Hallett seeks an extension of the act adverted to, the Court of Foujdaree Udalut deem it only necessary further to explain for that Officer's information that, as a general rule, it is the duty of every Magistrate to make such local regulations as public convenience and the health and comfort of the community under his charge suggest - but such rules it is needless to add should not militate against the law, nor be opposed to justice and in the exercise of his authority to enforce them, the Magistrate should be able to justify their necessity.-

para: 35. 14. The intention of the Court of Foujdaree Udalut was some time since recorded on a consideration of the returns laid before them by Mr. Goldingham, Magistrate of North Arcot, for the 2nd Half of 1842, to require the submission of a special report on the subject of the apparent inefficiency of the Police employed

P. M.

16th October 1843.-

employed under his orders.-

para: 36. 15. The attention of the Court will be duly given to the wishes expressed in this para:

para: 38. 16. The Officiating Magistrate of Tanjore will be furnished with a transcript of para: 38 and instructed to supply the detailed information which, with the object in view, is shown to be required for the purposes of Government such scrutiny as may be necessary with reference to the observations of the Government will be instituted before the Acting Magistrate's Report is forwarded on from this Office.-

para: 43. 17. The Magisterial authorities of the District of Cuddapah will be expected in future to transmit to the Foujdaree Udalut the earliest possible information of any attempted reorganization of the now dispersed Bands adverted to in this para: or of any others of a similar character and will be careful to conform to the exigency of the instructions of Government on occasion arising for carrying them into effect.-

paras: 46-47-48. and 849.- 18. The Foujdaree Udalut resolve to authorize the Magistrate of Canara to offer

16th October 1843.

offer a reward of 300 Rupees for the apprehension of the perpetrator of the outrage committed in the open Court of the Bekul Moonsiff and request he will at an early period report on the probability of such notifications in the matter as he may foresee, being attended with success.-

Ordered, that Extract from these proceedings be forwarded to the Secretary to Government, for submission to the Most Noble the Governor in Council.-

(Sent in Nº 1012.)

Ordered also, that Extract from these proceedings (—) together with copy of para: of the Extract from the Minutes of Consultation recorded above be forwarded to the Magistrates of (—) for their information and guidance.

Fl. Rs:	Estimated Cases.	
South Arcot	12 1/3	36.
Tanjore	16	38.
Cuddapah	17	43.
Canara	12	46 to 49.

(Sent in Nº 1013.

Rajahmundry	33.
Vizagapatam	33.
Masulipatam	33.
Ganjam	34
Guntoor	33.
Salem	33. 44. 45
Tinnevelly	33.
North Arcot	35
Madura	39. 40. 41. 2.

Ordered also, that Copies of para (—) of the Extract from the Minutes of Consultation recorded above, be forwarded to the Magistrates of (—) for their information and guidance.-

(Sent in Nº 1014)

16th October 1843.

Read letter dated the 10th Instant from the Acting Sessions Judge of Chittoor, submitting Calendar, Translation of Futwah and copy of notes in Case Nº 4 of 1843.-

(Here enter Fl. Nº 1571)

Read letter dated the 7th Instant from the Subordinate Judge of Bellary, stating with reference to the Foujdaree Adalut proceedings of the 30th September last that copy of paras: 1 to 4 have been submitted to the Sessions Judge with the Record of Case Nº 116 and a similar copy with a Memorandum forwarded to the Magistrate of Bellary and affording certain explanation in Case Nº 124.-

(Here enter Fl. Nº 1572)

Read letter dated the 9th Instant, from the Acting Magistrate of South Arcot, reporting the non transmission of the Reports under Section XIV Act VII of 1843 for September last.-

(Here enter Fl. Nº 1573)

Read letter dated the 9th Instant

16th October 1843.- Instant from the Acting Sessions Judge of Cuddapah, transmitting copy of the Calendar in Cases Nos 5, 7 and 8 with the translations of the Tedwahs in Cases Nos 5 and 7.-

(Here enter F.16. No 1576.)

Read letter dated the 1st Instant from the Acting Agent to the Governor of Fort Saint George at Vizagapatam forwarding the Calendar of Cases disposed of during the quarter ending 30th September 1843.-

(Here enter F.16. No 1580.)

F.16.

Wednesday
18th October 1843. At a Court of the Foujdaree Udalut

Present,

Mr L. Malcolm Lewin Esqre. Agt. } Puisne Judges
A.M. R. Maclean Esqre. Asst. 2d }
and F. B. Lewin Esqre. Asst. 3d }

Read letter dated the 9th Instant from the late 1st Judge of the Court of Circuit in the Centre Division, transmitting the record of the trial in Case No 13 of the Bellary Calendar for the 2d Sessions of 1843.-

(Here Enter No 1570)

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

"Dummoogadoo"

is sufficient to convict him of the crime of Murder, do convict him thereof; and under the provisions of Section X Regulation VIII of 1802 do sentence him to

Suffer

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

(Sent following letter No. 1017.)

Read communication dated 28th April last from the late Provincial Court in the Northern Division, submitting the Criminal Reports for the 2nd Half of 1842.—

(Here enter No. 648.)

29th January 1843. para. 6.

1. In this address to the Provincial Court the Magistrate of Nellore has remarked that on a comparison of the number of Heinous Crimes committed in 1841 and 42 there is an increase of 74 Cases in the latter Year; and of 21 Cases in 1841 when compared with the preceding years.

2. The Sub-Joined Abstract regarding which the Magistrate will submit for their information a Statement of the causes to which he considers the increase in question may be attributed.—

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

Magistrate of Nellore by Precept returnable in 10 days from and after its receipt.—

(Sent following precept No. 1018.)

Read communication dated the 26th April last, from the late Provincial Court in the Centre Division, submitting the Criminal Statements for the 2nd Half of 1842.—

(Here enter No. 649.)

1. From the reports before the Court no improvement is shown to have taken place in the Police of the District of North Arcot, during the period under review, and the Statement of the result, (His operations) is unsatisfactory and deserving of the serious attention of the Officer under whose charge the District is now placed.—

2. The Court accordingly resolve to draw the attention of the present Acting Magistrate to the subject, with a view to his instituting a Searching enquiry into the conduct and general character

character of the Police under his superintendence and directions.-

3.

The Court request Mr. Babington will favor them with his observations on the above subject at his earliest possible convenience.—

Ordered, that Extract from these proceedings be forwarded to the Magistrate of North Arcot by precept returnable without delay.—

(Sent following precept No. 1019)

Read return dated the 7th August last from the Provincial Court in the Northern Division, to the Precept of the Foujdaree Udalut of the 5th July 1843, directing them to look into Cases Nos. 24 and 32 of the Nellore Criminal Reports for the month of May and pass such orders as may seem proper.

(Here enter F.H. No. 1288.)

Read further Return dated the 4th Instant from the Special Commissioner in the Northern Division,

transmitting

transmitting copy of the proceedings held by him on a review of Case No. 32 on the Nellore Criminal Reports.-

(Here enter No. 1560 of 1843.)

The Prisoners in Criminal

1.

Case No. 32 were placed upon their trial for forgery and intent to defraud the 4th Defendant in the Civil Suit in which the alleged document was filed.-

2.

The Commissioner on an examination of all the evidence is of opinion that the accusation is unsupported by credible witnesses, the 1st witness by his interest in obtaining a conviction, not less than from other circumstances, being undeserving of credit, and the 2d by his statement of prior occurrences having raised serious doubts as to his veracity; considering, therefore, the parties worthy of acquittal and the subjects of a conspiracy, the Special Commissioner recommends that the Security Bonds should be cancelled and

the

the proposal for the 1st Prisoner's dismissal from his situation of Reader set aside.—

3. The Court concur in the view taken by the Special Commissioner, and accordingly direct that the Bail bond may be cancelled and the 1st Prisoner restored to his situation.—

Ordered, that Extract of these proceedings be sent to the Special Commissioner in the Northern Division for his information and guidance.—

/Sent in Ac. 1020./

Ordered further, that copy of these proceedings be sent to the Principal Sudr Ameen of Nellore for his information.—

/Sent in Ac. 1021./

Read the Chingleput Criminal Reports for the 1st half of the month of September 1843.—

/Here enter F.H. Ac. 1546/

Chingleput Report. Case No. 26.

The Tonjore Adalut concur

with the Criminal Judge in considering that the crime committed by the Prisoner in this case, has already met with sufficient punishment in the severe pound that appears to have been inflicted; and that, under such circumstances, any addition to his previous sentence is unnecessary.

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Chingleput for his information and guidance.—

/Sent in Ac. 1022./

Read the Tinnevelly Criminal Reports from the 1st to the 15th of September 1843.—

/Here enter F.H. Ac. 1569/

Case No. 58. 1. The Court of Fonjdaree Adalut observe that the Regulation quoted in this case is inapplicable, and that sentence ought to be awarded under Clause IV Section IV Regulation VI of 1822.—

Case No. 59. 2. A similar misapplication of the Law is noticeable in this case also, the

18th October 1813.

the proper Regulation under which Cattle Stealing is punishable being Clause IV Section III Regulation VI of 1822.—

3. It is requested that the above errors may be rectified, by the substitution of the correct provisions of the Law.—

Ordered, that a Extract from these proceedings be sent to the Principal Sudr Ameen at Tinnevelly, with directions to transmit a copy for the future guidance and information of the late acting Joint Criminal Judge.—

Sent in Ltr No 1023-/-

RDV
ajmq

Ltr No 1.

Friday
20th October 1813.

No 16.

At a Court of the Foujdaree Udalut.

Present,

Mr Malcolm Lewin Esqre. Agt 1st
Mr Alexander Maclean Esqre. Agt 2d } Puisne Judges.
Mr F. M. Lewin Esqre. Agt 3d

Read letter dated the 11th Instant, from the Sessions Judge of the Zillah of Coimbatore, submitting for the final sentence of the Court of Foujdaree Udalut the proceedings on the trial of case No 2 on the Calendar of the Sessions Court.—

(Here enter No 1529.)

Mr M. Lewin and Mr Maclean.

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

Poosaury Valyen

is sufficient to convict him of the crime of Murder, do convict him thereof; and under the provisions of Section X Regulation VIII of 1802. do sentence him to suffer death by hang-

20th October 1843. being hanged at the usual time and place of execution.-

(Sent following letter No 1827 /

Read letter dated the 10th instant, from the Magistrate of Guntoor, stating that no cases under the powers vested by Act VII of 1843, have been tried either by the Magistrate of Guntoor or his assistants.-

(Here enter F.No. 1528.)

Read letter dated the 9th instant, from the Sessions Judge of Bellary forwarding the Calendar of Prisoners in committed cases No 1 together with the Futwa of the Law Officer.-

(Here enter F.No. 1587.)

Read letter dated the 12th instant, from the Acting Sessions Judge of Trichinopoly forwarding copy of the 1st Calendar of persons tried before the Court of Sessions.-

(Here enter F.No. 1593.)

Read letter dated the 10th instant, from the Sessions Judge of Mangalore submitting a Calendar received from the Subordinate Judge with remarks thereon and translation of Futwa.-

(Here enter F.No. 1594.)

Read letter dated the 6th instant, from the Acting Principal Sudr Ameen at Vizagapatam, informing that the Statement authorized by the Circular Order No 88. has been omitted, there being no entry to be made in it.-

(Here enter F.No. 1595.)

Read letter dated the 9th instant, from the Magistrate of Canara, intimating that no cases were disposed of by the Magistracy under Section LIV Act VII of 1843 upto 30th September 1843.-

(Here enter F.No. 1598.)

Read letter dated the 14th instant, from the Magistrate of Nellore stating that no cases cognizable under Section LIV Act VII of 1843 were disposed of during the last month.-

(Here enter F.No. 1608.)

Read letter dated the 13th instant, from the Magistrate of Madura reporting that the powers vested in Magistrates &c. by Section LIV Act VII of 1843 have not been exercised in the month of September.-

(Here enter F.No. 1608.)

Read

20th October 1843.-

Read return dated the 13th instant, from the Acting Subordinate Judge of Madura, to the precept of the Foujdaree Udalut of the 28th September 1843, conveying their observations and orders on the Criminal Reports for the month of August last.-

(Here enter F.U. No 1609.)

Read Statement dated the 1st instant, from the Acting Subordinate Judge of Combaconum, shewing the amount realized by the labor of the Prisoners in the 3d Quarter of 1843.-

(Here enter F.U. No 1611.)

Read letter dated the 13th instant, from the Sessions Judge of Guntoor, forwarding the Criminal Reports of the Sessions Court of Guntoor from 16th to 30th September 1843.-

(Here enter F.U. No 1612.)

Read Jail Reports dated the 11th instant, from the Acting Sessions Judge of Masulipatam, shewing the casualties and releases of Prisoners in his Jail for the month of September 1843.-

(Here enter F.U. No 1614.)

F.U.

Monday
23rd October 1843. At a Court of the Foujdaree Udalut.

Present,

M.L. Malcolm Lewin Esqre. Agt.
A.M. A. Maclean Esqre. Ag. 2d. } Puisne Judges
F.M.L. F. Mc. Lewin Esqre. Ag. 3d.

Read Miscellaneous Petition presented on the 4th Instant by Hyder Hoosain of Chinglepute complaining of the Magistrate having neglected to attend to his application for an investigation into the circumstances connected with disputes regarding certain lands belonging to the Mosque at Sydapet, and which, thro' means of forged documents have been taken possession of by one Mahomed Sherif - and prays by praying that the Magistrate may be directed to examine into the transactions-

(Here enter M. P. No 78)

The Petitioner is informed that this subject does not come within the immediate cognizance of this Court.

(and

and that if he is dissatisfied with the proceedings of the Magistrate, he should apply to the authority next in power above that Officer.—

Ordered, that copy of these proceedings be granted to the Petitioner on his application.—

Read Miscellaneous Petition presented on the 4th. Instant by Mysoor Row and nine others of the Zillah of Cuddapah.—

/Here enter N.P. No. 5 of 1843./

1. The Petitioners represent themselves to be Peons despatched in charge of a Gang of Convicts transferred from Cuddapah to Guindy and more recently placed under the orders of the Officer in charge of the Jail at Chingleput.—

2. They complain that from the 1st. August 1842 their salary has been paid by the Criminal Judge of Chingleput from 6 to 5¼ Rupees per mensem and pray that the difference thus due to them up to

to the present date may be refunded; their pay raised again to 6 Rupees a month and orders issued to relieve them at the end of two years from the date of leaving Cuddapah; otherwise that orders be given to relieve them within the present year.—

3. The rules in force regarding the relief of Peons employed at a distance from the Jail at which they were originally entertained, do not admit of the prayer of the Petitioners being complied with.—

Ordered, that the Petition be dismissed, and that Extract from these proceedings be furnished to the Petitioners on their application.—

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

/Sent in No. 1031./

Read Miscellaneous petition presented

presented on the 4th. Instant by Tungum=
=may of Cuddalore.—

/Here enter M. P. No. 1/

Read again letter dated the
5th. May last from the late 2d. Judge on
Circuit in the Centre Division submit=
=ting copies of the Primary and Supplemental
Calendars of Cuddalore for the 1st. Sessions
of 1843.—

/Here enter No. 931/

1. The Statements made in the
foregoing address go to show that the
Prisoner convicted in the case noted in
the margin has been so convicted on
false testimony, adduced from feelings
of jealousy and from a wish to secure
his office of Puttamanigar, by a principal
witness for the Prosecution.—

No. 14 Cuddalore Calendar for the 1st. Session of 1843.

2. The Petitioner prays under
such circumstances that the Foujdaree
Udalut will call for and peruse the
entire record of the trial and direct
the release of the Prisoner, &c. &c.—

3. On reference to the report of
the case referred to, as entered in the
Calendar before the Court, the Foujdaree
Udalut have considerable doubts as to the
justice of the conviction and accordingly
resolve to comply with the Petitioners
application.—

Ordered that the late 2d.
Judge of the Provincial Court of Circuit
in the Centre Division recently on Cir=
=cuit, be directed to forward the translated
record of the trial, by precept returnable
without delay and meanwhile to direct
the sentence passed on the Prisoner Pauly
Ramastawmy Moodelly to be suspended.

/Sent following precept No. 1032/

Read Miscellaneous Petition
presented on the 4th. Instant by Anakola
Narasummah of the Zillah of Cuddapah.

/Here enter M. P. No. 760 of 1843/

1. The Petitioner who declares
she is mother of the 5th. Prisoner in Case
No. 24 on the Cuddapah Calendar for the

the 2d Sessions of 1838 complaining of the sentence passed by the Circuit Court on her son and 6 other Prisoners, and prays that the Court of Foujdaree Udalut will be pleased to call for and peruse the record of the trial and pass a just decision.—

2. The Court of Foujdaree Udalut have on two former occasions refused to attend to the prayer of this Petitioner being convinced of the justice of the sentence passed by the Circuit Judge.—

Ordered, that this Petition be rejected and the Petitioner fined 10 Rupees.—

Ordered further that copy of these proceedings be sent to the Acting Subordinate Judge of Cuddapah by precept returnable in 10 days with directions for collecting the fine.—

/Sent following precept No 1033/

Read the Criminal Reports for the latter half of September 1843 submitted by

by the Principal Sudr Ameen of Coimbatore.

/Here enter Ffa No 1583/

Case No 5. 1. The Foujdaree Udalut do not see the necessity of stripes being inflicted in this case, and accordingly direct their remission.—

Case No 6. 2. The Court of Foujdaree Udalut having, on several occasions, ruled that the regulation under which the sentence in this case is imposed, is inapplicable to "Village Police", direct that the Prisoner may be released.—

Ordered, that Extract of these proceedings be sent to the Principal Sudr Ameen of Coimbatore for his information and guidance.—

/Sent in No 1034/

Read the Rajahmundry Criminal Reports for the 1st half of the month of September 1843.—

/Were entr. F. U. No 1585/

Case No 24. 1. The Court of Foujdaree Udalut are of opinion that this case ought to have been

the 2nd Sessions of 1838 complaining of the sentence passed by the Circuit Court on her son and 6 other Prisoners, and praying that the Court of Foujdaree Udalut will be pleased to call for and peruse the record of the trial and pass a just decision.—

2. The Court of Foujdaree Udalut have on two former occasions refused to attend to the prayer of this Petitioner being convinced of the justice of the Sentence passed by the Circuit Judge.—

Ordered, that this Petition be rejected and the Petitioner fined 10 Rupees.—

Ordered further that copy of these proceedings be sent to the Acting Subordinate Judge of Cuddapah by precept returnable in 10 days with directions for collecting the fine.—

/Sent following precept No 1033/

Read the Criminal Reports for the latter half of September 1843 submitted by

[illegible]

by the Principal Sudr Ameen of Coimbatore.

/Here enter F. No. No. 1583/

Case No. 5. 1. The Foujdaree Udalut do not see the necessity of stripes being inflicted in this case, and accordingly direct their permission.—

Case No. 6. 2. The Court of Foujdaree Udalut having, on several occasions, ruled that the regulation under which the sentence in this case is imposed, is inapplicable to "Village Police", direct that the Prisoner may be released.—

Ordered, that Extract of these proceedings be sent to the Principal Sudr Ameen of Coimbatore for his information and guidance.—

/Sent in No. 1034/

Read the Rajahmundry Criminal Reports for the 1st half of the month of September 1843.—

/Were entd. F. No. No. 1585/

Case No. 24. 1. The Court of Foujdaree Udalut are of opinion that this case ought to have been

born committed, and, that nothing but the uncontrollable impediments, should be considered sufficient reasons for the non attendance of Prosecutors in Criminal trials.—

Case No. 1. 2.

As a forcible entry with intent to steal constitutes the crime of Burglary the Court do not consider the grounds assigned by the Acting Sessions Judge sufficient warrant for a reduction of the sentence awarded in this case by the Pundit Sudr Ameen.—

Ordered, that Extract of these proceedings be sent to the Acting Sessions Judge of Rajahmundry for his information and guidance.—

/Sent in No. 1035/

Read letter dated the 12th instant from the Acting Principal Sudr Ameen of Trichinopoly requesting instructions as to the manner he is to proceed in disposing of the case of the Prisoner apprehended by order of the Tongdaree Adalut

Adalut and directed to be tried for Perjury.—

/Here enter F.C. No. 1599/

1. Accompanying the above communication the Acting Principal Sudr Ameen submits a letter dated the 10th. October /No. 201/ from the Magistrate of Trichinopoly who states that the charge preferred was for "false complaint," and, that under the circumstances of the case, a charge of "Perjury" could not originate with him.—

The Tongdaree Adalut before

2. deciding on the Principal Sudr Ameen's reference, resolve to call upon the Magistrate of Trichinopoly to state the nature of the case which, if bearing out the charge in the Calendar, is clearly a case of perjury and required to be committed by the Magistrate in the manner laid down in Circular Order 1st. August 1821.—

Ordered that Extract of these proceedings

23rd October 1843.

proceedings be sent to the Magistrate of Trichinopoly by Dwapt returnable in 3 days from and after its receipt.-

Sent following precpt No 1036.

Ordered also that Extract of these proceedings be sent to the Acting Principal Sudr Ameen of Trichinopoly for his information.-

Sent in No 1037

Thursday
24th October 1843.

At a Court of the Foujdaree Udalut.

Present,

Malcolm Lewin Esqre Agt 1st
Alexander Maclean Esqre Agt 2nd
P. M. Lewin Esqre Agt 3rd

} Puisne Judges

Read the Criminal Reports submitted by the Principal Sudr Ameen of Masulipatam for the 1st half of September 1843.

(Here enter No 1613.)

The above reports do not appear to call for any remarks from the Court of Foujdaree Udalut.-

Ordered, that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Masulipatam for his information.-

(Sent in No 1040.)

Read the Criminal reports submitted by the Principal Sudr Ameen of Coimbatore for the 1st half of September 1843.

(Here enter No 1584.)

The above reports do not appear to

to call for any remarks from the Court of Foujdaree Udalut.

Ordered, that extract from these proceedings be forwarded to the Principal Sudr Ameen of Coimbatore for his information.

(Sent in Jr. 1041.)

Read letter dated the 5th instant from the Sessions Judge of Salem, submitting copies of a correspondence between himself and the Subordinate Judge at that station relative to the reference by the latter Officer to the Sudr Ameen of Criminal cases for investigation and trial.

(Here enter Jr. 1561.)

1. The Sessions Judge calls in question the authority of the Subordinate Judge to send down for trial by the Sudr Ameen, Criminal cases of a minor description, on the ground that Section II Regulation III of 1833 is not extended to Subordinate Judges and Principal Sudr Ameens by any part of Act VII of 1843 and, generally, because such delegation will occasion of trials of the nature in question because that

that functionary "is responsible" for all such, "the reports of which would appear in the "monthly Criminal Statements of the "Subordinate Courts."

2. The Subordinate Judge in support of the legality of his proceeding in availing himself of the assistance of the Sudr Ameen, remarks that a Subordinate Court being constituted in its Criminal capacity under Regulation II of 1827 has authority under Section II Regulation III of 1833 to refer Criminal cases to Sudr Ameens, such power not having been withdrawn by any subsequent Regulation.

3. Mr. Frere adds that his view of the point in discussion seems supported by Section XXXVII of Act VII of 1843 which implies, he submits, that the former rules on the subject remain in force, unless as otherwise provided by that Section.

4. In his address to the Foujdaree Udalut Mr. Bruere endeavors to meet the argument of the Subordinate Judge, but in the opinion of the Court, ineffectually; as

24th October 1843.-

as it is obvious that if Section XXXVI of the Act quoted by Mr Bruere could be deemed to apply only to the class of Sudr Ameens contemplated in Section XLVI of the same enactment, the latter Section would have preceded Section XXXVI, whereas it refers to a subject quite distinct from the Sudr Ameens whose sentences are adverted to in Section XXXVI.-

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Salem for his information, and communication to the Subordinate Judge at that Station.-

(Sent in No. 1042)

Read letter dated the 14th Instant, from the Sessions Judge of Guntoor, forwarding the 3rd Calendar of persons committed for trial by the Acting Principal Sudr Ameen of Guntoor to the Sessions Court, and the translation of the Futwah in the case.-

(Here enter F. No. 1615.)

Read report dated the 15th Instant from the Acting Sessions Judge of Trichinopoly, shewing the casualties and of Prisoners released from the Jail of Trichinopoly during the month of September 1843.-

(Here enter F. No. 1618.)

Rep. J.

Thursday.

26th October 1843.-

F. No.

At a Court of the Foujdaree Udalut

Present,

Mr. Malcolm Lewin Esqre. Ag. 1st
Mr. Alexander Maclean Esqre. Ag. 2nd
Mr. F. M. Lewin Esqre. Ag. 3rd
} Puisne Judges.

Read letter dated the 20th Instant from the late 1st Judge of the Court of Circuit in the Centre Division, referring the trial in case No. 7 of the Cuddapah Calendar for the 2nd Sessions of 1843.-

(Here enter F. No. 1649.)

Mr. Maclean

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 Soogalee alias Yarecala Ramoodoo
2nd Gopaloo
3rd Huggoo Baulegadoo
and
4th Bedaroo Venkategaudroo alias Gorrepulla Soobbadoo.-

is sufficient to convict them of the crime of

Lang

24th October 1843.

as it is obvious that if Section XXXVI of the Act quoted by Mr Bruere could be deemed to apply only to the class of Sudr Ameens contemplated in Section XLVI of the same enactment, the latter Section would have preceded Section XXXVI, whereas it refers to a subject quite distinct from the Sudr Ameens whose sentences are adverted to in Section XXXVI.-

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Salem for his information, and communication to the Subordinate Judge at that Station.-

(Sent in No. 1042)

Read letter dated the 11th Instant, from the Sessions Judge of Guntoor, forwarding the 3rd Calendar of persons committed for trial by the Acting Principal Sudr Ameens of Guntoor to the Sessions Court, and the translation of the Tuhwah in the case.-

(Here enter F.16. No. 1615.)

Read report dated the 15th Instant from the Acting Sessions Judge of Trichinopoly, shewing the casualties and of Prisoners released from the Jail of Trichinopoly during the month of September 1843.-

(Here enter F.16. No. 1618.)

Rejd.

Thursday.

26th October 1843.-

F. 16.

At a Court of the Foujdaree Udalut.-

Present,

Mr. Malcolm Lewin Esqre. Jg. 1st
Mr. Alexandr. Maclean Esqre. Jg. 2nd } Puisne Judges.-
Mr. F. M. Lewin Esqre. Jg. 3rd

Read letter dated the 20th Instant from the late 1st Judge of the Court of Circuit in the Centre Division, referring the trial in case No. 7 of the Cuddapah Calendar for the 2nd Sessions of 1843.-

(Here enter F.16. No. 1649.)

Mr. Maclean

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 Soogalee alias Yarcala Ramoodoo
2nd Gopaloo
3rd Huggoo Baulegadoo
and
4th Bidaroo Venkategaundoo alias Gonrepulley Soobhadoo.-

is sufficient to convict them of the crime of

Gang

Gang Robbery by open violence, do convict them severally thereof; and under Clause Third Section IV Regulation XI of 1803 sentence the prisoner

4th Beedaroo Venkategaudoo alias Goompully Soobbaroo

to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of his natural life- and under the provisions of Clause Third Section IV Regulation XV of 1803 the prisoners

1st Soogalee alias Garecala Rammadoo

2nd Gopaloo

and

3rd Muggoo Baulegaudoo-

severally to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and during the period of fourteen years.-

(Sent following Letter No. 1050.)

Read letter dated the 17th Instant, from the Acting Sessions Judge of Cuddapah, submitting the trial in Case No. 8 on the file of the Sessions Court at Cuddapah for

for the year 1843.-

(Here enter No. 1642.)

Mr. Maclean and Mr. F. M. Lewis.

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

"Pasapoolaty Nagadoo"

is sufficient to convict him of the crime of Murder, do convict him thereof; and under the provisions of Section X Regulation VIII of 1802 do sentence him to suffer death by being hanged at the usual time and place of execution.-

(Sent following Letter No. 1051.)

Read communication dated the 11th instant from the late 1st Judge of the Provincial Court of Circuit in the Centre Division, recently on Circuit transmitting the trial in Case No. 17 of the Bellary Calendar for the 2nd Sessions of 1843.-

(Here enter No. 1577.)

Mr. Maclean and Mr. F. M. Lewis.

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances

circumstances of the case in evidence before them,
being of opinion that the proof against the prisoner
"Lumbanaw Ramjeegaundoo"
is sufficient to convict him of the crime of Murder
do convict him thereof; but considering that
there are circumstances in the case which justify
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
Adalut 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.-

1. The Court of Foujdaree Adalut
do not consider the testimony adduced on the
above trial to be sufficient to justify the infliction of the extreme penalty of the law, there
being no evidence from witnesses who saw the
Prisoner commit the murder and nothing to
show that the guilt attaching to him does not
equally

equally attach to others- They are unable,
therefore, to concur in the recommendation
submitted by the late 1st Judge that the
Prisoner should be capitally sentenced and
direct that he be transported beyond the seas
for the term of his natural life.-

2. In thus disposing of the case
the Court further resolve to request the
Magistrate of Bellary may be called upon
to submit a report of the result of any
measures adopted to secure the apprehension
of the two individuals charged by the
Prisoner as accomplices.-

Ordered, that Extract from
these proceedings be forwarded to the Ma-
-gistrate of Bellary- by Precept returnable
within XV days from and after its receipt.-

(Sent following precept No. 1052-)

Ordered also, that Extract
of these proceedings be sent to the Sessions
Judge of Bellary for his information.-

(Sent in No. 1053-)

Read communication dated the
17th instant from the Acting Sessions Judge of
Chittoor-

circumstances of the case in evidence before them,
being of opinion that the proof against the prisoner
"Lumbanah Ramjeegaudoo"
is sufficient to convict him of the crime of Murder
do convict him thereof; but considering that
there are circumstances in the case which justify
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.-

1. The Court of Foujdaree Udalut
do not consider the testimony adduced on the
above trial to be sufficient to justify the infliction of the extreme penalty of the law, there
being no evidence from witnesses who saw the
Prisoner commit the murder and nothing to
show that the guilt attaching to him does not
equally

equally attach to others- They are unable,
therefore, to concur in the recommendation
submitted by the late 1st Judge that the
Prisoner should be capitally sentenced and
direct that he be transported beyond the seas
for the term of his natural life.-

2. In thus disposing of the case
the Court further resolve to request the
Magistrate of Bellary may be called upon
to submit a report of the result of any
measures adopted to secure the apprehension
of the two individuals charged by the
Prisoner as accomplices.-

Ordered, that Extract from
these proceedings be forwarded to the Ma-
-gistrate of Bellary- by Precept returnable
within XV days from and after it's receipt.-

(Sent following Precept No. 1052-)

Ordered also, that Extract
of these proceedings be sent to the Sessions
Judge of Bellary for his information.-

(Sent in No. 1053-)

Read communication dated the
17th instant from the Acting Sessions Judge of
Chittoor

26th October 1843.

Chittoor reporting, with reference to the proceedings of the Fouzdaree Udalut of the previous 3d inst., that the Prisoner Veerabadrun (case No 4 on the 1st quarterly Sessions of 1843 at Chittoor) has declared his inability to furnish security in any sum whatever, for his future good behaviour, if set at liberty-

(Here enter No 1631.)

On a further consideration of the circumstances of the case of the above mentioned Prisoner and of the probable consequences of his unconditional release from confinement, the Fouzdaree Udalut direct that he be still detained in custody, a report being submitted from time to time in regard both to his mental state and the probability of his furnishing the required security-

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions Judge of Chittoor for communication to the Subordinate Judge-

(Sent in No 1054-)

Read the Criminal Reports submitted by the Acting Sessions Judge of Tellicherry for the month of September 1843-

(Here enter No 1602.)

1. It is observed that one Peon in excess of the number allowed under existing rules, was entertained during the period embraced in the above reports-

2. The present Acting Sessions Judge will be pleased to make arrangements for the required reductions-

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions Judge of Tellicherry for his information-

(Sent in No 1055-)

Read communication dated the 17th instant from the Magistrate of Nellore requesting instructions as to the authority by whom cases of offences committed by British subjects should be disposed of, at a Zillah Station, whereas at Nellore, no European Subordinate Judge is located-

(Here enter No 1622.)

The Court of Fouzdaree Udalut are of opinion the Sessions Judge

should

26th October 1863.- should act in all cases of the kind referred to, which may arise at the Station of the zillah Court and as a general rule in regard to cases occurring in the vicinity of the Station of the zillah Judge, or in the District that applications for redress should be made to the nearest Officer qualified to officiate as a Justice of the Peace.-

Ordered that Extract from these proceedings be forwarded to the Magistrate of Nellore and zillah Judge at that Station for their information and guidance.-

(Sent in Nos. 1056/1057-)

Read letter dated the 8th instant from the Sessions Judge of Bellary, submitting with reference to para 3 of the proceedings of the Foujdaree Udalut of the 30th Ultimo a report upon the case No. 126 of the Criminal file for 1863.-

(Here enter No. 1640.)

The explanation afforded by the Sessions Judge of the grounds on which, in his capacity of late Criminal Judge, he confirmed the sentence passed by the Moofty

Sudr.

3.

F. N.

26th October 1863.- Sudr. Ameen in the case adverted to, the Court of Foujdaree Udalut consider satisfactory.-

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Bellary for his information and communication to the Subordinate Judge at that Station.-

(Sent in No. 1058-)

Read letter dated the 12th Instant from the Sessions Judge of Mangalore, submitting his Calendar in Case No. 3 of 1863.-

(Here enter No. 1616.)

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

Ordered, therefore, that Extract from these proceedings be forwarded to the Sessions Judge of Mangalore for his information.-

(Sent in No. 1059)

No return having been received from the late 1st Judge recently on Circuit in the Southern Division to the receipt of this

26th October 1843.- this Court of the 7th Ultimo calling for the proceedings held in cases Nos. 12. 13. and 14 on the Cumbacoonum Primary Calendar for the 1st Sessions of 1843.-

Ordered, that the Special Commissioner in the Southern Division be required to make a return to the precept aforesaid without delay.-

(Sent in No.)

Read letter dated the 13th instant from the Acting Sessions Judge of Tschingapoly forwarding statement of the actual produce of the labor of the Convicts in the Jail at that station for the 3rd quarter of 1843.-

(Here enter F.No. 1617.)

Read letter dated the 11th instant from the Commissioner in charge at Rajahmundry reporting that the powers vested by Section XLIV Act V of 1843 have not been exercised in September 1843.-

(Here enter F.No. 1620.)

Read return dated the 13th instant from the Acting Agent to the Governor of Fort St. George at Vizagapatam, to the precept of the

Joujdaree

26th October 1843.- Joujdaree Adalut of the 7th Instant calling for certain explanation relative to the sentence passed on the Prisoners concerned in case No. 23 of the Criminal Reports for the month of August last.-

(Here enter F.No. 1621.)

Read letter dated the 12th instant, from the Civil and Sessions Judge of Chicacole, reporting that in consequence of no Criminal cases coming in from the opening of the Court and no Jail at his Station, the Criminal Reports for the month of September could not be forwarded.-

(Here enter F.No. 1623.)

Read letter dated the 16th instant from the Sessions Judge of Nellore, submitting the Report No. 4, the Statement of Extra Peons employed in the Jail at Nellore, and also the Statement of the Labor of Prisoners for September 1843.-

(Here enter F.No. 1624)

Read communication dated the 16th Instant from the Acting Magistrate of South Arcot, forwarding with reference to the

Joujdaree

26th October 1843.- Tongolarce Udalut's Proceedings of the 3rd instant
copy of an official memorandum from the Head
Assistant Magistrate of South Arcot affording
the explanation required in Case No 78.-

(Here enter F.No. 1625.)

Read letter dated the 10th instant
from the Principal Sudr. Ameen of Cuddapa, sub-
mitting the Criminal Reports &c for the month
of September 1843.-

(Here enter F.No. 1603.)

Read letter dated the 4th instant
from the Principal Sudr. Ameen of Nellore, sub-
mitting Criminal Reports for September 1843.-

(Here enter F.No. 1605.)

Read letter dated the 4th instant,
from the Acting Agent to the Governor of Fort St
George at Vizagapatam, submitting the Criminal
Reports for the month of September 1843.-

(Here enter F.No. 1628.)

Read letter dated the 13th instant, from
the Sessions Judge of Mangalore, submitting copy
of the Calendar in case No 1 of 1843 received from the
Subordinate Judge, with the Sessions Judge's remarks
thereon.-

(Here enter F.No. 1630.)

4yd

P.No.

Tirdary.-

27th October 1843.- At a Court of the Tongolarce Udalut.-

Present,

Mr. Malcolm Lewin Esqre Jg 1st.
Mr. Alexander Maclean Esqre. Jg 2d
Mr. P. M. Lewin Esqre. Jg 3d
} Puisne Judges.-

Read Vizagapatam Criminal
Reports for the month of September 1843.-

(Here enter F.No. 1582.)

No 3. 1. The Court of Tongolarce Udalut
see no reason for the infliction of stripes in
this case and, accordingly, direct that they
may be remitted.-

2. The provision of the Law under
which punishment can be inflicted in this
case is Section VII Regulation X of 1816, and
not as quoted Regulation VI of 1827 an error
which the Court desire may be rectified.-

No 4. 3. As the Court doubt the ne-
cessity of corporal punishment, or the correct-
ness of demanding security, in this case,
they resolve to direct the Sessions Judge

to

to look into it, pass such orders as may appear
requisite and report the result of his enquiries
for the information of this Court.-

No 5. 4. The sentence in this case is considered adequate to the offence without the addition of stripes which the Court resolve accordingly to remit.-

Ordered, that Extract of the proceedings be sent to the Sessions Judge of Chicacole by precept returnable without delay.-

(Sent following Precept No 1060)

Ordered further, that a copy of the proceedings be sent to the Acting Principal Sudr Ameen at Vizagapatam for his information and guidance.-

(Sent in No 1061)

Read letter dated the 16th Instant from the Sessions Judge of Coimbatore, submitting the account of Batta paid to the Prosecutors and Witnesses.-

(Here enter F.No. 1639.)

Read letter dated the 4th Instant from the Acting Principal Sudr Ameen of Guntoor, transmitting the annual Returns

 Reports for the half month of September 1843.-

(Here enter F.No. 1646.)

Read letter dated the 16th Instant, from the Sessions Judge of Mangalore, submitting a Calendar received from the Subordinate Judge with remarks thereon and translation of Futwas.-

(Here enter F.No. 1647.)

Read return dated the 20th Instant, from the Acting Sessions Judge of Cuddapah, to the Precept of the Foujdaree Adalut of the 16th Instant, forwarding Futwahs with the explanation regarding the sentence passed in Calendar No 1 of 1843.-

(Here enter F.No. 1650.)

Read letter dated the 20th Instant, from the Acting Sessions Judge of Chittoor, forwarding copies of the Calendar No 6 and 7 of 1843 together with the translations of the Futwahs.-

(Here enter F.No. 1651.)

Read letter dated the 16th Instant, from the late Criminal Judge of Bellary, transmitting the Criminal

Repts to

27th October 1843.

Reports from 1st to 15th September 1843.

(Here enter F.No. 1653.)

Read letter dated the 19th instant, from the Sessions Judge of Coimbatore, forwarding copy of the Calendar in Case No. 3, together with a translation of the Futwah of the Law Officer and copy of an Extract forwarded to the Principal Sudr Ameen commenting on the manner in which that Officer had prepared the Calendar laid before the Sessions Court.-

(Here enter F.No. 1655.)

Read letter dated the 18th Instant from the Sessions Judge of Calicut, forwarding copy of Calendar No. 11 received from the Acting Subordinate Judge.-

(Here enter F.No. 1656.)

Read letter dated the 19th instant from the Acting Sessions Judge of Chittoor transmitting copy of the Calendar No. 5 of 1843 together with the translations of the Futwah.-

(Here enter F.No. 1632.)

F.No.

Monday 30th October 1843.

At a Court of the Sujdary Udalut.

Present-

Malcolm Lewin Esquire — 1st Puisne Judge
Alexander Maclean Esquire — 2nd Puisne Judge
Fred: Mortimer Lewin Esquire — 3rd Puisne Judge

Read Miscellaneous Petition presented on the 9th October 1843, by Vungata Sashiah chetty of Bellary.-

(Here enter Misc: Petition No. 79.)

The petitioner states that his brother, Krishtuppa, was apprehended together with one Boya Scobbadoo on a charge of gang robbery and, having been committed for trial by the Criminal Judge, was sentenced, in Case No. 5, Bellary Calendar, 2d Session 1843 to 14 years' imprisonment.

The petitioner prays the Court on the grounds of the testimony adduced on the trial being deficient, to call for, and peruse the record, and order his brother, and Boya Scobbadoo to be released.-

The Court of Sujdary Udalut, on reference to the Calendar, do not consider there are any sufficient reasons for disturbing the

30th October 1843.

the sentence passed on the prisoners.-

Ordered, therefore, that the petition be rejected, and that extract from these proceedings be furnished to petitioner on his application.-

Read the Criminal Reports submitted by the Sessions Judge at Tinnevelly for the 2d half of September 1843.-

(Here enter No. 1852.)

The above reports, which exhibit the operations of the Court of the Principal Sudr Ameen; do not appear to call for any remarks from the Court of Foujdary Udalut further than to point out for the information and future guidance of the Sessions Judge and Principal Sudr Ameen respectively that the supplemental report and report No. 5 should have been submitted to this Court direct by the latter officer himself.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge at Tinnevelly for his information and communication to the Principal Sudr Ameen.-

(Sent in No. 1066.)

No. 16.

Tuesday, 31st October 1843.

At a Court of the Foujdary Udalut.

Present -

Mr. Malcolm Lewin Esquire — Mr.
A. M. Alexander Maclean Esquire Mr. } Puisne Judges
F. M. L. Fred: Mortimer Lewin Esquire Mr.

Read the Criminal Reports submitted by the Acting Principal Sudr Ameen at Trichinopoly for the second half of September 1843.-

(Here enter No. 1592.)

Report No. 4. 1. The Prisoner in this case has been sentenced to imprisonment for two months in addition to the punishment awarded to him in the previous Number.-

2. The offence imputed to him in the second instance was escape from the custody of a Cavilgar.-

3. As it has been repeatedly ruled by the Foujdary Udalut that the act of escaping from custody of the village police is not legally punishable under the provisions of Regulation VI of 1822 the sentence declared in

in Case it should now be annulled.-

Ordered that Extract from these proceedings be forwarded to the Acting Principal Sudr Ameen of Tinnevelly by precept returnable in X days from and after its receipt.-

(Sent following Precept No. 1069)

Read report of Sentences passed under the provisions of Act VII of 1843 by the Magistracy of Salem in the month of September 1843.-

(Here enter No. 1834.)

The 7th Column of the foregoing Report should have contained a statement, in brief and concise terms, of the nature of the testimony adduced against the parties charged before the Acting Magistrate and Joint Magistrate of Salem and of the grounds on which they respectively passed sentence.-

Case 1. of Magistrate's file.
Case 1. of D. Magte's file.

2.

It is accordingly requested that that information be now supplied.-

Ordered that Extract from these proceedings be forwarded to the Magistrate of Salem by precept returnable in X days from and after its receipt.-

(Sent following Precept No. 1070)

Read letter dated the 4th Instant from the Acting Principal Sudr Ameen at Vizagapatam reporting the escape of a Prisoner who has been sentenced while at work opposite to the Jail on the morning of the 4th September 1843 from his guard, and enclosing a Memorandum of the said Convict, and adding that measures were taken for the apprehension of the Prisoner.

(Here enter No. 1568.)

Read letter dated the 13th Instant from the Acting Subordinate Judge of Combaconum submitting Criminal Monthly Reports for part of the Month of September 1843.-

(Here enter No. 1591.)

Read letter dated the 19th Instant from the Magistrate of Tinnevelly informing that no cases have been investigated under Section LIV Act VII of 1843 from 16th to 30th September 1843.-

(Here enter No. 1857.)

Read letter dated the 1st Ultimo from the Chief Magistrate and Superintendent of Police at Madras transmitting the

Supplemental

Supplemental Report of causes tried under Act XXII of 1837 in the Month of August 1843.-

(Here enter No. 1659.)

Read Criminal Reports dated the 15th Ultimo from the late Criminal Judge of Salem from the 7th to the 15th September 1843.-

(Here enter No. 1661.)

Read letter dated the 20th Instant from the Subordinate Judge of Bellary transmitting Calendar No. 10 of the 2d Sessions of 1843 with the Subordinate Judge's remarks and translation of Mahomedan Law officer's Futwa.-

(Here enter No. 1665.)

Read letter dated the 18th Instant from the Magistrate of Masulipatam reporting that no cases of the description alluded to in Section IV Act VII of 1843 have come under his cognizance during last Month.-

(Here enter No. 1667.)

Agreed

31st October.

Wednesday, 1st November 1843.

At a Court of the Sudder Adalut.-

Present-

Malcolm Lewin Esquire — Mr. C.
Alexander Maclean Esquire — Mr. M.
Fred: Mortimer Lewin Esquire — Mr. L.

} Prime Judges.

Read the Cuddapah Criminal Reports for the Month of September 1843.-

(Here enter No. 1604.)

Suppl: Report- Case 36 of Report No. V for March 1837.-

1. It appears that the release of the Prisoner, who has only recently been reapprehended, is owing to the disappearance from the records of the Criminal Court, of the document he is charged with having forged.-

2. It is stated that nothing connected with it can now be discovered except the English correspondence.-

3. The Sudder Adalut request the Acting Subordinate Judge will submit more specific and detailed information in regard to the absence from the records of so important a document, and that he will explain, after enquiry, whether there is any probability being traced and whether there are no

31st October 1843.

Supplimental Report of cases tried under Act XXII of 1837 in the Month of August 1843.-

(Here enter No. 1659.)

Read Criminal Reports dated the 15th Ultimo from the late Criminal Judge of Salem from the 7th to the 15th September 1843.-

(Here enter No. 1661.)

Read letter dated the 30th Instant from the Subordinate Judge of Bellary transmitting Calendar No. 10 of the 2d Session of 1843 with the Subordinate Judge's remarks and translation of Mahomedan Law officer's Futwa.-

(Here enter No. 1665.)

Read letter dated the 18th Instant from the Magistrate of Masulipatam reporting that no cases of the description alluded to in Section IV Act VIII of 1843 have come under his cognizance during last Month.-

(Here enter No. 1667.)

Ent'd

P.D.M.

appd

J. W.

Wednesday 1st November 1843.

At a Court of the Provincial Adalut.-

Present-

A.M. P.M.L.

Malcolm Lewin Esquire — 1st Judge
Alexander Maclean Esquire — 2d Judge
Fred: Mortimer Lewin Esquire 3d Judge } Provincial Judges.

Read the Cuddapah Criminal Reports for the Month of September 1843.-

(Here enter No. 1604.)

Suspe: Report Case 36 of Report No. V for transfer 1837.-

1. It appears that the release of the Prisoner, who has only recently been reapprehended, is owing to the disappearance from the records of the Criminal Court, of the document he is charged with having forged.-

2. It is stated that nothing connected with it can now be discovered except the English correspondence.-

3. The Provincial Adalut request the Acting Subordinate Judge will submit more specific and detailed information in regard to the absence from the records of so important a document and that he will explain, after enquiry, whether there is any probability being traced and whether there are no

on which to hold responsible the parties who
have superintended the record department of the
late Criminal Court.-

No 166. 4. The Foujdary Adalut trust that
the remarks of the Acting Criminal Judge
in respect to its not appearing on what grounds
the parties accused, "persons of good character"
were in the first instance apprehended, have
been specially brought to the notice of the
Magistracy.-

Report No V Case 167.- 5. The crime with which the Prisoner
in Case 167 stood charged being Burglary, it was
not competent, with reference to the rule laid
down in the Circular Order noted in the mar-
=gin, for the Sudr Ameen Pundit to
award imprisonment for a period less than
six months, and that which was actually award-
=ed should have been declared under Clause
Sixth Section II Regulation VII of 1822 instead
of Section VII Regulation X of 1816.-

F.M.C.O. No 139.

Case 179. The statement of the grounds
on which the accusation of Perjury is formed,
is not in the abstract form contemplated in
Foujdary Adalut Circular Order dated 12th

May

May 1832, in as much that it fails clearly
to convey to this Court a knowledge of the
facts charged, neither does it appear from the
Report whether the case was received from
the Magisterial or Police authorities.-

7. The Acting Subordinate Judge
will accordingly furnish the required informa-
=tion on the points in question.-

Ordered that Extract from these
proceedings be forwarded to the Acting Subor-
=dinate Judge of Cuddapah by precept returnable
in X days from and after its receipt.-

(Sent following precept No 1078.)

Read letter dated 16th Ultimo
from the Sessions Judge of Bellary transmitting
copy of the Calendar No 2 of 1843 together
with the translation of the Futwa.-

(Here note: F.M.C. No 1833.)

The Court observe with reference
to this case that no second question was
necessary, as the Prisoner was liable to be
punished under the Regulations without the
sentence of Hud.-

Ordered that Extract of the
proceedings

proceedings be sent to the Sessions Judge of Bellary for his information and guidance.-

(Sent in Rc 1074.)

No return having been received from the Sessions Judge of Nellore to the precept of this Court dated 28th September 1843, requiring him to look into Case No 58 of the Criminal report for August 1843 and pass such orders as he might deem necessary, and report the result to this Court.-

Ordered that the Sessions Judge of Nellore be required to make a return to the precept aforesaid without delay.-

(Sent in Rc 1075.)

Read letter dated the 20th Ultimo from the Subordinate Judge of Mangalore transmitting the required Reports in the Criminal department of his Court for the latter half of September last.-

(Here enter Rc 1869.)

J. No.

Thursday, 2d November 1843.-

At a Court of the Foujdary Adalut.

Present:-

M.C. Malcolm Lewin Esquire — 1st Puisne Judge.
A.M. Alexander Maclean Esquire — 2d Puisne Judge.
F.M.L. Fred: Mortimer Lewin Esquire — 3d Puisne Judge.

Read letter dated the 24th Ultimo from the late 1st Judge of the Court of Circuit in the Centre Division, referring the trial in Case No 21 of the Bellary Calendar for the 2d Sessions of 1843 and recommending that the Prisoner should suffer Capital punishment.-

(Here enter Rc 1872.)

Mr. M. Lewin - and Mr. A. Maclean -

The Court of Foujdary Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner "Sungapah" is sufficient to convict him of the crime of Murder, do convict him thereof; but considering that there are circumstances in the case which justify a less severe sentence than that to which the prisoner is liable under the provisions

provisions of Section X Regulation VIII of 1802, the Court of Foujdary 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. 1078)

Read the Criminal reports for the month of September last - (from the 1st to the 15th) submitted by the late Acting Criminal Judge of Combaconum.-

(Here enter F. H. No. 1590 of 1843.)

Report No. V
Case No. 123.

The Court of Foujdary Udalut have on former occasions reprobated the practice of the Police officers moving Prisoners from place to place, in the manner represented to have occurred in this case: and they request that such steps may be taken by the Magisterial authorities as may lead to the discontinuance of so objectionable a proceeding.-

Ordered, that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Combaconum for his information, and communication to the Acting Magistrate of Tanjore.-

(Sent in No. 1079)

Read the Criminal Reports submitted by the Acting Subordinate Judge of Valient for the Month of September 1843.-

(Here enter F. H. No. 1627)

Report No. V
File of Subordinate Court -
Case 4.

1.

In this case it has been observed by the Acting Subordinate Judge that the offence for which the Prisoner was brought to trial is "universally allowed" "to have been "a case of accidental homicide in which the "Court concurs, and considering the Prisoner "to be blameless, orders him to be released".-

2.

The Court of Foujdary Udalut apprehend that the term "universally allowed" is intended to convey the general purport of the evidence, they however consider such expressions inappropriate in judicial sentences, and accordingly they revolve to request the Acting Subordinate Judge to submit such explanations as he may deem requisite.-

Ordered

2d November 1843.

Ordered, that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Calicut by precept returnable in X days, from and after its receipt

(Sent following precept No. 1080.)

Read letter dated the 21st Ultimo from the Sessions Judge of Mangalore, stating with reference to the Zuijdary Adalut's Circular Orders Nos. 51 and 65 dated the 24th August and 2nd March 1836, that no disbursements were made by the late Criminal Judge of Canara of the nature referred to in the said orders from 1st July to 15th September, and forwarding copy of a letter from the Subordinate Judge of Mangalore on the subject.

(Here enter No. 1079.)

Read letter dated the 26th Ultimo from the Sessions Judge of Guntoor, submitting copy of the 2nd Calendar of persons committed, together with Translation of the Futwah.

(Here enter No. 1079.)

Read letter dated the 28th Ultimo from the Acting Sessions Judge of Chittoor, transmitting Calendars Nos. 1, 2 and 3 of 1843 together with the translations of Futwahs.

(Here enter No. 1081.)

Read

N. 2.

2d November 1843.

Read letter dated the 26th Ultimo from the Acting Sessions Judge of Cuddalore, forwarding a Report of casualties and of Prisoners released in the Month of September last, and 2 other statements.

(Here enter No. 1082.)

Read letter dated the 24th Ultimo from the Sessions Judge of Calicut, stating with reference to the Circular Order No. 88, that the Acting Subordinate Judge of Calicut and the Principal Sudr Ameen of Cochin have reported that no amount was realized by the labor of Prisoners during the last Quarter.

(Here enter No. 1086.)

Read report, dated the 25th Ultimo from the Acting Magistrate of Tanjore, of persons apprehended in the District and delivered to the Magistrate, Joint and Assistant Magistrates of Tanjore from the 15th to the 30th September 1843.

(Here enter No. 1090.)

Read letter dated the 19th Ultimo from the Magistrate of Coimbatore, stating that the powers vested in the

Magistrates

Magistrates by Section LIV Act Vo VII of 1843 were not exercised by the Magistrate or his Assistants in the Month of September 1843.-

(Here enter No 1691.)

Read letter dated the 25th Ultimo from the Acting Sessions Judge of Tellicherry stating that no disbursement of the nature described in the Foujdary Adaulut's Circular Orders No. 50 and 65 was made during the last quarter.-

(Here enter No 1692.)

Read letter dated the 25th Ultimo from the Acting Sessions Judge of Tellicherry stating that no amount was realized by the labor of the Prisoners, nor any disbursement of the nature described in the Foujdary Adaulut's Circular Order No 88 of 1837 made during the last quarter.-

(Here enter No 1693.)

Read letter dated 6th Ultimo from the Sessions Judge of Chittoor, Proceedings of the said Court Relative to the Punishment in Case No 4 of the Calendar for 1st Quarter Sessions of 1843.-

Here enter No 1553.-

No 96.

Friday,
3d November, 1843. At a Court of the Foujdaree Adaulut.

Present,

Hd Malcolm Lewin Esqre Acting 1st Puisne Judge,
A.M Alexr Maclean Esqre Acting 2d Puisne Judge,
Wm L T. M. Lewin Esqre Acting 3d Puisne Judge,

Read communication dated the 7th Ultimo, from the Sessions Judge of Tinnevelly reporting the execution of the Prisoner in Case No 3 of the Tinnevelly Calendar for the 2d Sessions of 1843, and submitting for the consideration of the Foujdaree Adaulut whether, with particular reference to the Spirit of Section XLVIII Act VII of 1843, he would have been justified in deputing the duty of carrying into effect the Sentence in question, to the Principal Sudr Ameen of the Zillah.-

(Here enter Zilla No 1581 of 1843)

As a general rule, the Courts of Foujdaree Adaulut are of opinion it is desirable

Magistrates by Section LIV Act Vo VII of 1843 were not exercised by the Magistrate or his Assistants in the Month of September 1843.-

(Here enter No 1691.)

Read letter dated the 25th Ultimo from the Acting Sessions Judge of Tellicherry stating that no disbursement of the nature described in the Foujdary Adawlut's Circular Orders Nos 50 and 65 was made during the last quarter.-

(Here enter No 1694.)

Read letter dated the 25th Ultimo from the Acting Sessions Judge of Tellicherry stating that no amount was realized by the labor of the Prisoners, nor any disbursement of the nature described in the Foujdary Adawlut's Circular Order No 88 of 1837 made during the last quarter.-

(Here enter No 1695.)

Read letter dated 6th Ultimo from the Sessions Judge of Chittoor, Proceedings of the said Court Relative to the Prisoner Veerabadren in Case No 4 of the Calendar for 1st Quarter Sessions of 1843.-

Here enter No 1553.-

No 96.

Friday,
3d November, 1843. At a Court of the Foujdaree Adawlut.

Present,

Hd Malcolm Lewin Esqre Acting 1st Puisne Judge,
A.M Alexr Maclean Esqre Acting 2d Puisne Judge,
WMd T. M. Lewin Esqre Acting 3d Puisne Judge,

Read communication dated the 7th Ultimo, from the Sessions Judge of Tinnevelly reporting the execution of the Prisoner in Case No 3 of the Tinnevelly Calendar for the 2d Sessions of 1843, and submitting for the consideration of the Foujdaree Adawlut, whether, with particular reference to the Spirit of Section XLVIII Act VII of 1843, he would have been justified in deputing the duty of carrying into effect the Sentence in question, to the Principal Sudr Ameen of the Zillah.-

(Here enter Zillah No 1581 of 1843)

In a general rule, the Courts of Foujdaree Adawlut are of opinion it is desirable

desirable that Sentences of death should be carried into effect in the presence of a European functionary and on a consideration of Section XIII Regulation VIII of 1802, it is obvious that the Warrant to be issued to "the proper" Criminal Judge therein mentioned, is the Criminal Judge under whose custody and charge the condemned Convict may be placed at the period of the death warrant leaving the office of the Register of the Sonjdaree Adalut.-

2. The Superintendence of those Jails in which Prisoners under Sentence of death, are liable to be confined, being now vested either in the Sessions or Subordinate Judges, it follows that warrants of the nature in question should be addressed, as the case may be, to the Sessions Judges, or through them to the Subordinate Judges in charge of Jails.-

The

3. The Sonjdaree Adalut are not, however, of opinion that under the law as it now stands a Sessions Judge is debarred the privilege of causing a Sentence of death to be executed under the Superintendence of a Principal Sudr Ameen, although they deem it advisable that the European functionary should himself be present, unless circumstances of an urgent nature prevent his attendance.-

4. Adverting to the concluding para: of Mr. Douglas' communication, the Court would observe that the fact of a Sessions Judge having presided at the trial of a Prisoner condemned to death by the Sonjdaree Adalut, cannot, in their estimation be regarded as an objection to his personally Superintending the execution.-

Ordered that Extracts from these proceedings be forwarded to the 20 Sessions

3d November 1843.

Sessions' Judges for communication to the Subordinate Judges and Principal Sudder Ameens within their Jurisdiction.

(Sentin No. 1081.)

Read letter dated the 17th Ultimo from the Acting Sessions Judge of Madura, submitting the usual Reports of Criminal Cases disposed of by the late Acting Principal Sudr Ameen of Madura during the first fifteen days, and those by the Sessions Court during the remainder of the month of September 1843.

(Here enter F.C. No. 1666 of 1843.)

Read the Criminal Reports submitted by the Acting Subordinate Judge of Madura, from the 16th to 30th September 1843.

(Here enter F.C. No. 1684 of 1843.)

Read letter dated the 28th Ultimo from the Acting Sessions Judge of Chittoor, forwarding the Statement of Batta submitted by the Subordinate Criminal Judge for the 3d Quarter of 1843.

(Here enter F.C. No. 1687 of 1843.)

Pulic

Saturday 4th November, 1843.

Sitting Court of the Enjaveram Adalut.

Present,

Malcolm Lewin Esqre — Acting 1st Puisne Judge.

Alexr Maclean Esqre — Acting 2d Puisne Judge.

C. Lewin Esqre — Acting 3d Puisne Judge.

Read the Criminal report for the month submitted by the Governor's Agent at Ganjam for the month of September 1843.

(Here enter No. 1588)

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

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

(Sent in No. 1088.)

Read the Criminal Reports for the month of September last forwarded by the Subordinate Judge of Chittoor.

(Here enter F.C. No. 1629 of 1843.)

4th November 1843.

Suffts Report
Case No 131.

1.

The Report of this case leads the Court to believe that the Commission of the offence charged against the Prisoner is attributable to the neglect of the Revenue Officers of the District, and the Superintendent resolves to call upon them to assist the Judge of Chittoor to look into the record of the trial and pass such orders as may be deemed requisite, reporting the same for the information of this Court.

Report No V
Case No 7.

2.

The Prisoner in this case is stated to have been apprehended on the 18th ult, while the Head of Police of Savanoor simply reports that he was brought before him on the 22nd September. The Judge requests that an explanation of the circumstances which caused so great a delay between the apprehension of the Prisoner and his appearance before the Police may be forwarded to the Magistracy.

Case No 12

3.

The conduct of the Peons who apprehended the Prisoners in this Case, as reported by the Head of Police of Sattavaid, is in the opinion of the Court extremely reprehensible

4th November 1843.

reprehensible, and the Subordinate Judge is requested to take the necessary measures for the prevention in future of the system of retaining in charge of the warrant Peons, parties once apprehended instead of producing them before the Head of Police.

Ordered, that Extract from these proceedings be forwarded to the Subordinate Judge of Chittoor for his information and guidance, and for the communication of Paras: 2 and 3 to the Acting Magistracy of North Arcot.

(Sent in No 1089.)

Ordered also, that Copy of Para 1 be forwarded to the Acting Sessions Judge of Chittoor for his information and guidance by Precept returnable without delay.

(Sent following Precept No 1090)

Read the Mangalore Criminal Reports for the first half of September 1843.

(Here enter No 1668.)

Suffts Report
Case No 104.

1.

In this case two Prisoners were charged with cattle stealing, of whom the 1st was sentenced by the late Assistant Criminal Judge

Judge to imprisonment for two years; and the 2d, having established an alibi, ordered to be released.

2. It does not, however, appear from the observations entered in the sentence, what had been proved against the 1st Prisoner, or by whom the circumstances were established on evidence which induced his conviction.—

3. The remarks of the Assistant Criminal Judge are restricted to facts which the 1st Prisoner attempted, but failed, to prove. The Court accordingly resolve to require that the deficient information be laid before them.—

Ordered, that Extract from these proceedings be forwarded to the Subordinate Judge of Chingleput by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 1091.—

Recd 11th Nov.

Monday 6th November 1843.

At a Court of the Zoujdaree Adalut.

Present,

Malcolm Lewin Esqre ——— Acting 1st Principal Judge,

Alex. Maclean Esqre ——— Acting 2d Principal Judge,

C. H. Lewin Esqre ——— Acting 3d Principal Judge,

Read Miscellaneous Petition presented on the 9th Ultimo by the Mullyazpoina Chetty of Chingleput.—

(For entire see P. A. 81 of 1843.)

The Petitioner submits an Extract from the proceedings of the late Acting Criminal Judge of Chingleput dated 23d June 1843, and reiterating the circumstances detailed in his former address, prays the Zoujdaree Adalut to call for and take into consideration the record of the Criminal Court's proceedings and pass orders relieving him from the liability resulting from the suit for damages instituted against him in the Zillah Court, and to enable him to recover the loss which he has sustained;— also to punish the 2d Prisoner before the Criminal Court.—

The

The Court of Conjeeveram Adawlut having already disposed of the subject of the Petitioner's present address, direct that he be referred to their former order dated 7th August 1843.

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

Read Miscellaneous Petition presented on 7th August 1843 by Moorgumma and Kunjedoy, Natives of Cuddapah.

(Here enter Mis: Petition No. 60. 61 and 62.)

The petitioners state, that a robbery having been committed in the house of one Comaty Bojumma, a Duffadar came and searched their houses, took jewels belonging to them, and having apprehended the 1st, 2d, 3d, 4th, 5th and 6th Prisoners tried in Case No. 7 of the Cuddapah Calendar for the 2d Sessions of 1843 compelled them to confess the crime. That the Prosecutor on first seeing the articles produced as stolen declared they did not belong to him, but was afterwards persuaded to own them. That those articles are not specified in the list of property which was filed by the Prosecutor and that they were proved on the trial to belong to Petitioners and the Prisoners. That their village is 30 miles from where the robbery was

committed. That the prisoners are respectable men and not guilty of the crime; the Petitioners therefore pray the Court to direct their release.

The Court of Conjeeveram Adawlut having had the record of the trial referred to under consideration and having already recorded a sentence therein, direct that the Petitions above recorded be rejected, and that extract from these proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petition presented on the 9th Ultimo by Moottiah Paddicky of Tillak Combaconum.

(Here enter Mis: Pet. No. 80 of 1843.)

1. The object of the foregoing address is to obtain the release of the 1st, 2d, 3d and 4th Prisoners sentenced to 14 years' imprisonment on a charge of Gang Robbery in Case No. 22 on the Combaconum Calendar for the 1st Sessions of 1843.

2. The Petitioner states that on the Prosecutor reporting the robbery to the Tahsildar of Shally, that officer proceeded to Valoor, and instituted an enquiry into the circumstances of the case but without success; that fearing the

the consequences of his failure to discover any trace of the robbers he apprehended the prisoners above mentioned with some others and searched their houses in which however none of the stolen property was found, and that he then colluded with the Prosecutor who with his sons, the 1st and 2d witnesses falsely deposed that they had seen the said Prisoners with one exception, by torch light, engaged in the robbery.—

3. The further sets forth that several witnesses on the part of the Prosecution who on the night of the robbery were sleeping in the house did not depose to having seen those prisoners that the 3d, 4th, 6th, 7th, 8th, 9th and 10th witnesses on the same side deposed to their good character, that the depositions of the Prosecutor and his sons the 1st and 2d witnesses were contradictory and that the other prisoners in the case did not criminate those whose release is now sought.—

4. The Petitioner further forwards a Malagasy manuscript attested by certain persons in Vakon, testifying the good character borne by the said Prisoners.

5. With reference to the above petition the Court of Conjoint Adalat resolve to call on the Acting Sajoint

Sajoint Judge of Combaconum to forward for their information translations of the several Statements made by the Prosecutor and 1st Witness in the above case, and also of the deposition of the 2d Prisoner before the Criminal Judge.—

Ordered, that Extract from these proceedings be forwarded to the Acting Sajoint Judge at Combaconum by Precept returnable in 15 days from and after its receipt.—

(Sent following Precept &c.

Ordered also, that Copy of these proceedings be granted to the Petitioner on his application.—

Read Criminal Reports from 16th to 30th September last forwarded by the Subordinate Judge of Baliary.—

(Para entire Cons. No. 1654)

The remarks of the Subordinate Judge on this case leading the Court to doubt the accuracy of the views taken by him, they resolve to call on the Sajoint Judge to look into the record of the trial and adopt such orders as may be deemed necessary.—

Supplemental Extract
Case No. 128.

necessary, reporting the same for the information of the Conjeveram Tribunal.—

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Bellary for his information by Precept returnable without delay.—

(Sent following Precept No.)

Ordered also, that Extract from these proceedings be forwarded to the Subordinate Judge of Bellary for his information.—

(Sent in No.)

Read the Criminal reports for the months of September last (from the 1st to the 15th) submitted by the late Criminal Judge of Madura—

(There enter S.R. No. 1860.)

Supplemental Report

Case No. 68. In the remarks appended to the report of this trial, it is stated that the case had been twice investigated and dismissed by the Magistrate, and the same result attended the enquiry of the Criminal Judge. Under these circumstances the Court desire to be informed by whom the trial was forwarded to the Criminal Court of Madura, the requisite particulars having been omitted in

in the appropriate column of the Statement.—

Ordered, that Extract from these proceedings be forwarded to the late Criminal Judge of Madura for his information.—

(Sent in No.)

No return having been received from the late Northern Provincial Court to the precept of this Court dated the 28th August last, calling for a report as to whether any and what objections existed against a compliance with the request of Lait Levaillant Lonear regarding the surrender of the room or rooms in which the petitioners' property is alleged to be kept—

Ordered that the Special Commissioner in the Northern Division be required to transmit such papers relating to the matter adverted to, as may be in the records of the late Provincial Court, to the Sessions Judge of Guntoor, in view to that functionary submitting to this Court, without any further delay, the information in question.—

Ordered, that Extract from these

these proceedings be forwarded to the Sessions Judge at Guntoor by Precept returnable in XV days from and after its receipt.—

(Sent following Precept No

Ordered also, that Extract from these proceedings be forwarded to the Special Commissioner in the Northern Division for his information and guidance.—

(Sent in No

Read Extract from the Minutes of Consultation dated the 21st October 1843 No 629 granting Special sanction for the transfer of the Jailor and his Subordinates who now form the Permanent Establishment of the Jail at Vizagapatam to Chicacole, and for constituting the Jail at the latter station the central or general Jail of the Zillah, and requesting the Court to issue orders for the detention of the Convicts now employed at Vizagapatam upon the Public works under construction there until completed.—

(Here enter No 1658)

Before carrying into effect the arrangement

arrangement which the Government appear to contemplate, the Court of Sudder Adawlut deem it advisable to call upon the Acting Principal Sudder Ameen at Vizagapatam to report in detail what number of Convicts are now employed under the orders of the Military authorities, or those of the Civil Engineer of the Division, on works of a public nature in and about the Town of Vizagapatam.—

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Vizagapatam by Precept returnable in 2 days from and after its receipt.—

(Sent following Precept No

Read letter dated the 30th Ultimo from the Acting Sessions Judge of Vizagapatam transmitting the Statements of the Jail disbursements made by the late Principal Sudder Ameen of Circy from 1st July to 15th September last and those by the Sudder Ameen from the latter date to the end of the 3d quarter of 1843.—

(Here enter No 1733 of 1843.)

Read

At a Court of the Magistrate Madras.

Present,

Tuesday,
7th November, 1843.

Malcolm Lewin Esqre ——— Acting 1st Puisne Judge,

Alex.r Maclean Esqre ——— Acting 2d Puisne Judge,

C.s Lib: Lewin Esqre ——— Acting 3d Puisne Judge,

Read letter dated the 25th Ultimo

from the Late 1st Judge of the Provincial Court

in the Centre Division, transmitting the report

required by Section XXXVII. Regulation VII of 1816 in

respect to the Districts of Cuddapah and Bellary

during his tour on Circuit for the 2d Sessions 1843.—

(Here enter Cols. No. 1676.)

1. Mr. Taylor states that in Cuddapah

as well as in Bellary a considerable diminution of

crime was perceptible, and that in the former

District his attention was drawn to the increased

vigilance of the Police as well as to the efficiency

of Mr. Arbuthnot's control.—

2. He notices also the decline of Gang

Robbery as a crime in Bellary and the absence

of

6th Novemr 1843.

Read letter dated the 3d Instt

from the Chief Magistrate and Superintendent

of Police at Madras transmitting Supplemental

Report of Cases tried under Act XXII of 1837

on the 3d October 1843.—

(Here enter No. 1737 of 1843.)

Read letter dated the 4th instant

from the Magistrate of Cuddapah informing

that the Supplemental Report of persons

punished by the Magistracy for the month

of October 1843 is Blank.—

(Here enter No. 1740 of 1843.)

Ex. A.

of the formidable bodies of Robbers, who infested the District antecedent to the execution of the two Leaders Lemma reddy and Wobaloisso and the conviction of many of their followers.—

3. The Court of Sessions Madura cannot concur in the sentiments expressed by Mr. Taylor and consider his report a very satisfactory one.—

Ordered, that Extract from these proceedings be forwarded to the Secretary to Government in the Judicial Department for submission to the Most Noble the Governor in Council.—

(Sent in No. 1102.

Ordered also that Extract from these proceedings be sent to the Acting 4th Judge of the Provincial Court in the Centre Division for his information.—

(Sent in No. 1103.

Read the Cuddalore Criminal Reports for the month of September 1843.—

(Here enter Rl. No. 1683)

The Court of Sessions Madura

cannot

Reports No. V
Case No. 1.

cannot concur in the reasons assigned by the Principal Sudr Ameen for demanding security in this case, and they accordingly direct that the sentence may immediately be annulled.—

Ordered, that Extract from these proceedings be sent to the Principal Sudr Ameen of Cuddalore by precept returnable in 2 days from and after its receipt.—

(Sent following Precept No. 1104.

Read letter dated the 2d Instant from the Chief Magistrate and Superintendent of Police at Madras transmitting the report of Causes tried under Act XXII of 1837 in the Months of September 1843.—

(Here enter No. 1736 of 1843.)

Read letter dated the 3d instant from the Magistrate of Madura reporting the Prisoners vested in Magistrates by Section LIV Act VII of 1843 have not been exercised in the month of October 1843.—

(Here enter No. 1738 of 1843.)

Appd

Wednesday,
8th November, 1843.

At a Court of the Sowdaree Adalut.

Present:

Malcolm Lewin Esqre Acting 1st Puisne Judge,
Alexr Maclean Esqre — Acting 2d Puisne Judge,
J. M. Lewin Esqre — Acting 3d Puisne Judge,

Read the Sirsy Criminal Reports Submitted by the Acting Sessions Judge of Honore for the Month of September 1843.-

/Here enter J. C. No 1700 of 1843/

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

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Honore for his information and communication to the Sudr Ameen at Sirsy.-

/Sentmi No 1105/

Read letter dated the 25th Ultimo

8th November 1843

Ultimo from the Magistrate of Coimbatore, forwarding the final order of the Assistant Magistrate in a case of an alleged extortion of confession from certain Prisoners by the Police Officer of Cheyoor which is not proved.—

/Here enter F.M. No. 1697 of 1843./

Read letter dated the 16th Ultimo from the Acting Principal Sudr Ameen of Tanjore, forwarding the Criminal Reports for the month of September 1843.—

/Here enter F.M. No. 1699 of 1843/

Read letter dated the 25th Ultimo from the Acting Sessions Judge of Bouree, submitting the Statements of the Jail disbursements made by the late Acting Principal Sudr Ameen of Bouree from 1st July to 15th September last and those of the Sessions Court from the latter date to the end of the 3d quarter of 1843.—

/Here enter F.M. No. 1711 of 1843/

Read letter dated the 2d Instant from

8th November 1843.

from the Acting Sessions Judge of Chittoor transmitting copy of the Calendar No. 3 of 1843, together with the translation of the Talwah.—

/Here enter F.M. No. 1718 of 1843/

Read letter dated the 1st Instant from the Magistrate of Trichinopoly stating that he did not during the month of October exercise the powers vested in him by Section LIV act VII of 1843.—

/Here enter F.M. No. 1720 of 1843/

Read letter dated the 25th Ultimo from the Acting Sessions Judge of Bouree, stating with reference to Circular Order No. 88 that no money was realized by the labor of the Prisoners in the Jail at Bouree during the 3d Quarter of 1843.—

/Here enter F.M. No. 1712 of 1843./

Read letter dated the 30th Ultimo from the Sessions Judge of Bellary forwarding

8th November 1843.

forwarding Original Warrant in Case No. 13 of the Bellary Calendar for the Second Sessions of 1843, together with a copy of the Subordinate Judge's letter.—

/Here enter S.C. No. 1728 of 1843/

Read letter dated the 1st Instant from the Acting Sessions Judge of Cuddapah, transmitting the death warrant in Case No. 8 of the Cuddapah Calendar for the year 1843.—

/Here enter S.C. No. 1731 of 1843/—

S.C.
appd

S.C.

Thursday, 9th November, 1843.

At a Court of the Sudder Adalut.

Present:

Mr. Malcolm Lewin Esq.re Acting 1st Puisne Judge,
Mr. Alexr. Maclean Esq.re Acting 2d Puisne Judge,
J. M. Lewin Esq.re — Acting 3d Puisne Judge,

Read letter dated the 26th Ultimo from the Sessions Judge of Chingleput forwarding a Calendar of cases tried and disposed of by him.—

/Here enter S.C. No. 1677 of 1843/

Case No. 4.—

1 The 1st and 2d Prisoners are charged with having stolen from the Proprietor's house certain gold and silver ornaments to the value of Rupees 374-14-7. and the 3d and 4th Prisoners with having received part of the property knowing it to be stolen.—

2 The Mahomedan Law Officer convicts the 1st and 2d, and on the ground of insufficient evidence, acquits the 3d and 4th Prisoners.—

In

3. In this conviction the Sessions Judge concurs, but recommends a mitigated punishment of 3 years imprisonment in the ground of the value of the stolen gold and Silver Articles being no more than 108-14-7. and the previous character of the Prisoner having been favorably reported.-

4. For the reasons assigned and under Clause third Section III Regulation I of 1825 the Court of Foujdaree Udalut sanction the mitigated punishment recommended by the Sessions Judge.-

5 The attention of the Sessions Judge is directed to Foujdaree Udalut Circular Order No. 6 by which he will perceive that cases for mitigation should be noted in the letter that accompanies the Calendar.-

Ordered that Extract of these proceedings be sent to the Sessions Judge of Chingleput for his information and guidance.-

/ Sent in No /

Read letter dated the 31st -

Ultimo

Ultimo from the Sessions Judge of Guntoor

/ Herewith No. 1714 of 1843 /

1 The object of the above communication is to procure the opinion of the Court of Foujdaree Udalut whether a Principal Sudr Ameen has the power in a committable case to call on a Prisoner to confirm or disavow the statement which he made before the Police or Magistracy.-

2. The Sessions Judge does not consider that Act VII of 1843 will bear an interpretation in support of such a proceeding although he believes that it would be advantageous, as the confessions thus confirmed before the Principal Sudr Ameen might be taken as evidence against the Prisoner before the Sessions Court and prevent delay in citing the witnesses who attested confessions before a Magistrate or the Police.-

3. The Foujdaree Udalut are not aware of any valid objection to the adoption, in all committable cases, of the made

mode of proceeding of which the Sessions Judge of Jaffna has doubted the legality.

4 The Commissioners who under the provisions of Act VII of 1843, are now empowered to commit Prisoners for trial before the Sessions Courts are not deprived of the power which heretofore they possessed of holding a full enquiry when the circumstances of the record received from the Police or Magistracy render such investigation advisable.

5. It is therefore, clear that in any preliminary enquiry which the committing Officer resolves to hold, a prisoner may be questioned as to the correctness of a deposition which may have been recorded in the Talook or at the Magisterial Cutchery.

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge at Jaffna for his information.

(Sentence &c.)

J. Uc.

Friday,
10th November, 1843. At a Court of the Tongdaree Adalut.

Present:

Mr. Malcolm Lewin Esqre. Actg. 1st Puisne Judge
A.M. Alexr. Maclean Esqre. Actg. 2d Puisne Judge
J. M. Lewin Esqre. Actg. 3d Puisne Judge

Read letter dated 1st Instant from the Acting Sessions Judge of Cuddapah submitting translations of the record of Case No. XI on the Calendar of the Sessions Court at Cuddapah for 1843.

(Here enter J.Uc. No. 1723 of 1843)

Mr. M. Lewin. and Mr. A. Maclean

The Court of Tongdaree 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

"Ratsamulla Ramoordoo"

is sufficient to convict him of the crime of Murder, do convict him thereof; but considering that there are circumstances in the case which justify a less severe sentence than

that

that to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802 the Court of Sudder Adalut 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.—

The Court of Sudder Adalut are not of opinion that they would be justified in passing in the above case any lesser sentence than transportation. The provocation received by the Prisoner was wholly insufficient to change the character of the crime, and the evidence adduced clearly shows that there was a determination of purpose and an intent to kill, which create strong doubts in the mind of the Court whether they

would not have been called upon to agree to the infliction of the extreme penalty of the law had such been recommended by the Sessions Judge. The circumstance of the prisoner having had the knife in his hand at the time of the quarrel may however, be taken as a sufficient excuse for saving his life. but excepting that fact, there is nothing else in the Case to plead in his favor. for the evidence does not show that he promptly used the knife. but that he used it against the efforts made to restrain him.

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Cuddapah for his information

/ Sent following letter No 1108 /

Read letter dated the 4th Instant from the Sessions Judge of Chingleput transmitting a Calendar of cases disposed of by him.

/ Here enter J.C. No 1724 of 1843 / The

10th November 1843.

1

Case No. 3.

The Prisoners in this Case,

1st Veerun,

2d Chinnamoneegan,

3d Vencataramen,

4th Ramen,

5th Karasreyandoo,

6th Paroomalgan,

7th Chinnaparoomalgan

and

8th Ningan,

are severally charged with having on the night of the 29th of April last, in company with others not yet apprehended, gone armed with sticks and axes and forcibly entered the Salt Cutchery in the Sydapet Taluk and stolen in ready money to the amount of Rupees 8564-14-0 and further with having at the same time and place forcibly entered the house of the 2d Prosecutor and then and there plundered property to the value of about 14-58 Rupees.

The

10th November 1843.

2.

The District Law Officer in this Futwa convicts the Prisoners on strong Suspicion, and the Sessions Judge concurring in the finding, sentences them under Clause 3d Section IV Regulation XV of 1803 to imprisonment with hard labor in irons for a period of 14 years, but, in consideration of certain alleviating circumstances recommends as regards the 3d 4th 5th 6th 7th and 8th Prisoners a mitigation of the sentence to 7 years imprisonment—

3.

The Court of Sunjdaree Adalut coincide in the view taken by the Sessions Judge as regards the 1st and 2d Prisoners and, under the authority vested in them by Clause third Section III Regulation I of 1821 sanction the mitigated punishment of 7 years imprisonment with labor in irons to the 3d 4th 5th 6th 7th and 8th Prisoners—

Ordered that Extract from these proceedings be sent to the Sessions

Judge

10th November 1843.

1

Case No. 3.

The Prisoners in this Case,

1st Veerun,

2d Chinnamoonegan,

3d Vencataramen,

4th Ramen,

5th Karasegandoo,

6th Paroomalgan,

7th Chinnaparoomalgan

and

8th Ningan,

are severally charged with having on the night of the 29th of April last, in company with others not yet apprehended, gone armed with Sticks and axes and forcibly entered the Salt Cutchery in the Seydapet Talook and stolen in ready money to the amount of Rupees 8564-14-0 and further with having at the same time and place forcibly entered the house of the 2d Prosecutor and there plundered property to the value of about 1458 Rupees.

The

10th November 1843.

2. The Trichinopoly Law Officer in his Futwa convicts the Prisoners on strong suspicion, and the Sessions Judge concurring in the finding, sentences them under Clause 3d Section IV Regulation XV of 1803 to imprisonment with hard labor in irons for a period of 14 years, but, in consideration of certain alleviating circumstances recommended as regards the 3d 4th 5th 6th 7th and 8th Prisoners a mitigation of the sentence to 7 years imprisonment.

3. The Court of Sunjdaree Udalut coincide in the view taken by the Sessions Judge as regards the 1st and 2d Prisoners and, under the authority vested in them by Clause third Section III Regulation I of 1825 sanction the mitigated punishment of 7 years imprisonment with labor in irons to the 3d 4th 5th 6th 7th and 8th Prisoners.

Ordered that Extract from these proceedings be sent to the Sessions Judge

10th November 1843

Judge of Chingleput for his information and guidance.—

/Sent in No. 1109/

Read letter dated the 28th Ultimo, from the Acting Agent to the Governor of Fort St. George in the Vizagapatam District submitting, with reference to the rules framed by the Government for his guidance, a Summary of the evidence taken on the trial of one Jottica Chinnegandoo charged with Burglary, and communicating his opinion as to the punishment which he considers should be passed on the prisoner

/Here enter F.C. No. 1730 of 1843/

The Court of Sunjdarees 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 (5) five years imprisonment with

10th November 1843

with hard labor in irons on the prisoner

"Jottica Chinnegandoo"

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. 1118./

Read Report of Sentences passed under the provisions of Act VII of 1843 by the Magistrate of Cuddapah in the month of October 1843.—

/Here enter F.C. No. 1739 of 1843/

1. The 7th column of the foregoing Report, should have contained a Statement, in brief and concise terms, of the nature of the testimony adduced against the party charged before the Magistrate of Cuddapah and of the grounds on which he passed Sentence.—

Cases of Magistrate's file

2. It is accordingly requested that

10th November 1843

that that information be here Supplied.-

Ordered that Extract from these proceedings be forwarded to the Magistrate of Cuddalore by precept, returnable in ten days from and after its receipt.-

/ Sent following precept No. IIIII /

Read letter dated the 2d. Instant from the Acting Sessions Judge of Combaconum submitting for the consideration and final Sentence of the Sowdare Abdulah on English translation of the record of the trial in Case No. 10 on the Calendar of the Sessions Court at Combaconum for 1843.-

/ Herewith Sessions No. 1722 of 1843 /

The Court of Sowdare Abdulah 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 Mainaunchiyan"

and

2d Mohummud Commaul alias Mohummudata Hanchial

the

10th November 1843.

No

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 prisoner

2d Mohummud Commaul alias Mohummudata Hanchial,

to suffer death by being hanged at the usual time and place of execution;- but considering that there are palliative circumstances in the case which would render the infliction of the punishment to which the prisoner

1st Mainaunchiyan,

is liable under the provisions of Section X Regulation VIII of 1802, too severe, in this instance, the Court do, under the provisions of Clause Second Section VII Regulation I of 1825, 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 hard labour during her life for and during the period

of

10th November 1843.

of her natural life.—

/Sent following Letter No. 1112./

End. H.

H.D.C.

Agent.

J. U.

Saturday,
11th November, 1843.

At a Court of the Sungdaree Udalut.

Present,

Malcolm Lewin Esqre.—Acting 1st Puisne Judge,

Alexr. Maclean Esqre.—Acting 2d Puisne Judge,

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

Read letter dated the 28th Ultimo from the Acting Sessions Judge of Combaconum forwarding the trial in case No. 6 on the Combaconum Calendar for the consideration and orders of the Sungdaree Udalut.

/Here enter F.M. No. 1708 of 1843/

1. The Prisoner in the above case was charged "with having concealed her pregnancy and after having given birth to a female child deprived it of life and buried it secretly"

2. The Mahomedan Law Officer declared the Prisoner liable to "Coreo but" for having secretly buried the dead child.

3. The Acting Sessions Judge recommended

Observe

recommends that the Prisonir be transported for life; the fact of the secret burial of the child, coupled with the presumption that it was born alive, raising a strong suspicion against the Prisonir of having murdered it.

4. The Court of Foujdaree Udalut cannot concur with the Acting Sessions Judge in the conclusions at which he had arrived. No proof has been adduced of the murder of the child; there is no testimony to show that it was born alive, and no marks of violence were apparent in the body.

5. The Court are unable in a charge of so serious a character to admit and act upon the inference that the child was born alive, which has been drawn by the Acting Sessions Judge from the freshness of the appearance of the body and its full formation

and

and size, unsupported by evidence. They accordingly resolve to send back this case for disposal by the Acting Sessions Judge there being no distinct or direct evidence, as stated in the communication above recorded of child murder against the Prisonir.

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Combaconum for his information and guidance.

/Sent in No. 1113./

Read letter dated the 30th Ultimo, from the Acting Sessions Judge of Cuddalore, forwarding a Calendar of Cases disposed of.

/Hereunto J. No. No. 1715 of 1863/

Read letter dated the 6th Instant from the late 1st Judge to the Court of Circuit in the Centre Division transmitting the Calendars received from the

the Magestrates of Cuddapah and Bellary together with copy of the orders passed by him for the information of the Judges of the Foujdaree Udalut.-

/Here enter F.C. No. 1744 of 1843/

Read letter dated the 3d Instant from the Sessions Judge of Canara, forwarding copy of the Calendar received from the Subordinate Judge of Mangalore in Case No. 7 of 1843 with the Sessions Judge's remarks thereon.-

/Here enter F.C. No. 1745 of 1843/

Read letter dated the 3d Instant from the Sessions Judge of Tinnevelly, correcting an error in his letter dated the 1st Instant, referring the record of the Trial in No. 3 of 1843.-

/Here enter F.C. No. 1749 of 1843/

Read Report dated the 8th Instant from the Magistrate of Chingleput, of persons apprehended in the District of Chingleput and delivered to the Magistrate of Chingleput in the month of October 1843.-

/Here enter F.C. No. 1751 of 1843/

Ent. F.C.

Monday, 13th November 1843.

Fº 16.

At a Court of the Foujdaree Udalut.

Present:

Malcolm Lewin Esqre. Agt 1st Puisne Judge
Alexander Maclean Esqre Agt 2d Puisne Judge
F. M. Lewin Esqre Agt 3d Puisne Judge

Read letter from the Acting Sessions Judge of Tellicherry dated the 1st Instant.

(Here enter No. 1750.)

1. In this letter Mr. Strange states that the Subordinate Judge of Mangalore has applied to him to know whether the sanction of the Foujdaree Udalut has been received for the infliction of corporal punishment awarded against the Prisoner in Case No. 1 on the Calendar for the 4th Quarterly Sessions of 1843.- and since no such sanction has been received by him or the late Circuit Judge he now requests instructions on the subject.-

2. The Court of Foujdaree Udalut observe

11th November 1843.

the Magistrates of Cuddapah and Bellary together with copy of the order passed by him for the information of the Judges of the Foujdaree Udalut.-

/Here enter F.C. No. 1744 of 1843/

Read letter dated the 3d Instant from the Sessions Judge of Bangalore, forwarding copy of the Calendar received from the Subordinate Judge of Bangalore in Case No. 7 of 1843 with the Sessions Judge's remarks thereon.-

/Here enter F.C. No. 1745 of 1843/

Read letter dated the 3d Instant from the Sessions Judge of Tinnevelly, correcting an error in his letter dated the 1st Instant, referring the record of the Trial in No. 3 of 1843.-

/Here enter F.C. No. 1749 of 1843/

Read Report dated the 8th Instant from the Magistrate of Chingleput, of persons apprehended in the District of Chingleput and delivered to the Magistrate of Chingleput in the months of October 1843.-

/Here enter F.C. No. 1751 of 1843/

Monday,
13th November 1843.

F.C.

At a Court of the Foujdaree Udalut

Present

Malcolm Lewin Esqr. Agt 1st Puisne Judge
Alexander Maclean Esqr. Agt 2d Puisne Judge
F. M. Lewin Esqr Agt 3d Puisne Judge

Read letter from the Acting Sessions Judge of Tellicherry dated the 1st Instant.-

(Here enter No. 1735)

In this letter Mr. Strange states that the Subordinate Judge of Mangalore has applied to him to know whether the sanction of the Foujdaree Udalut has been received for the infliction of corporal punishment awarded against the Prisoner in Case No. 1 on the Calendar for the 1st Quarterly Sessions of 1843.- and since no such sanction has been received by him or the late Circuit Judge he now requests instructions on the subject.-

2 The Court of Foujdaree Udalut observe

the Magistrates of Cuddapah and Bellary together with copy of the orders passed by him for the information of the Judges of the Fouzdaree Udalut.—

/Here enter F.U. No. 1744 of 1843/

Read letter dated the 3d Instant from the Sessions Judge of Mangalore, forwarding copy of the Calendar received from the Subordinate Judge of Mangalore in Case No. 7 of 1843 with the Sessions Judge's remarks thereon.—

/Here enter F.U. No. 1745 of 1843/

Read letter dated the 3d Instant from the Sessions Judge of Tinnevelly, correcting an error in his letter dated the 1st Instant, referring the record of the Trial in No. 3 of 1843.—

/Here enter F.U. No. 1749 of 1843/

Read Report dated the 8th Instant from the Magistrate of Chingleput, of persons apprehended in the District of Chingleput and delivered to the Magistrate of Chingleput in the month of October 1843.—

/Here enter F.U. No. 1751 of 1843/

F. 16.

Monday 13th November 1843. At a Court of the Fouzdaree Udalut.

Present:

Malcolm Lewin Esqr. Jg 1st Puisne Judge
Alexander Maclean Esqr. Jg 2d Puisne Judge
P. M. Lewin Esqr. Jg 3d Puisne Judge

Read letter from the Acting Sessions Judge of Tellicherry dated the 1st Instant.—

(Here enter No. 1750)

In this letter Mr. Strange states that the Subordinate Judge of Mangalore has applied to him to know whether the sanction of the Fouzdaree Udalut has been received for the infliction of corporal punishment awarded against the Prisoner in Case No. 1 on the Calendar for the 1st Quarterly Sessions of 1843.— and since no such sanction has been received by him or the late Circuit Judge he now requests instructions on the subject.—

2. The Court of Fouzdaree Udalut observe

Observe that as no objection was made to the sentence in the above case no special order or sanction were required, but that the Stripes ought to have been inflicted as soon as the period allowed for a reference to this Court had expired.-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Tellicherry for his information and guidance.-

Joogdaree Udalut Circular Order No. 95 dated 28th September 1836.-

(Sent in No. 1115)

Read Miscellaneous Petition presented on 16th October last by P. Sashadry Iyengar of Tillak Chittoor requesting that the several Documents submitted with his previous Petitions may be returned to him.-

(Here enter No. Petn. 84 of 1843.)

It appears that all the Documents presented by the above Petitioner have already been returned to him, and that he has been informed "that if he unnecessarily obtrudes himself on the time and attention of the Court he will be liable to punishment."-

Under

Under the above circumstances the Court of Joogdaree Udalut resolve to impose upon the Petitioner a fine of 5 Rupees, as a punishment for his irregular conduct.-

Ordered that Extract of these proceedings be sent to the Sessions Judge of Chittoor with directions to collect the fine imposed- and copy of these proceedings be granted to Petitioner on application.-

(Sent in No. 1116.)

Read return dated the 1st Instant from the Acting Subordinate Criminal Judge of Cuddapah to the precept of the Joogdaree Udalut of the 23rd Ultimo stating that the fine of 10 Rupees has been collected from Narrooda Narsummah, Brother of the 5th Prisoner in Case No. 24 on the Cuddapah Calendar for the 2nd Sessions of 1838.-

(Here enter Pet. No. 1119.)

Yesterday

14th November 1813 — At a Court of the Fougdaree Udalut.

Present.

A.K. — Malcolm Lewin Esqre. Agt. 1st
A.M. — Alexander Maclean Esqre. Agt. 2d
P.M.L. — P. M. Lewin Esqre. Agt. 3d
} Puisne Judges.

P. 116.

Read letter dated the 4th Instant from the Acting Sessions Judge of Combaconum, submitting the Proceedings in case No 11 of Combaconum Calendar 1813, for the final sentence of the Fougdaree Udalut.

(Here enter P. 116. No 1754.)

Mr. M. Lewin and Mr. Maclean.

The Court of Fougdaree 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. Nauchey ammi
2d. Appovaustaury
and
3d. Manoyaye

is sufficient to convict them of the crime of having caused death by practices intended to

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 prisoner

1st Nauchayaun

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, and the prisoner

3rd Maurayaee.

to be imprisoned and kept at hard labor suitable to her sex, for and during the period of (7) seven years, and the prisoner

2nd Approvausary

to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for and during the period of (3) three years.-

(Sent following letter No. 1117.-)

Read again formerly Criminal reports for the months of June and August last.-

(Were enter S.C. Nos. 1146 and 1450.)

Read

Read also return dated the 26th Ultimo from the Sessions Judge of Tipperah relative to the precept of the Sirpharee & Udalut of the 27th September directing him to look into cases Nos. 34 and 50 of 1843 on the Criminal reports above mentioned.-

(Here enter S.C. No. 1701.)

1. The Prisoners in both the above cases were charged with having under the pretence of conjuration administered ashes to the Prosecutor's wife, and thereby caused her death.- The circumstances under which the release of the accused parties in both instances was ordered by the late Officiating Joint Criminal Judge appearing to the Court of Sirpharee Udalut to be unsatisfactory, the Sessions Judge was directed to enquire into the cases.-

2. With respect to case No. 34 the Sessions Judge reports, as the result of his investigation, that an Indictment for Homicide will not lie against the Prisoners therein, no proof being adduced that any noxious ingredient had been mixed up in the ashes &

not

14th November 1843.

nor if there had been any that he knew that they would have been used for the purpose mentioned in the charge by the person whom he employed to perform the act of conjuration. He has moreover been kept in confinement from the 6th to the 27th June during the investigation of the trials

3.

The Prisoner in No 30 was the person who administered the ashes but in this instance also there was no proof of any poison having been mixed with the ashes, which were also given to other persons with impunity, nor does it appear that any distinction was made in the portion given to the deceased: nor is there any direct testimony that her death was caused by poison.

4.

Under the circumstances above mentioned the Court of Fouzdaree Adalut are satisfied of the propriety of the release of the prisoners in question by the late Officiating Joint Criminal Judge of Tinnevelly.

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Tinnevelly for his information.

(Sent in No 1118)

Ordered also, that Extract from these proceedings be forwarded to the late Officiating Joint Criminal Judge for his information.

(Sent in No 1119.)

Ed. L. WDM Green

F. A.

Fort St. George
15th November 1843

At a Court of the Fouzdaree Adalut

Present,

Sd. Malcolm Lewin Esqre. Sr. 1st
A.M. Alexander Maclean Esqre. Sr. 2nd } Puisne Judges
F.M.L. F. M. Lewin Esqre. Sr. 3rd

Read letter dated the 28th Ultimo from the Chief Magistrate and Superintendent of Police.

(Here enter No 1092.)

In the foregoing communication the opinion of the Fouzdaree Adalut is solicited as to whether, in the exercise of the powers vested in the Superintendent of Police of the Town of Madras and his Deputies, by Act XXII of 1837, it is competent to those Officers to issue warrants for searching houses in which it is suspected that smuggled goods are secreted or stored; - and if so whether or not, it is necessary that such warrants be endorsed in the manner indicated in Act XXIII of 1840.

2.

Considering smuggling as an offence cognizable by any Magistrate within

5th November 1843 - within his proper jurisdiction and, not merely an act involving the breach of a revenue law, the Court of Foujdaree Udalut are of opinion that the functionaries empowered to carry out the provisions of Act XXII of 1837, may issue warrants authorizing a search for smuggled goods, without there being previously presented for indorsement to one of the Judges of Her Majesty's Supreme Court - the issue of such warrants being, of course, preceded by the necessary information on oath to justify it.

Ordered, that Extract from these proceedings be forwarded to the Superintendent of Police for his information.

(Sent in No 1623 - 1/2

Thursday,
16th November 1843 -

No 1726.

At a Court of the Foujdaree Udalut

Present:

Mr Malcolm Lewin Esqre Offg 1st
Mr Alexander Maclean Esqre Offg 2nd
Mr F. M. Lewin Esqre Offg 3rd

} Puisne Judges.

Read letter dated 31st Ultimo from the Sessions Judge of Bellary submitting for the opinions of the Foujdaree Udalut, copies of a correspondence between the Magistrate and Subordinate Judge of Bellary in regard to the construction and intent of Section XI. Act VII of 1843 -

(Here enter No 1726.)

1. It appears from the communications recorded above that the Magistrate has called in question the competency of the Subordinate Judge to require the correction of a discrepancy in a record of the proceedings of a Head of Police, by a communication addressed directly to the latter Officer, being of opinion that the authority given, under Act VII of 1843, to the Criminal Courts to communicate with

with District Police Officers, is intended to apply only to evidence and not to embrace other matters, such as the one under remark, neglects, omissions &c. which, he contends, should be brought to notice by the Sessions Judge.

2. The Sessions Judge in transmitting the Magistrate's address to the Foujdaree Adalut, has pointed out the inconvenience and serious delays which are likely to arise from unimportant matters connected with cases forwarded to the Criminal Courts by Police Officers, being in every instance, made the subject of official correspondence between the Magistracy and his Subordinates on the one hand and the Judges of the Sessions Courts and the Subordinate Judges on the other.

3. The Court of Foujdaree Adalut are not of opinion that it was the intention of the legislature to confer on the judicial authorities, by Section XLII of the act under observation, any other power than that of calling for additional evidence in cases transmitted to the Courts by Police Officers.

A reference to Section XL clearly shows that all other proceedings in any wise calculated to interfere with the authority of the Magistrates over their subordinates, should be taken only by the Magistracy on representations duly made by the Judges of the Sessions Courts.

Ordered, that Extract from these proceedings be forwarded to the Sessions Judges for communication to the Subordinate Judges, Principal Sudr. Ameens and Magistrates within their respective jurisdiction.

(Sent in Nos. 1124.)

Read letter dated the 31st Ultimo from the Sessions Judge of Bellary.

(Here enter No. 1725.)

1. The foregoing communication is accompanied by a Calendar of Cases No. 4 of the current year before the Sessions Court, in which, concurring with the Mahomedan Law Officer, who assisted at the trial, the Sessions Judge has sentenced certain of the

Prisoners

10th November 1843.

Prisoners charged, in various degrees, with receiving stolen property knowing it to be such; and acquitted others of the accused parties.-

2. The Court observe that in the Futwah delivered by the Mooftee, that Officer has anticipated the questions which, otherwise it would have been the duty of the Sessions Judge to have propounded, in regard to the technical objections which it is presumed the Mooftee would have raised to certain of the witnesses examined.-

3. Although the Court of Foujdaree Udalut do not now deem it necessary to require that the usual questions should be put to the Law Officer by the Sessions Judge, they resolve to point out for the future guidance of Mr Ogilvie, that the regulations made of disposing of such objections should not be departed from.-

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Bellary.-

(Sent in No 1125.)

Read letter dated the 2nd instant

P 16.

16th November 1843. from the Agent to the Governor of Fort St George at Kurnool, forwarding Criminal Statement (No 2) for the month of October last.-

(Here enter F 16. No 1750.)

The Agent to the Governor has,

1. the Court observe, omitted to specify the regulations under which sentence was passed on the Prisoners in the several cases entered in the Statement under remark- An abstract of the evidence against the parties convicted should also have been appended for the information of the Foujdaree Udalut.-

The Agent is requested to make

2. the necessary additions in this Statement, to enable the Judges to form an opinion of the correctness of his decisions.-

Ordered, that Extract from these proceedings be forwarded to the Government Agent at Kurnool for his information and guidance.-

(Sent in No 1126.)

RDM
CPW

F. No.

Thursday
17th November 1763.

At a Court of the Fongdaree Udalut.

Present.

Malcolm Lewin Esqre. Judge 1st
Alexander Maclean Esqre. Judge 2d
H. Mr Lewin Esqre. Judge 3d
} Puisne Judges.

Read letter dated the 7th Instant, from the Sessions Judge of Mangalore referring the trial in Case No. 10 of 1763 on the Calendar of that Court for the final sentence of the Court of Fongdaree Udalut.-

(Here enter F. No. 1760.)

The Court of Fongdaree 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 'Lutchmy' is sufficient to convict her of the crime of Murder; do convict her thereof.- but being of opinion that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802 would in this instance

Mr. McLewin

instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825, do sentence her to be imprisoned for fourteen years, and to be banished during the period of her sentence from the district in which her place of abode is situated and to be kept at labor suitable to her sex in the Zillah Jail of Combaconum.-

(Sent following letter No 1128-)

Read letter dated 30th Ultimo from the Acting Sessions Judge of Cuddapah, submitting the Calendars of cases tried in the Sessions Court at that Station.-

(Here enter No 1709-)

Case No 9. 1. On the grounds of the 1st Prisoner in this case not being an old offender and of the amount value of the stolen property being small, the Acting Sessions Judge has suggested that the commuted punishment to which he is liable, should be mitigated to 3 years imprisonment with labor in irons.-

2. The Court of Foujdaree Adalut on a consideration of the circumstances attending the robbery charged, are not of opinion that any sufficient

sufficient reasons are shown to justify a reduction in the case of the 1st Prisoner of the full extent of the punishment to which he is liable, it being obvious to the Court as that the Prisoners in the case are practised thieves.-

3. Adverting to the length to which the Acting Sessions Judge has drawn his report of the testimony adduced in the cases embraced in the above Calendars, the Foujdaree Adalut resolve to intimate to that Officer that it is not their intention to require more than a clear and succinct summary of each case, which, without detailing all the evidence, should exhibit the grounds on which the Sessions Judge has formed his opinion of the guilt or innocence of the accused.-

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions Judge of Cuddapah by Precept returnable in 5 days from and after its receipt.-

(Sent following Precept No 1129.)

Read letter dated the 2d instant from

and malicious. the Prisoner was entitled to his release from the Provisions of Regulation IX of 1832 being inapplicable."-

2 Mr Onslow allows that the interpretation of this particular Regulation is correct, but considers the reason assigned for dismissing the charge a very insufficient one, as it was on a misdemeanor and not under the Regulation quoted that he committed the case.-

3. The Court of Foujdaree Udalut having perused the arguments brought forward by Mr Onslow against the decision passed by the late Joint Criminal Judge have no hesitation in stating that the latter was right in the view he took of the case.-

4. The only manner in which a false charge can be treated by a Magistrate is by punishing the offender himself under Regulation IX of 1816 or, by committing for perjury in the manner pointed out by Circular Order Foujdaree Udalut 1st August 1821.-

Ordered, that Extract of these proceedings be sent to the Magistrate of Trichinopoly

Trichinopoly for his information.-

(Sent in No. 1131.)

Ordered further, that Extract of those proceedings be sent to the Principal Sudr. Ameen at Trichinopoly with orders to release the Prisoner Cossipanasury by Precept returnable in V days from and after it's receipt.-

(Sent following precept No. 1132.)

Read letter dated the 1st instant from the Sessions Judge of Tinnevelly submitting Calendar of Case No. 4 of 1843 committed by the Principal Sudr. Ameen of Tinnevelly.-

(Here enter Ille. No. 1747.)

Read return dated the 6th instant from the Principal Sudr. Ameen of Trichinopoly to the Precept of the Foujdaree Udalut of the 31st October 1843, directing that the sentence declared in case No. 4 of 1843 be annulled.-

(Here enter Ille. No. 1756.)

Read letter dated the 7th instant, from the Sessions Judge of Tinnevelly submitting copy of the Calendar of Persons committed

17th November 1843.

committed by the late Acting Joint Criminal Judge of Tuntoor, for trial before the Sessions Court at that Station, with translations of the Futwah.-

(Here enter F.R. No 1760)

Read letter dated the 9th instant from the Sessions Judge of Chingleput, forwarding the Statements of the labor of Prisoners &c for the month of October 1843.-

(Here enter F.R. No 1761.)

Read Statement dated the 1st instant from the Sessions Judge of Mangalore, shewing the actual produce of the labor of the Prisoners and application of the Funds arising therefrom from 1st July to 15th September 1843.-

(Here enter F.R. No 1762)

Read letter dated the 16th instant from the Sessions Judge of Mangalore, submitting a Calendar received from the Subordinate Judge with remarks thereon and translation of Futwas.-

(Here enter F.R. No 1763.)

F.R.

Saturday 18th November 1843. At a Court of the Foujdaree Udalut

Present

Mr Malcolm Lewin Esqre 1st
Mr Alexander Maclean Esqre 2nd
Mr F. M. Lewin Esqre 3rd
} Puisne Judges

Read communication dated 3rd instant from the Sessions Judge of Mangalore forwarding for final determination by the Foujdaree Udalut the trial in case No 7 of 1843. on the Mangalore Calendar.-

(Here enter No 1764.)

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

1 Cheemnaig

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

operation - but considering that strong suspicion though not amounting to conviction attaches to the Prisoner

3d Vitta

they direct that he be required under Clause Sixth Section II Regulation XV of 1803 to find two sureties in twenty five Rupees each for his good behaviour and appearance when required within one year or in default thereof that he be detained in confinement for the same period; and that the prisoner

5th Coonhoo

be set at liberty.

1. In disposing of the above trial the Tonjdaree Adalut deem it necessary to point out for the information and future guidance of the Sessions Judge, by whom it has been referred, that under the circumstances of the 4th Prisoner having been declared by the Mahomedan Law Officer liable to Tohmut he should have been placed under a requisition of security -

2. Further the Court are not satisfied that the demand of one surety in

25 Rupees, which has been made from the 3d Prisoner by the Sessions Judge was sufficient.

3. The Court would also observe that the suggestion offered by the Head of Police to examine the 5th Prisoner Coonhoo as a witness, might in their opinion have been acted on with propriety -

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Mangalore for his information and guidance -

(Sent following Letter No. 1136.)

Read communication dated the 1st Instant from the Sessions Judge of Tinnevelly forwarding for the orders of the Tonjdaree Adalut, the record of Case No 3 on the Calendar of the Sessions Court at Tinnevelly for 1843 -

(Here enter S.C. No. 17 53.)

Mr Maclean and Mr S.M. Lewin -

The Court of Tonjdaree 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 "Ideeroo" is

18th November 1843.

is sufficient to convict him of the crime of Murder, to convict him thereof, and under the provisions of Section X Regulation VIII of 1802 to sentence him to suffer death by being hanged at the usual time and place of execution.-

(Sent following Letter No. 1137.)

Read communication dated 20th Ultimo from the late Acting Sessions Judge of Rajahmundry forwarding Calendars of cases tried in the Sessions Court at that Station.-

(Here enter No. 1743.)

1. It is observed that the Acting Sessions Judge has omitted to submit with the above Calendars, the translations of the Putwahs delivered by the Law Officer who assisted at the trials, which are required under the provisions of the Circular Order noted in the margin.

Circular Order No. 148.-

2. It is accordingly resolved to call upon the Officer who now presides over the Sessions Court to transmit the papers adverted to, without delay, in order to the Foujdaree Udalut being enabled to dispose of the

P. 46.

16th November 1843.

the Calendars now before them.-

3. The Court would further take this opportunity of pointing out for the information of the late Acting Sessions Judge, that the inclusion in the Calendars of cases disposed of or referred to the Foujdaree Udalut by himself of one in which the Prisoner charged had refused to be tried by the Acting Sessions Judge was not necessary.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Rajahmundry by precept returnable in V days and for communication to the late Acting Sessions Judge.-

(Sent following precept No. 1138.)

Read letter dated the 8th Instant from the Sessions Judge of Ellore-pat forwarding a Calendar of Case No. 8 of 1843.-

(Here enter No. 1757.)

Case No. 8

1. The Prisoner Coollen alias Venoatasen, denies the charge of having on the night of the 19th October last entered the Prosecutor's house and stolen therefrom brass

brass utensils &c. to the value of Rupees 3-8-0.

2. The Mahomedan Law Officer by a second Futwah convicts the Prisoner, and the Sessions Judge in concurrence with that conviction sentences him to 7 years imprisonment with hard labor in irons, but suggests the propriety of mitigating the punishment to imprisonment for four years.

3. The Court of Foujdaree Udalut coincide in the view taken of this case by the Sessions Judge and, by the authority vested in them under Clause third Section III Regulation of 1825 sanction the mitigated Sentence of 4 years imprisonment proposed by the Sessions Judge.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Chingleput for his information.-

(Sent in No. 1139.)

Read letter dated the 7th Instant from the Sessions Judge of Mangalore submitting a Calendar received from the Subordinate Judge with remarks thereon.-

(Here enter F.16. No. 1766.)

Read

Read letter dated the 7th Instant from the Sessions Judge of Mangalore submitting a copy of the Calendar in Case No. 7 of 1843 received from the Subordinate Judge of Mangalore.-

(Here enter F.16. No. 1767.)

Read letter dated the 7th Instant from the Sessions Judge of Bellary transmitting Calendar in committed Case No. 6 of 1843- together with a translation of the Futwa.-

(Here enter F.16. No. 1769.)

Read return dated the 7th Instant from the Acting Subordinate Judge of Calicut to the precept of the Foujdaree Udalut dated the 2nd instant conveying the observations and orders on the Calicut Criminal Report for the month of September last.-

(Here enter F.16. No. 1772.)

Read return dated the 10th Instant from the Acting Sessions Judge of Chittoor to the precept of the Foujdaree Udalut of 4th Instant directing him to examine the record of the trial in Case No. 131 in the Supplemental

18th November 1843.

Supplemental Report of the Subordinate Judge of Chittoor for September last and praying such orders as may be deemed necessary.—

(Here enter Fle. No 1774)

Read return dated the 9th Instant from the Acting Subordinate Judge of Cuddalapah to the precept of the Foujdaree Udalut of 1st Instant forwarding explanation regarding certain Cases in the Criminal Report for September 1843.—

(Here enter Fle. No 1775)

Read return dated the 10th Instant from the Principal Sudr Ameen of Cuddalore to the precept of the Foujdaree Udalut of the 7th Instant stating that the Sentence in Criminal Case No 1 of 1843 has been annulled and the 1st 2d and 3d Prisoners were released on the 9th Instant.—

(Here enter Fle. No 1776.)

Read Statement dated the 31st Ultimo from the Sessions Judge of Coimbatore shewing the amount of labor of Convicts in the Jail of Coimbatore and Ootacamund for the month of October 1843.—

(Here enter Fle. No 1780)

J. Mc

Monday 20th November 1843. At a Court of the Foujdaree Udalut.

Present,

Mr. Malcolm Lewin Esqre Acting 1st Puisne Judge,

A M. Alexr. Maclean Esqre Acting 2d Puisne Judge,

J M L. J. M. Lewin Esqre Acting 3d Puisne Judge.

Read letter dated the 30th Ultimo from the late Acting Sessions Judge of Rajahmundry forwarding the record of proceedings in case No 2 on the Criminal file.—

(Here enter Fle. No 1741 of 1843)

The Court of Foujdaree Udalut direct that this record be returned through the Sessions Judge to the late Acting Sessions Judge of Rajahmundry for the purpose of rectifying the omission to recommend what Sentence should be passed upon the Prisoner.—

Circular Order dated 4th March 1822. para 8 and 9. Circular Order dated 11th March 1834.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Rajahmundry by precept returnable

returnable without delay.—

/Sent following proceedings No. 1140/

Read the Criminal reports submitted by the Principal Sudr Ameen of Masulipatam for the Month of October last.—

/Here enter F. No. 1763 of 1843/

Report No. V
Case No. I

From the remarks appended to the report of this case, it appears that the Prisoner did not support the charge originally preferred by him to the Head Assistant Magistrate and consequently was not liable to punishment, in conformity with Circular Order No. 140.—

2. The Court of Sunjdaree Udalut accordingly resolve to call upon the Acting Sessions Judge of Masulipatam to look into the record of this case, and pass such orders as may be deemed necessary, reporting the same for the information of the Sunjdaree Udalut.—

The

3. The Court further direct the suspension of the sentence passed on the Prisoner by the Principal Sudr Ameen, pending the result of the investigation to be conducted by the Sessions Judge.—

Ordered that an Extract from these proceedings be forwarded to the Acting Sessions Judge of Masulipatam for his information and for communication to the Principal Sudr Ameen.—

Sent in No. 1141.—

Read letter dated the 10th Instant from the Sessions Judge of Mangalore, submitting copy of the Calendar in Case No. 11 of 1843 received from the Subordinate Judge of Mangalore, and that of the Putwa in the said Case.—

/Here enter F. No. 1801 of 1843/

Read letter dated the 11th Instant

20th November 1843.

Instant from the Sessions Judge of Mangalore, Submitting copy of the Calendar in Case No. 12 of 1843 received from the Subordinate Judge of Mangalore, and that of the Tutwa in the said Case.—

/Here enter F.C. No. 1803 of 1843/

Read letter dated the 11th Instant from the Sessions Judge of Madura Submitting copy of a Calendar and the translations of a Tutwa.—

/Here enter F.C. No. 1804 of 1843/

Read report dated the 11th Instant from the Acting Sessions Judge of Vizagapatam, of Casualties and of Prisoners released in the Zillah of Vizagapatam in the month of October 1843.—

/Here enter F.C. No. 1805 of 1843/

Read Miscellaneous petition presented on the 16th ultimo by Ramoogan of the Zillah of Cuddapah.—

/Here enter F.C. M. P. No. 83 of 1843/

The

F.C.

20th November 1843.

4th October 1843.

The Petitioner states that the orders of this Court founded on a return from the Provincial Court in the Southern Division and rejecting his address No. 64 of 1843 have been passed on a misconception of his case, and that he did not in that Petition allege that he had addressed the Circuit Court regarding the improper release of the persons therein mentioned.

He therefore prays the Foujdaree Adalut to direct the Provincial Court to examine his case, or to order the Collector of the District to grant him copies of certain depositions, with a view to their production before this Court.—

2

3 On a reference to Petitioner's former address, the Court observe that the Statements therein made by him are at variance with his present allegations. If however, as he now States, he had not

appealed

20th November 1843

applied to the Magisterial authorities and those over them, he is at liberty to adopt that course of proceeding -

Ordered that this Petition be dismissed and that copy of these proceedings be granted to Petitioner on his application -

End W.

Tuesday
21st November 1843

F. M.

At a Court of the Foujdaree Adalut

Present.

M. Malcolm Lewin Esqre 1st Puisne Judge

A.M. Alexander Maclean Esqre 2nd Puisne Judge

F.M.L. F. M. Lewin Esqre 3rd Puisne Judge -

Read letter dated the 9th Instant from the Sessions Judge of Bellary forwarding for final determination by the Foujdaree Adalut, the trial in Case No 5 of 1843 on the Bellary Calendar -

(Here enter F.M. No 1814)

Mr. M. Lewin.
and
Mr. Maclean.

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

"Parasooram"

is sufficient to convict him of the crime of murder, do convict him thereof; and under the provisions of Section X Regulation VIII of 1802, do Sentence him to suffer death by being hanged at the usual time.

and

and place of execution.-

(Sent following Letter No 1143)

Read letter dated the 9th Instant from the Acting Sessions Judge of Chittoor transmitting copies of the Calendar of Cases Nos 9 and 11 of 1843.-

(Here enter File No 1762)

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

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Chittoor for his information.-

(Sent in No 1144.)

Read the Criminal Reports submitted by the Principal Sudr Ameen of Chingleput for the month of October 1843.-

(Here enter No 1755)

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

Ordered that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Chingleput for

his information.-

(Sent in No 1145.)

Read letter dated the 8th Instant from the Sessions Judge of Tinnevelly submitting Calendar of Case No 5 of 1843 committed by the Principal Sudr Ameen of Tinnevelly.-

(Here enter File No 1782.)

Read letter dated the 9th Instant from the Magistrate of Malabar reporting that no cases were disposed of under Section LVII Act VII of 1843 during the month of October 1843.-

(Here enter File No 1788)

Read letter dated the 11th Instant from the Acting Magistrate of South Arcot reporting that no cases were disposed of under Section LVII Act VII of 1843 for the month of October last.-

(Here enter File No 1789)

Read letter dated the 10th Instant from the Sessions Judge of Bellary forwarding Calendar in committed Case No 7 with a translation of the Mahommedan

Law

21 21st November 1863.

Law Officer's Fatwah—

(Here enter F.46. A.1796.)

Read letter dated the 3rd instant from the Acting Sessions Judge of Vellacherry transmitting a Calendar with remarks thereon, and a translation of the Fatwah—

(Here enter F.46. A.1797.)

Read letter dated the 10th instant from the Magistrate of Coimbatore stating that the powers alluded to in Section XIV Act VII of 1863 were not exercised by the Magistrate or by his Assistants

Exp. I.

(Here enter F.46. A.1798.)

F.46.

Wednesday,
22nd November 1863. At a Court of the Foujdaree Adalut.

Present:

Hd. Malcolm Lewin Esqr. Offg. 1st
A. M. Alexander Maclean Esqr. Offg. 2nd } Puisne Judges.
W. M. L. F. M. Lewin Esqr. Offg. 3rd

Read letter dated the 13th instant from the Sessions Judge of Guntoor forwarding the record of the Trial in Case No. 1 on the Calendar of persons committed before the Sessions Court by the late Acting Joint Criminal Judge of Guntoor for the final sentence of the Foujdaree Adalut.

(Here enter F.46. A.1815.)

The Court of Foujdaree Adalut

Mr. Maclean and Mr. F. M. Lewin

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

"1st Mootoosawmy"

is sufficient to convict him of the crime of Murder do convict him thereof; but considering that there are circumstances in the case which justify

22nd November 1843.

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 Fouzdaree 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 Letters No 1146)

Exp. 1.

Thursday,
23d November 1843

No. 16.

At a Court of the Fouzdaree Udalut

Present,

Mr. Malcolm Lewin Esqre. Mg. 1st
Mr. Alexr. Mackeane Esqre. Mg. 2d
F. M. Lewin Esqre. Mg. 3d

} Puisne Judges

Circular Order.

No. 154.

It having been brought to the notice of the Fouzdaree Udalut that doubts exist regarding the true intent and meaning of Section XXIX. Act VII of 1843, it is resolved to declare by a Circular Order, that nothing in that Section which is permissive not compulsory, should be construed to deprive functionaries authorized to commit cases for trial by Sessions Courts, of the power to hold a full and complete investigation, including the hearing of witnesses cited by accused parties in their defence, whenever the

the circumstances of the record received from the Magistracy or Police are such as, in the opinion of the Committing Officer, render additional enquiry expedient or necessary.

(Sentence No. 1150)

Read letter dated the 8th instant from the Acting Sessions Judge of Masulipatam.

(Here enter No. 1784)

With the foregoing address the Acting Sessions Judge has forwarded a transcript of a communication from the Principal Sudr Ameen within his jurisdiction, soliciting instructions as to the construction to be placed upon Section XXIX Act VII of 1843

2. It appears the Principal Sudr Ameen has doubted whether, under the Section above quoted, it is competent to him in committable cases to put new questions to witnesses. The Acting Sessions Judge observing to the wording of the Section is clearly of opinion that the Principal Sudr Ameen possesses

possesses authority to examine witnesses de novo, chiefly on the ground that the Enactment under remark is "a permissive one and not compulsory" and he observes that to carry out the spirit of the law "if any doubt exists upon any one point material to the issue of the trial, or to any important point in the trial, enquiry should be made until satisfaction has been obtained."

3. The Sessions Judge not regard the opinion expressed by Mr. Thomas on the above point, to be in all respects correct and appropriate. They also concur with that Officer in considering the rescission of Section II Regulation XIII of 1832 by Section XXVIII of the New Act, not to invalidate the view of the subject which he has recorded.

4. In regard to taking evidence for the defence which the Acting Sessions Judge considers has been abrogated,

abrogated, the Fouzdaree Adawlut would observe that such is not the intention of Act VII of 1843 which leaves to committing Officers the same powers of holding a full and complete enquiry as existed before its promulgation whenever the circumstances of the record received from the Police or Magistracy render such investigation advisable.

Ordered, that Extract from these proceedings be sent to the Acting Sessions Judge of Masulipatam for his information and communication to the Principal Sudr Ameen of that station.

(Section No. 1157.

Read letter dated 7th instant from the Sessions Judge of Nellore.

(Herewith No. 1752)

Of the several points submitted in the above communication from the Sessions Judge of Nellore, for determination by the Court of Fouzdaree Adawlut, they

C. C. dated 26th Novr 1821
" 28th June 1827
" 20th July 1829 C.

they would reply in the negative to the question whether the Circular Orders noted in the margin have been abrogated by the provisions of Sections XXIX and XXX of Act VII of 1843.

2 In regard to the second point on which that Officer solicits information, viz: the form now to be observed by Subordinate Judges and Principal Sudr Ameens in obtaining, previous to the commitment of a case, confirmation on oath, of depositions recorded before the Police authorities, the Fouzdaree Adawlut resolve to forward to Mr. Walker an Extract from their proceedings dated the 9th instant in which it is ruled that committing Officers "are not deprived (under the new law) of the power which heretofore they possessed of holding a full enquiry when the circumstances of the record received from the Police or Magistracy (under such investigation advisable."

3 The Fouzdaree Adawlut consider

consider the Sessions Judge to have correctly supposed that the oath referred to in Section XXIX of the Act above quoted means nothing more than the solemn affirmation substituted for an oath by Act V of 1840.

4 The Foujdaree Adalut are not of opinion that a Sessions Judge can legally object, under the provisions of Section XXX of the new Act, to take a supplemental defence from a Prisoner and evidence in its support, if evidence for the prosecution shall have been received after the examination of witnesses for the defence.

5 The Foujdaree Adalut have already directed that the Calendars to be laid before Sessions Judges by Subordinate Judges and Principal Sudder Amins should be "similar in every respect to those" which were formerly laid before Judges on Circuit, and the "duty of preparing and laying" these before the Sessions Judges "should be performed by the committing Officer."

Sund[r] Ct. proc: 21st Augt 1843, para: 9.

6 Mr Walter would appear to have overlooked those instructions when soliciting information whether such Calendars "need be made more "than a transcript of the abstract of each case."

7 The Court of Foujdaree Adalut in conclusion resolved to intimate to the Sessions Judge their opinion, that further reflection would have prevented the necessity of his occupying the time of the Judges of this Court by the submission for their orders of the communication now disposed of.

Ordered, that Extracts from these proceedings be sent to the Sessions Judge of Nellore for his information.

(Sent in No. 1152.)

Read the Criminal Reports submitted by the Agent to the Governor of Fort St. George at Ganjam for the Month of October 1843.

(Here enter No. 1792.)

the

23d November 1843

23

The Court Reports do not appear to require any remarks from the Court of Sessions at Mangalore, who however will call the attention of the Agent to the Governor of Fort St George in Council to their Circular letter dated 20th August 1842, and to the order of the Government noted in the margin, with a view to their having been by that officer, in his future communications with this Court, of the rules regarding [illegible] therein laid down.

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

Cir. 12th Aug. 1842, page 619

(Sentence No 1183.

Read letter dated the 23d Instant from the Sessions Judge of Mangalore forwarding for the final sentence of the Court of Sessions Calicut the trial of [illegible]

F. C.

23d November 1843

Mangalore Calendar for 1843.

(Here enter P. C. No 1845.)

The Court of Sessions

Mr. M. Lewin

Calicut on a deliberate consideration of all the circumstances of the case as evidenced before them, being of opinion that the proof against the prisoner "Sher Aytha" is sufficient to convict him of the crime of Murder, do convict him thereof, but being of opinion that the punishment to which the prisoner is liable under the provisions of Regulation VIII of 1802 would in this instance be too severe, the Court, under the provisions of Clause third Section III Regulation X of 1825 do sentence him to be imprisoned for 14 Years, and to be banished during the period of his sentence from the District in which his place of abode is situated, and to be kept to hard labor in irons on the public roads or other public works in the Zillah Jail

Sudr of Calicut

(Short following) Letters Nos 1152

Read Letter dated the 9th Instant from the Session Judge of Chicacole, (reporting) for the information of the Judges of the Sangdanee Adawlut the postponement of the trial of a case of Murder, for want of certain material witnesses having been summoned.

(Here enter D. N. No 1805)

Read letter dated the 8th Instant from the Subordinate Judge of Ellore, transmitting the Criminal Reports for the Month of October 1843

(Here enter D. N. No 1820)

Read letter dated the 11th Instant from the Acting Subordinate Judge of Cuttack, transmitting the Criminal Reports for the Month of October 1843.

(Here enter D. N. No 1836)

Read letter dated the 7th instant from the Acting Sessions Judge of Tellicherry forwarding the Criminal Reports for the Month of October 1843.

(Here enter D. N. No 1837)

Read the Criminal Reports dated the 13th Instant from the Principal Sudr Ameen of Trichinopoly for the Month of October 1843

(Here enter D. N. No 1838)

Read letter dated the 13th instant from the Acting Sessions Judge of Masulipatam, forwarding translations of the Criminal Reports from the Sudr Ameen of Sirsy for the Month of October 1843

(Here enter D. N. No 1839)

Read letter dated the 8th instant from the Sessions Judge of Mangalore, forwarding copy of the Calendar and that of the Jurors in Case No 15 of 1843 on the Mangalore Calendar

(Here enter D. N. No 1840)

Read letter dated the 11th instant from the Sessions Judge of Tinnevelly forwarding copy of the Calendars of Case No 6 of 1843 committed by the Principal Sudr Ameen of that Zillah.

(Here enter D. N. No 1842)

Read

2.

23rd November 1843

Read letter dated 20th Nov. instt.
from the Sessions Judge of Madura
forwarding) a copy of the Calendar in
Case No. 11th of 1843 with his remarks
thereon.

(Here enter P. No. 1153)

Read letter dated the 21st Nov.
from the Sessions Judge of Tinnevelly
forwarding the Criminal Reports for
the Month of October 1843

(Here enter P. No. 1154)

Read Communication dated the 13th
the 14th Instant from the late Commandg Officer
of Madura (certifying) that he informed
the Servant from the proceedings of the Sessions
Court dated 6th instant, that Case No. 11 of
the Madura Criminal Calendar was forwarded
to the Criminal Court by the Second Magistrate
of the District.

(Here enter P. No. 1155)

Read letter dated the 21st Instt.
from the Sessions Judge of Coimbatore,
forwarding for the perusal of the Court
Court of Sessions

Nov. 1843

Case No. 1154 on the Coimbatore Calendar
for 1843

(Here enter P. No. 1153 of 1843)

The Court having
taken into deliberate consideration
all the circumstances of the case
as evidenced before them, being of
opinion that the proof against the
prisoner

Lya Tevanny

is sufficient to convict him of the crime
of Murder as charged in the
and under the provisions of Section
X Regulation VIII of 1802 do sentence
him to suffer death by being hanged
at the usual time and place of
execution

(Here follows) letter No. 1155.

Friday, 24th November 1843.

At a Court of the Tongdaree Adalut

Present.

M.L. Malcolm Lewrin Esq.re Acting 1st Puisne Judge

A.M. Alex.r Maclean Esq.re Acting 2d Puisne Judge

J.M.L. J. M. Lewrin Esq.re Acting 3d Puisne Judge

Read letter dated the 27th Ultimo from the Special Commissioners at the Southern Division requesting to be informed of the decision of the Tongdaree Adalut on the return from the late Provincial Court dated the 16th November 1842

(Reversing S.A. No. 1706 of 1842)

In the proceedings of the Tongdaree Adalut of the 26th April 1843 the Southern Provincial Court were directed to call for and consider all proceedings held in Case No. 65 of 1840 on the file of the Criminal Court at Rajahmundry, and to forward, for the information of

11th March 1862

of the Tongdare Udalut a copy of the order which it might be thought requisite to pass thereon.

2. The Acting 2nd Judge of the Provincial Court declined interference in consequence of his hearing in that Capacity of Criminal Judge the matter first connected with the inquiry and as the Acting 1st and 3rd Judges differed in their views of the case the Depositions & Minutes of each were forwarded for the perusal and decision of the Tongdare Udalut.

3. The Court of Tongdare Udalut on perusal of these Minutes and of the other papers connected with the case observed that no further advantage would arise from pursuing the inquiry as the Prisoners were all acquitted in the Criminal Court and the Acting 1st Judge in a very clear exposition of the case had expressed

false an opinion in which the Tongdare Udalut are inclined to concur.

4. Mr Walker finds cause to doubt, and according to this view, the investigation was subsequently. In consequence of this difference of opinion no final decision was passed by the Provincial Court but a further reference was made to the Tongdare Udalut.

5. In the opinion of the Court of Tongdare Udalut any further consideration of the case is needless.

Ordered that Extract from these proceedings be forwarded to the Special Commissioner in the Northern Division for his information.

/ Sent in No 1156 /

Read return dated the 11th Instant from the Subordinate Judge of Mangalore, to the precept of the Tongdare Udalut.

Saturdays 25th November 1843.

At a Court of the Tongidunna Udalut.

Present,

Malcolm Lewin Esqr. Acting 1st Puisne Judge.

Alexr. Maclean Esqr. Acting 2d Puisne Judge.

J. M. Lewin Esqr. — Acting 3d Puisne Judge.

Read the Criminal Reports dated the 15th Instant, submitted by the Acting Magistrate of Tangore for the Month of October 1843.

(Here enter F.H. No. 1853 of 1843)

The rules under which it was resolved that Reports of the above description should be prepared, require that a brief abstract of the testimony adduced against parties committed should be submitted to the Tongidunna Udalut in the appropriate columns, in order that the justice of the sentences passed may be estimated and considered. The Acting Magistrate will accordingly be pleased to carefully the requisite information and on future occasions cause it to be inserted in the

Tongidunna Udalut proceedings 21st August 1843 paras 3 and 4

25th November 1843.

Udalut of the 4th Instant, on review of the Mangalore Criminal Reports for the 1st half of September 1843.—

(Here enter F.H. No. 1806 of 1843)

Read letter dated the 4th Instant from the Civil and Sessions Judge of Chicacole, reporting that no Commitments of no Criminal Cases coming on during last month and having no Prisoners in the Jail at his Station the Criminal Reports could not be forwarded.—

(Here enter F.H. No. 1809 of 1843)

Read letter dated the 11th Instant from the Commissioner in charge of the District of Rajahmundry, informing that the Powers vested by Section XLIV Act VII of 1843 have not been exercised in October 1843

(Here enter F.H. No. 1810 of 1843)

End 7th

Copy

the Report thereof

Ordered that Extract from these proceedings be forwarded to the Acting Magistrate of Langjee by Peon for return with due diligence and after its receipt

/ Sent following precept No 1159 /

Read return dated 8th Instant from the Acting Magistrate of Salem to the precept of the Sessions Judge of the 21st October 1843 requiring for revision the Report of Sentences passed by the Magistracy of that District in September 1843.

/ Vide entry No 1813 of 1843 /

The Court of Sessions Judge see reason to doubt the propriety of the mode of disposal of these cases which has been adopted by the Acting Magistrate and Joint Magistrate and accordingly resolve to requires the Sessions Judge of Salem to call for the records of the proceedings held therein and in addition thereto to peruse such evidence as the

Cases No 1 file of Magistrate & No 1 file of Joint Magistrate

may seem necessary, reporting the result for the information of this Court.

2 The attention of the Acting Magistrate is requested to the wasteful expenditure of paper which has occurred in the preparation of the report under review. The size of the sheet used in that which was forwarded from the office of the Court Register on the 21st August last should be taken as the proper standard.

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

/ Sent in No 1180 /

Ordered also that Extract from these proceedings / paras 1 / be forwarded to the Sessions Judge of Salem by Precept returnable without delay.

/ Sent following precept No 1181 /

Read letter dated the 11th Instant from the Acting Subordinate Judge of Combaconum, requesting information whether

are

26th November 1863.

be disposed of by that authority in accordance with the provisions of Section VII Regulation X of 1816.—

Ordered that Extracts from these proceedings be forwarded to the Acting Subordinate Judge of Coimbatoor for his information.—

/Sent in No 1162/

Read letter dated the 11th instant from the Acting Sessions Judge of Honore submitting the Calendar of a Case disposed of.—

/Here enter No. 1086 of 1863/

Calendar IV

The above Calendar not calling for any remark from the Court of Foujdaree Adalut.—

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Honore for his information.—

/Sent in No 1163/

Read

26th November 1863

are attempts to commit Suicide is punishable according to Mahomedan Laws.

/Here enter No. 1091 of 1863/

It appears from the Acting Sessions Judge's communication that the prisoner of the Gallows has declared the prisoner refused to, to be punishable at the option of the Judge, but has failed in conformity with the requisitions to that effect to explain the Text of the Law on which his opinion was founded—certain doubts having thereon occurred to the Acting Subordinate Judge the question has been submitted to the Foujdaree Adalut.—

2d

On the occasion of a former reference on the same subject the Law Officers of this Court gave their opinion that the offence adverted to was punishable by "Tazeer" or discretionary punishment by the Court in which it has come before the Subordinate Court at Coimbatoor should according to

Diary 27 November 1837.—

25th November 1843.

1 Read letter dated the 8th Instant from the Acting Assistant Sessions Judge of Mealsulipatam forwarding the Calendar of Cases No 1 of 1843.

/Henderson Mlm. No 703 of 1843/

Case No 1 1 The 1st and 2nd Prisoners in this Case were convicted of the murder of Thungaya but on Consideration of the nature of the Evidence on which they were convicted the value of the property stolen and the fact that as it is by any other evidence the case of the Sessions Judge recommends that a mitigated Sentence of two years' imprisonment be inflicted

2 The Court of Sessions Judge on a further consideration of the cases adopted on the Calendar, are unable to concur with the Acting Sessions Judge as to the sufficiency of the grounds adduced by him for the mitigation of the punishment which should regarding the circumstances of the case appear to the Court to be fully adequate to the

25th November 1843.

3 The Court desire to draw the attention of the Acting Sessions Judge to his omission to conform to the rules laid down in Sangdaree Adalut Circular Order dated 18th July 1834 which requires that the letter accompanying a Calendar should contain a reference to any remarks or observations for a mitigated punishment in-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Masulipatam for his information and guidance.

/Sentence No 1164/

Read again the Sessions Criminal Reports for the month of August 1843.

/Henderson Mlm. No 1431 of 1843/

Read also return dated the 13th Instant from the Sessions Judge of Nellore to the precept of this Court of 28th September 1843, requiring him to look into

25th September 1843.

ents Case No. 82 of the Criminal Report for August 1843, and prays Leave ordered thereon, as may seem proper respecting the result of the Enquiry for the information of the Court of Sangdama Udalut—

/Here enter Fl. No. 1124 of 1843/

1

The object of the Sessions Judge in submitting to the Sangdama Udalut the detailed observations which are contained in the foregoing Communication and the Case therein referred to, is not clearly to be understood considering the nature of the instructions issued to that Officer on the 28th September last by this Court—

2.

If however, the Sessions Judge further instructed, the specific points on which they are required should be stated—

3.

The Court observe with regret that a period of nearly two months has been allowed to intervene between the date of the Trial of the

From 28th September to 1st November 1843.

146.

25th November 1843.

Judge to look into the Case under observation and that on which Mr. Walker's report was dispatched—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Bellary for his information—

/Sent in No. 1165/

Read Letter dated the 10th Instant from the Magistrate of Bellary submitting the information required by the Court of Sangdama Udalut regarding delay occurring in certain Cases of the Bellary Criminal Report for August 1843—

/Here enter Fl. No. 1811 of 1843/

Read Letter dated the 11th Instant, from the Sessions Judge of Guntoor, forwarding the monthly Criminal Statement for the month of October 1843.

/Here enter Fl. No. 1816 of 1843/

Read Letter dated the 13th Instant

25th November 1843

Instant, from the Assistant Judge of Combernere, forwarding the Calendar of Case No. 6 of the Court of Sessions

[Here enter Sessions No. 1818 of 1843]

Read letter dated the 10th Instant from the Assistant Judge of Caledonia transmitting copy of the Caledonia Calendar No. 6 of 1843 and translation of the original Return

[Here enter Sessions No. 1819 of 1843]

Read letter dated the 11th Instant from the Assistant Judge of Belleary, transmitting the Calendar in committed case No. 8 of 1843 together with the Return of the Law Officer

[Here enter Sessions No. 1820 of 1843]

Read return dated the 11th Instant from the Magistrate of Cuddapah to the precept of the Sanjdara Adalut of the 10th Instant, directing him to supply the information required in the 7th Column of the Report of

J. 16.

Monday 27th November 1843

At a Court of the Sanjdara Adalut

Present:

Mr. Malcolm Lewin Esqre Agt 1st
A.M. Alexr. Maclean Esqre Agt 2d } Assistants
J. Mc. Lewin Esqre Agt 3d

Read again the Miscellaneous Petition presented on the 7th August last by T. Appiah Naiken on behalf of Tirutal of Guntoor

[Here enter M. P. No. 62 of 1843]

Read also petition dated the 6th Instant from the Special Commissioner in the Northern Division, to the precept of the Sanjdara Adalut of the 28th August last calling on the late Provincial Court of Circuit in the Northern Division to direct the Magistrate of Guntoor to submit a report in the case of the above Petitioner

[Here enter L. M. No. 1773 of 1843]

The

The object of the Petitioner was to obtain the surrender of certain property on which his own property was continued, but which had been attached by the Local authorities in common with the other property on which alone the goods named in the Warrant had ordered to be placed under the charge of the Magistrate of Gunter.

The Magistrate in his report states that only one person claiming the property in dispute has been taken charge of, but that 3 other persons, said to contain Petitioner's goods, are in his, Petitioners possession, and with these the authorities have never interfered.

The return above presented leaving no doubt as to the grounds & nature of the complaint preferred by the Petitioner, the Court do not consider it necessary to direct the issue of the writ of

that copies of these proceedings be granted to the Petitioner on application.

Read a Miscellaneous Petition presented on the 16th Ultimo by Narrain Shankar of the Zillah of Chinglepat [Mr. Hunter. M. P. No 85 of 1843]

The Petitioner sets forth that he arrested a convict who had made his escape from the authorities and delivered him to the Village Moodliff of Chinga peroomaul, and complains that by the misrepresentations of that Officer, the late Acting Criminal Judge gave a reward of 25 Rupees to the Moodliff and a Periary who did not aid in the Prisoners apprehension. He further states that he has made several applications to the Collector and Judge, but without success, and prays the Court would be pleased to grant him redress.

The Court are of opinion that they are not called upon to interfere

interfere in Petitioner's behalf as
solicited in the above address.

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

Read Miscellaneous Petition
presented on the 23d Ultimo by
Hanoomanta Singh of the Zillah of
Bellary.

(Here enter M. P. No 586 of 1843)

The object of the Petitioner
in the above address is to obtain the
release of his brother, Lutchmund
Singh, a Police peon, sentenced to 2
years imprisonment, on a charge
of stealing Rupees 250, the property
of the Circar, in Case No 72 on the
Bellary Criminal Reports for the
Month of May last.

The Petitioner maintains
that the depositions of the 2d Prisoner
in the case, criminating [illegible]

that it was the result of enmity
and drawn from him by violence
on the part of the persons in whose
charge he (the 2d Prisoner) was placed.

The Court of Zillah
Udalut see no grounds to justify
their interference in this Case. The sen-
tence objected to, was passed in May
last, and Petitioner should at the time
have brought to the notice of the local
authorities any arguments, which might
have tended to exculpate his brother.

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

Read Miscellaneous Petition
presented on the 13th Instant by Cottiappa
Naick and Lakshachella Naick of the
Zillah of Chingleput.

(Here enter M. P. No 588 of 1843)

The Petitioners set forth
that having identified certain persons
who had committed a robbery on their

Page 2nd

Regarded at Permanulla, they applied to the Tahsildar of the village and that that Officer neglecting to grant them any they applied to the Collector who relying on the statements of the Tahsildar prefers the Petitioners charge with having in collusion with the others preferred them to the Sessions Judge who, however in consequence of a false report submitted by the Tahsildar dismissed their complaint.

The Petitioners therefore pray the Honble Court to direct the Sessions Judge to reconsider the case and pass sentence accordingly.

The Petitioners having failed to produce copy of the order of the Zillah Judge to which they take exception the Court of Enquiry Adalut declined complying with their request.

Ordered that the Petition be dismissed and that no copy of these proceedings be granted to the

Read the Criminal Reports submitted by the Magistrate of Bellary for the Month of October last.

(Here enter P.N. No 1812 of 1863)

Case No 23. 1. The Prisoner in this case has been sentenced to 3 Months imprisonment on a charge of having effected his escape from the Custody of a Taliar.—

2 The Court of Enquiry (Adalut having) frequently ruled that escape from Village Custody is not an offence legally punishable under the provisions of existing regulations, resolve to call upon the Sessions Judge of Bellary, to look into the record of the case and pass such orders as may be deemed necessary; and the Court further direct that the sentence passed on the Prisoner be suspended, pending the results of the investigation by the Sessions Judge.

Ordered that Extract from

the said proceedings be forwarded to the Magistrate of Bellary for his information

Sent in No 1168

Ordered also, that Extract from these proceedings be forwarded to the Sessions Judge at Bellary for his information and guidance by first receipt returnable without delay

(Sent following) Precept No 1169

Read letter dated the 13th instant from the Magistrate of Tinnevelly reporting that no case has been investigated under Section LIV Act VII of 1843 during the Month of October 1863

(Here enter F.U. No 1852)

Read Nil Report dated the 5th instant from the Acting Sessions Judge of Trichinopoly shewing the number of Committals and Releases of Prisoners during the Month of October 1863

(Here enter F.U. No 1856)

RDH
Asst

F.U.

Wednesday 29th November 1863. At a Court of the Foujdaree Adawlut

Present.

A.C.J. Malcolm Lewin Esqre. Mg.1st
A.M. Alex: Maclean Esqre. Mg.2d
T. Mc. Lewin Esqre. Mg.3d

} Sessions Judge

Read the Criminal Report submitted by the Acting Subordinate Judge of Combaconum for the Month of October 1863

(Here enter F.U. No 1822)

Report No 1. Case No 5. This case has been committed for trial before the Sessions Court but it is observed that the date of commitment has been omitted. It is requested that on all future occasions the information in question may be inserted in the Monthly report.

Case No 2. Assuming the guilt of the 1st Prisoner in this case to have been established, the Court of

Foujdaree

29th November 1843

Sentence Pleaded by consent of parties that the sentence of the Lower Court be altered from imprisonment which has been awarded as insufficient for the offence charged viz fine Rs 5 in lieu of which attended a term of 5 Days by pleasing [illegible] and Sentence Confirmed

Ordered, that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Cannanore for his information

(Sent Rec. No 1172)

Read the Mangalore Criminal Reports for the Month of October 1843.

(Recorded F.N. No 1802)

Order No 2424

In the foregoing proceedings there appears to be that offence punishable by Clause first Section VIII Regulation VIII of 1816, the Court of Foujdaree Adawlut have no power to take cognizance of the case, and therefore

29th November 1843

result of his inquiry for the information of the Court

Ordered, that Extract of these proceedings be sent to the Sessions Judge of Mangalore by precept returnable without delay

(Sent following) precept No 1173

Ordered also, that Copy of these proceedings be sent to the Subordinate Judge for his information and future guidance

(Sent Rec. No 1174)

Read the Criminal Reports submitted by the Principal Sudr Ameen of Coimbatore for the Month of October 1843

(Here enter F.N. No 1828)

The above Reports do not appear to call for any remarks from the Court of Foujdaree Adawlut

Ordered, that Extract from these Proceedings be forwarded to the Principal Sudr Ameen of Coimbatore for his information

29th November 1843

Read Letter dated the 14th
Instant from the Sessions Judge of
Mangalore, submitting copy of the
Calendar and that of Evidence in Case
No 13 of 1843 on the Mangalore Calendar
(Case entered F. H. No 1845)
Adverting to the absence
of evidence to corroborate the statement
of the Prosecutrix in the above case
that she had been assaulted, when
the robbery charged was committed,
the Sessions Judge has recommended
that the full penalties to which
the Prisoners have rendered themselves
liable be not awarded, and accordingly
he suggests that they be respectively
imprisoned, as regards the 2d and 3d
Prisoners, to three, and in respect
of the 1st Prisoner to four years
imprisonment with hard labour.

2. The Sessions Judge assigns as
the principal reason for passing the sentences proposed, that under the
circumstances of the case which do

F. H.

29th November 1843

not show the 1st Prisoner to be an
old offender, they are of opinion
that the infliction of corporal pu-
nishment is not advisable and
accordingly direct its remission.

Ordered that Extract from
these proceedings be forwarded to the
Sessions Judge of Mangalore for
his information.

(Section No 1176.

Read Letter dated the
15th Instant from the Acting Sessions
Judge of Kishnapatam, showing the state
of produce of Salem of Prisoners during
the Month of October 1843

(Hevenue F. H. No 1857)

Read letter dated the 14th
Instant from the Sessions Judge of
Calicut, transmitting copy of the Calen-
dar in Case No 5 of 1843 together with a
translation of the Original Petition

(Revenue F. H. No 1860)

Read Letter dated the 15th
Instant from the Acting Magistrate

Satara, forwarding the half yearly
Report of Sentences passed under
Section XIV Act VII of 1843 during the
Month of October 1843
(Here enter D.R. No 1862)

Read letter dated the 16th
Instant from the Assistant to the Collector
to the precept of the Sessions Judge
dated the 6th Instant directing him to
forward to the High Court the proceedings
have required in the Case of Bhut Chandla
Sheorain, after the receipt of the proceedings
from the Special Commissioner for
the Northern Division
(Here enter D.R. No 1864)

Read letter dated the 17th Instant
from the Acting Assistant to the Collector
of Candeish, transmitting the Criminal
Reports for the Month of October 1843
(Here enter D.R. No 1865)

Read letter dated the 16th instant
from the Sessions Judge of Poona
transmitting copies of the Calendar and Proceedings
together with a translation of the Original

29th November 1843

Read letter dated the 20th
Instant from the Magistrate of Ahmednuggur
Collector, reporting that no cases have come
under his cognizance during the Month
of October 1843
(Here enter D.R. No 1879)

Read letter dated the 13th
Instant from the Acting Principal Assistant
Assistant of Satara, forwarding the
Criminal Reports for the Month
of October 1843
(Here enter D.R. No 1880)

Read letter dated the 21st
Instant from the Acting Sessions Judge
of Candeish, transmitting the Criminal
Reports for the Month of October 1843
(Here enter D.R. No 1884)

Read letter dated the 22nd
Instant from the Acting Sessions Judge
of Candeish, forwarding the Jail
Reports for the Month of October 1843
(Here enter D.R. No 1886)

Read

Tadeem, forwarding the Supplemental Report of Sentences passed under Section LIV Act VII of 1843 during the Month of October 1843.

(Here enter D.N. No. 1862)

Read letter dated the 16th Instant from the Sessions Judge of Guntoor to the precept of the Foujdaree Adalut dated the 6th Instant, directing him to submit to the higher Court the information required in the case of Chut Senabul Sowcar, after the receipt of the papers from the Special Commissioner for the Northern Division.

(Here enter D.N. No. 1864)

Read letter dated the 17th Instant from the Acting Principal Sudr. Ameen of Cuddapah, transmitting the Criminal Reports for the Month of October 1843

(Here enter D.N. No. 1868)

Read letter dated the 16th instant from the Sessions Judge of Cuttack transmitting copy of the Calendar No. 3 of 1843 together with a translation of the Original Petition

(Here enter D.N. No. 1873)

Read

Read letter dated the 20th Instant from the Magistrate of Chittoor, reporting that under Section LIV, Act VII of 1843 no cases have come under his cognizance during the Month of October 1843

(Here enter D.N. No. 1879)

Read letter dated the 13th Instant from the Acting Principal Sudr. Ameen of Nellore, forwarding the Criminal Reports for the Month of October 1843

(Here enter D.N. No. 1880)

Read letter dated the 21st Instant from the Acting Sessions Judge of Cuddalore, transmitting the Criminal Reports for the Month of October 1843

(Here enter D.N. No. 1884)

Read letter dated the 22d Instant from the Acting Sessions Judge of Cuddalore, forwarding the Jail Reports for the Month of October 1843

(Here enter D.N. No. 1886)

Read

29th November 1843

Read letter dated the 22d
Instant from the Sessions
Judge of Nellore forwarding a
Statement shewing the Number of Rates
Peons employed in the Jail the Estimated
Value of the produce of the labor of
Prisoners and Batta paid to Prosecutors
and Witnesses for the Month of
October 1843

(Here enter D. N. No 1887)

Read letter dated the 22d
Instant from the Acting Sessions Judge
of Cuddapah, reporting with reference
to the precept of the Tongdarce Udalut
dated the 17th Instant that the 1st Prisoner
P Chellum in Case No 9 of 1843 has
been sentenced to be imprisoned and
kept to hard labor in Irons for the period
of 7 years.

(Here enter D. N. No 1889)

4th Dec.

JDM
AJW

7. 16.

4

Friday
1st December 1843.

At a Court of the Tongdarce Udalut.

Present,

Mr. Malcolm Lewin Esqre. — Acting 1st Puisne Judge,

Mr. M. Alexr Maclean Esqre. — Acting 2d Puisne Judge,

C. M. Lewin Esqre. — Acting 3d Puisne Judge,

Read Calicut Criminal Reports for the Months of October 1843.—

(Here enter D. N. No 1836.)

Case No 10.

The Court of Tongdarce Udalut observe with reference to this case that the charge sets forth a forgery, and that consequently the Act was not comprehended in Regulation X of 1832 which comprises rules and directions for the discipline of Jails.—

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

(Sent in No 1180

Read letter dated the 20th Ultimo from the Magistrate of Chingleput transmitting a Calendar of Cases tried and disposed of by him

him under the provisions of Section LVI Act XII of 1843
and the order of Government of the 31st October 1843.—
(Records No. 1865)

Case No. 6.

1.

The Prisoners.

1st Munian

2d Vyapoory

3d Narayanin

4th Nullan, and

5th Veeran alias Anian

severally plead not guilty to the charge of having
on the night of the 27th July last, armed with sticks,
forcibly entered the dwelling house of the Prosecutor
and stolen property therefrom to the value of about
Rs. 61
615—8—, and further with having at the same
time and place beat and otherwise ill used the
Prosecutor and the females residing in his house

2.

The Evidence of the Shekedar and Peon
Officer convicts all the Prisoners and declares them
liable to Punishment.—

3.

The Commissioner concurs in the
conviction, and sentences the Prisoners to 10 years
imprisonment with hard labor in irons, but
suggests that, in consequence of the 3d and 4th
Prisoners

Prisoners not having been equally conspicuous with
the other prisoners, their sentence should be
mitigated to 7 years imprisonment with hard labor
in irons.—

4.

The Court of Sudder Adawlut
concur in the opinions expressed and the
sentence passed by the Commissioner and for
the reasons assigned, and under the authority
vested in them by Clause third Section III
Regulation I of 1825 sanction the mitigated
punishment as regards the 3d and 4th Prisoners
to 7 years imprisonment with hard labor in irons.—

Case No. 7.

5.

The Court consider the unconditional release of the Prisoners in this case a
questionable measure, for altho' the evidence
might not be sufficient for conviction it
was clearly enough, by shewing the Prisoners
to have been with the Prosecutor's party prior
to the robbery, to warrant the demand of
security.—

Ordered, that Extract from

these

these proceedings be forwarded to the Magistrate of Chinglepet for his information.—

(Centm. No. 1181

Read communication dated the 1st Ultimo from the Magistrate of Madras—

(Here enter. No. 1804.)

1.

It appears from the above letter that on the occasion of the Government Anniversary recently been set at definance by certain Malays, the Constables called upon the nearest and most respectable individuals of that caste to aid by their presence and influence in the suppression of the outbreak; that some only obeyed the requisition, one in particular having under frivolous pretences left the house refused to leave his home when wanted and might in the country might have afforded most valuable assistance.—

2.

The Magistrate of Madras, adverting to the above circumstances, has now requested instruction whether the conduct of the individual in question is punishable, as he deems it to be, with reference to the spirit of Section VI Regulation XI of 1816.—

3.

The Court of Circuit have [illegible]

are of opinion that the party adverted to by the Magistrate is liable to punishment for his refusal to act in the preservation of the public peace, if the grounds of his refusal can be proved to be frivolous, in such as not to justify his omission to comply with the requisition officially addressed to him by the local police authorities. The extent of the penalty to be awarded will be regulated at the discretion of the Magistrate.—

Ordered, that Extract from these proceedings be forwarded to the Magistrate of Chingleput for his information.—

(Centm. No. 1182

Read letter dated the 30th Ultimo, from the Acting Sessions Judge of Chittoor, transmitting Calendar No. 13 together with copy of a letter from the Zillah Surgeon—

(Here enter. No. 1921 of 1843.)

Read letter dated the 25th Ultimo, from the Acting Sessions Judge of Guntoor submitting the Proceedings of the Sessions Court in C. No. 1 Report V for October last of the Principal Civil Courts—

(Here enter. No. 1922 of 1843.)

Read

1st December 1843.

24

Read letter dato the 1st instant,
from the Acting Subordinate Judge in charge of
Combaconum informing the particulars of the
execution of the Capital punishment on the 24
Prisner in Case No. 10 of Combaconum Sessions 1843.

(Here enter No. 1931 of 1843.)

Read letter dato the 28th Ultimo,
from the Sessions Judge of the Zillah of Tinnevelly
reporting the execution of the sentence of death
passed upon the Prisoner in Case No. 3 on the
Calendar of the Sessions Court of Tinnevelly for 1843.

(Here enter No. 1932 of 1843.)

End 10

DDM
Ref

4 Sep 11

F. No.

Saturday,
2d December 1843.

At a Court of the Foujdary Adalut.

Present

Mr Malcolm Lewin Esquire — 1st Puisne Judge
Mr Alexander Maclean Esquire — 2d Puisne Judge
Fred: Mortimer Lewin Esquire 3d Puisne Judge

Read letter dated the 13th Ultimo
from the Acting Sessions Judge of Combaconum
submitting for the final sentence of the
Foujdary Adalut the record of proceedings in
Case No. 5. on the Calendar of the Sessions Court
of Combaconum for 1843.

(Here enter No. 825.)

Mr M. Lewin.
and
Mr A. Maclean.

The Court of Foujdary 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
prisoner

Ist & Moottoosamy.

is sufficient to convict him of the crime of
assault, accompanied with torture, for which ac-
cording to the Mahomedan Law as declared in
fatwas of their Law Officers, discretionary
punishment

punishment is awardable, do convict him thereof;
and with reference to the provisions of Clause
third, Section VII Regulation XV of 1803, sentence
him to be imprisoned and kept to hard labor
in irons, on the public roads, or other public
works, for, and during the period of 10 years,
and considering that strong suspicion tho not
amounting to conviction attaches to the prisoners
1st Narayana Chetty.-

and

2nd Vinkatan Chetty.-

the Court under the provisions of Clause Sixth,
Section II Regulation XV of 1803 direct that
they be required to find two sureties in an
amount to be determined at the discretion of
the Acting Sessions Judge for their good behav-
iour and appearance when required within a
period which that Officer shall define or in
default thereof that they be detained for a simi-
lar period in confinement.-

(Sent following letter No. 1185).

Read the Criminal Reports
submitted by the Principal Sudr Ameen of
Vizagapatam for the month of October 1843.

(Here enter No. 1861.)

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
Principal Sudr Ameen of Vizagapatam for
his information.-

(Sent in No. 1186)

No reply having been received
from the Magistrate of Ganjam, to the pro-
ceedings of this Court dated the 3d October
last, calling upon him to inform them, direct,
of the circumstances which led to the protracted
delay in the attendance, at the Principal
Sudr Ameen's Court of certain material
witnesses, on the side of the prosecution,
in Case No. 5 of the Criminal Reports
for the month of August last, received from
the Principal Sudr Ameen at Itchapore.-

Ordered, that the Magistrate
of Ganjam be required to reply to the above
proceedings without delay.-

(Sent in No. 1187.)

Read letter dated the 26th October
last

last from the Sessions Judge of Mangalore submitting a Calendar received from the Subordinate Judge with remarks thereon and translation of Futwa.-

(Here enter No 1696.)

Read letter dated the 27th October last from the Sessions Judge of Coimbatore forwarding the warrant issued for execution of the sentence of death upon Poosparay Valyan Prisoner in Case No 2 with endorsement and a copy of the report made by the Principal Sudr Ameen.-

(Here enter No 1698.)

Read Statement, dated the 1st October last from the Subordinate Judge of Salem, of the amount realized by the labor of the Prisoners in the 3d Quarter of 1843.-

(Here enter No 1704.)

Read letter dated the 23d ult. from the Acting Magistrate of North Arcot - transmitting the explanation offered by him in Case No 1 of Report No V for the Month of September 1843.-

(Here enter No 1884.)

Read letter dated the 20th ultimo from the Sessions Judge of Bellary, transmitting Calendar in committed case No 3 of 1843.-

(Here enter No 1890.)

Read return dated the 23d ultimo from the Principal Sudr Ameen at Trichinopoly, to the precept of the Foujdary Adalut of the 17th ultimo, ordering the release of the prisoner in Case No 77 on the file of the Auxiliary Court.-

(Here Enter No 1893.)

Read return dated the 22nd ultimo from the Sessions Judge of Bellary, to the precept of the Foujdary Adalut of the 6th November 1843, conveying their observations and orders on the Criminal Reports for the Month of September 1843.-

(Here enter No 1894.)

Read returns dated the 21st ultimo from the Sessions Judge of Chicacole to the precept of the Foujdary Adalut dated the 27th October, directing him to look into Case No 5 on the Vizagapatam Criminal Reports

2d December 1843.-

Reports for the Months of September 1843 - and
pass such orders as may appear requisite, report-
-ing the result for the information of this
Court.-

(Here enter No. 1900.)

Read return dated the 27th Ultimo
from the late 1st Judge in the Cuddapah Division,
to the precept of the Sonjdary Adalut of the 20th
October, submitting a copy of the Bellary Magis-
-trate's return, reporting that the 2 individuals
charged by the Prisoner as accomplices in Case
No. 1 of the Bellary Calendar for the 2d Sessions
of 1843 were apprehended by the Head of Police
of Pungondah and released, there being no evidence
against them, and stating that the delay in
making this return was occasioned in conse-
-quence of the Magistrate having had occasion
to make a reference to the Joint Magistrate
on the subject.-

(Here enter No. 1901.)

RDM
AP

No. 16.

Monday, 4th December, 1843.

At a Court of the Sonjdarce Adalut.

Present;

Mr. Malcolm Lewin Esq.re Actg. 1st Puisne Judge,
Mr. Alexr. Maclean Esq.re Actg. 2d Puisne Judge,
Mr. H. Lewin Esq.re Actg. 3d Puisne Judge.

Read the Criminal Re-
-ports for the Month of October last,
received from the Acting Subordi-
-nate Judge of Gudur.

(Here enter No. 1823 of 1843)

Supplemental Report Case No. 87.

As the report of the Case
noted in the margin does not show whether
the prisoners from whose custody the Pri-
-soners effected his escape, were Peons
or village Watchmen, the Court of Sonj-
-darce Adalut request that the necessary
information may be supplied to enable
them to judge of the correctness and
legality of the Sentence which has
been passed by the Pundit Sudr
Ameen

4th December 1843

Arrest under Clause third Section V
Regulation VII of 1822.

Case No 88.

2.

The circumstances under
which the husband of the Prosecutrix
in Case No 88 appears to have met
with his death would seem to each
Justify on the 1st Prisoner the arrest
of the house, sufficient to justify a
requisition of Security from him.

3

The Court accordingly
resolves to require the Sessions Judge
of Madura to call up and to look
into the record of the case and fast
such orders as he may deem necessary
reporting the same for the information
of the Court.

Cases Nos 91-94 to
and 95.

The circumstances under which
the cases specified in the margin were
brought before the Sessions Judge
with appearing from the Reports the
Court of Zemindary Adalut request

4th December 1843.

the necessary information may be
now supplied.

Ordered that Extract
from these proceedings be forwarded
to the Acting Subordinate Judge
of Madura for his information
by precept returnable in 5 days
from and after its receipt.

(Sent following precept No 1188)

Ordered also that Ex-
tract from these proceedings (paras
2, 3, and 4) be sent to the Sessions
Judge of Madura for his informa-
tion and guidance by precept re-
turnable without delay.

(Sent following precept No 1189)

Read Miscellaneous Petition
presented on the 30th of October 1843, by
Pasoopoolaty Varicaluppa of the Zillah of
Cuddapah.

(Here enter S.R. No 870 of 1843)

1 The Petitioner enters into a
statement

4th December 1843.

Statement of circumstances tending to exonerate his brother Nangadee from the charge of Murder under which he has been committed for trial at Cuddapah and prays that the record of the Case may be called up by this Court and justice rendered.-

2. As it is observed that a Sentence of death has already been recorded by the Sujdaree Adalut in the Case of the individuals Nangadee, above referred to, no order will now be passed of the nature solicited.-

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

Read the Criminal Reports dated the 25th Ultimo submitted by the Magistrate of Canara for the Month of October 1843.-

/Here enter J/16. No. 1912 of 1843./

The rules under which it was resolved that Reports of the above description should be prepared, require that a brief abstract of the testimony

Sujdaree Adalut Proceedings 21st August 1843 paras 3 and 4

J/16.

4th December 1843.

testimony adduced against parties punished, should be submitted to the Sujdaree Adalut in the appropriate columns, in order that the justice of the Sentences passed may be estimated and considered. The Magistrate will accordingly be pleased to supply the requisite information and on future occasions cause it to be inserted in the Report itself.-

Ordered that Extract from these Proceedings be forwarded to the Magistrate of Canara for his information by Precept returnable in 5 days from and after its receipt.-

/Sent following precept No. 1190/

Read letter dated the 13th Ultimo from the Acting Sessions Judge of Combaconum submitting certain Calendars with copies of the Futwahs.-

Here enter J/16. No. 1817 of 1843/

Case No. 1.

The Court of Sujdaree Adalut see no necessity for the infliction of Stripes in

15th December 1863

in this Case, and consequently direct that the Sentence as far as regards the 1st Prisoner in addition to the imprisonment may be cancelled.-

Case No. 7.

2. As regards the 3d 5th and 6th Prisoners in this Case the Acting Sessions Judge in consideration of no serious act of violence having been perpetrated by the Gang, recommends a mitigated punishment of 10 years imprisonment with hard labor in irons.-

3. Concurring in the sentiments entertained by the Acting Sessions Judge and by the authority vested in them under Clause Second Section VI Regulation I of 1825 the Court of Sudder Adawlut sanction in the case of the 3d 5th and 6th Prisoners the mitigated Sentence of 10 years imprisonment with hard labor in irons.-

Case No. 17

4. As the Sentence passed by

15th December 1863.

the Acting Sessions Judge on the 2d and 3d Prisoners in this case appeared to be erroneous the Sudder Adawlut directed that the trial may be referred for their consideration and the Sentence suspended in the interim.-

Ordered that Extract from these proceedings be sent to the Acting Subordinate Judge in charge of the Sessions Court at Coimbatoor by precept returnable in 5 days from and after its receipt.-

Sent following precept No. 1191

Read letter from the Sessions Judge of Calicut dated the 16th Ultimo transmitting copy of the Cochin Calendar No. 1 of 1863 and translation of the Original Sentence.-

Here enter J. No. 1874 of 1863

No. 1

The 1st 2d and 3d Prisoners in this case are charged with having on the

4th December 1843.

the night of the 21st of last September, in conjunction with certain others, (not apprehended) gone to the house of 1st Prosecutor's elder brother with lighted torches and weapons and, after ill-treating the 2nd Prosecutor and others, broken open the door and entered the house, robbing property consisting of clothes and money to the value of 600 and odd rupees. the 4th and 5th Prisoners are further charged with receiving the property knowing it to be stolen.—

2. The Mahomedan Law Officer convicted the 1st and 2nd Prisoners on their own confessions the 3rd and 5th he declared not altogether free from Johmuk, the former of having aided and abetted the robbers, and the latter of having retained a portion of the plundered Articles, acquitting the 4th Prisoner on the ground of the Prosecutor having admitted the cloth found on a tree in his garden not to form a part of the stolen property.

3. Approving of this Futwa the Sessions Judge discharged the 4th Prisoner and

4th December 1843.

and demanded personal security from the 3rd and 5th, but, being of opinion that the prescribed punishment was too severe, recommends with respect to the 1st and 2nd Prisoners a mitigated sentence of 7 years imprisonment for the former and 10 years imprisonment for the latter.

4. The Sessions Judge grounds his recommendation for mitigation on the absence of any particularly aggravating circumstances, a view in which the Courts of Zeyalance Adalut are unable to concur, as the amount of property stolen, and the peculiar nature of the robbery, seem to demand the full rigour of the Law.—

Ordered that Extract of these proceedings be sent to the Sessions Judge of Calicut, for his information.

(Sentence No. 1192)

Read Miscellaneous Petitions presented on 13th Ultimo by Lutchmy Ummal

of

of Chittoor complaining of the Sentence passed upon her Son Ponnyasawmy Moodelly, Prisoner in Case No. 9 of the Chittoor Calendar for the 1st Quarterly Sessions of 1843, and praying its reversal.

/Here enter Ft. M. P. No. 91 of 1843/

The Sentence complained of was passed by the late 1st Judge of Circuit in the Centre Division for the Crime of Forgery, and as the Court of Foujdaree Adaulut See no reason to impugn the correctness of the Sentence they refer the applicant to their previous order of 1st of last June, and dismiss the Petition

Ordered that Extract of these proceedings be granted to the Petitioner on his application.

Read the Criminal Reports for the Month of October last received from the Principal Sudr Ameen of Tinnevelly

/Here enter Ft. No. 1848 of 1843/

In

Report No. V
Case No. 7.

In a case in which the false charge preferred before the Police authorities was of so aggravated and serious a nature as that for which the Prisoner in this case has been brought to trial under the provisions of Regulation IX of 1832, the Court of Foujdaree Adaulut are of opinion that the accused party should have been sentenced to undergo the full period of imprisonment awardable under that enactment.

2. The infliction of severe punishment is more particularly necessary in such cases in the District of Tinnevelly where false accusations of the above class are, it is to be regretted, of frequent occurrence.

3. It is resolved in order that the Principal Sudr Ameen may fully appreciate the importance attached to the suppression of the offence

4th December 1843.

offence punishable under Regulation IX of 1832,
to forward for his information and future
guidance a transcript of para 61 of the Extract
from the Minutes of Consultation dated 27th
July 1843. by the opinions expressed in which
his proceedings should in all instances be
henceforth guided.—

Ordered that Extract from these
proceedings be sent to the Principal Sudr
Ameen of Tinnevelly for his information
and guidance.—

/Sudr in No. 1193/

Read the Criminal Report
submitted by the Principal Sudr Ameen of
Nellore for the month of October 1843.—

/Here enter Dkt. No. 1785 of 1843/

Report No. 1
Cases No. 8

The Sentence which has been
passed by the Principal Sudr Ameen in
this Case, under the provisions of Clause 2nd
Section II Regulation VI of 1822, to the extent

of

No.
4th December 1843.

of only Six months imprisonment, should
have been in excess of that period with
reference to the Foujdaree Adalut Circular
Order No. 139, which on all future occasions
should be strictly conformed to.—

Case 9

2. The trial of Case No. 9 is
reported to have been closed by the Sudr
Ameen on the 27th October but was not finally
disposed of by that officer during the remaining
four days of the month, owing to "his time
having been occupied in trying some other
cases."

3. The Court of Foujdaree Adalut
are not satisfied that the above excuse is
sufficient for the delay which has occurred
in passing Sentence and desire that their
sentiments be communicated to the Moosfty
Sudr Ameen who should on all occasions
declare the Sentence in a case as
soon as possible after the closing of
proceedings and without allowing other
investigations

4th December 1843.

investigations conducted by himself, to enable him with that important part of this duties.

Ordered that Extract from these proceedings be forwarded to the Principal Sudder Ameen of Nellore for his information; and for communication to the Sudder Ameen.

/ Sentence No. 1194 /

Read letter dated the 16th November 1843 from the Acting Magistrate of North Arcot, informing that during the month of October last the Magistracy of the District did not exercise the powers invested in them by Section XIV of Act No. VIII of 1843.

Here enter Ct. No. 1832 of 1843.

Read letter dated the 10th November 1843, from the Special Commissioner in the Northern Division, stating that the information required by the Honorable Court in the matter of Shaik Sundaul was furnished in his return of the 6th Ultimo to their proceedings of the 28th August last.

Here enter Ct. No. 1834 of 1843.

Ent'd

No. 16.

Tuesday, 5th December 1843.

At a Court of the Honorable Adalut.

Present.

Hd. Malcolm Lewin Esquire —— 1st Puisne Judge.

A.M. Alexander Maclean Esquire —— 2d Puisne Judge.

Fred: Mortimer Lewin Esquire 3d Puisne Judge.

Read again letter dated the 6th September last from the late 3d Judge of the late Northern Provincial Court requesting instructions as to how he should act with regard to the Jail Establishment at Vizagapatam.

(Here enter No. 1446.)

Read also Extract from the Minutes of Consultation dated the 26th October last, No. 629, granting Special Sanction for the transfer of the Jailor and his subordinates who now form the permanent establishment of the Jail at Vizagapatam, to Chicacole, and for constituting the Jail at Chicacole the central and general Jail of the District and requesting the Court to issue orders for the detention of the Convicts now employed at Vizagapatam upon the Public Works under construction there until

until completed.-

(Here enter No. 1858.)

Read also return dated the 4th Ultimo from the Principal Sudr Ameen of Vizagapatam to the precept of the Foujdary Adalut of the 6th Ultimo directing the late Acting Principal Sudr Ameen of Vizagapatam to report in detail what number of convicts are now employed under the orders of the Military authorities or those of the Civil Engineer of the Division on works of a public nature in and about the town of Vizagapatam.-

(Here enter No. 1863.)

1. As it appears from the return of the Principal Sudr Ameen that 84 of the 131 Convicts in the Jail at Vizagapatam are at present employed by the Military authorities at that station upon public works for the completion of which their detention at Vizagapatam has been ordered in the foregoing Extract from the Minutes of Consultation, the Court of Foujdary Adalut resolved to intimate to the Sessions Judge of Chicacole and the Principal Sudr Ameen of Vizagapatam respectively that the transportation of the Jail Establishment to Chicacole which has been sanctioned by the Government under date 21st October last needs not be carried into effect until the public works in question have been brought to a close.-

2. Whenever the authorized transfer may, under the above contingency, be effected the Principal Sudr Ameen of Vizagapatam will submit the report adverted to in para: 5. of this Court's proceedings of the 5th October last.-

Ordered that Extract from these proceedings and of the Court's proceedings dated the 5th October last together with transcript of Extract from the Minutes of Consultation dated the subsequent 24th be forwarded to the Sessions Judge of Chicacole and Principal Sudr Ameen of Vizagapatam for their information and guidance.-

(Sent in No. 11967.)

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Wednesday
6th December 1843.

At a Court of the Penjdary Wadalut.

Present.

Malcolm Lewin Esquire — 1st Puisne Judge
Alexander Maclean Esquire — 2d Puisne Judge
Fred. Mortimer Lewin Esquire — 3d Puisne Judge

Read letter dated 20th Ultimo from the Acting Subordinate Judge of Cuttack requesting sanction for the construction of a separate cell for female prisoners, and for additional allowance of 1/4 seer of rice to able bodied convicts.

(Vide infra P.C. 4th 1844.)

The Court of Penjdary Wadalut

1. see no necessity for a separate cell and must accordingly withhold their sanction from the Acting Judge's request; and, as the quantum of food should be regulated by what is absolutely necessary, the Assistant Surgeon, when he considers there is a deficiency should recommend an increase.

2. The many allowances alluded to in the Subordinate Judge's letter being opposed to

5th December 1843.

to Circular Order of 25th January 1830, the Court desire that it may be immediately discontinued.-

Ordered that Extract of these proceedings be sent to the acting Subordinate Judge of Calicut by precipt returnable in 5 days from and after its receipt.-

(Sent following precipt No. 1199.)

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Ft 26.

Thursday 7th December 1843.

At a Court of the Zoujdary Adalut.-

Present.

Mr. Malcolm Lewin Esquire — 1st Puisne Judge
Mr. Alexander Maclean Esquire — 2d Puisne Judge
Fred: Mortimer Lewin Esquire 3d Puisne Judge

Read letter dated the 11th Ultimo from the Special Commissioner in the Southern Division soliciting instructions whether he possesses authority to dispose of two cases called up from the late Criminal Courts by the late Collective Court of Circuit and four other cases called up from the Magistracy by Mr. Neave, recently acting 3d Judge on Circuit in the Southern Division and which are still amongst the arrears of the late Provincial Court.-

(Here enter No. 1798 of 1843.)

Under Act VIII of 1843 the Special Commissioner is clearly incompetent to pass orders in the cases referred to in the foregoing communication. They should accordingly be transferred to the Judges of

of the Sessions Courts established in the Districts from which the records have been received, with a view to the necessary orders being now issued by these functionaries.-

2. If, however, in the instances of the two cases called up from the late Criminal Courts, it appears that the functionary at present presiding over the Sessions Court to which they belong is the Officer whose proceedings are now to be reviewed, the records should be forwarded for disposal to the Court of Foujdary Adalut.-

Ordered that Extract from these proceedings be sent to the Special Commissioner in the Southern Division for his information.-

(Sent in No. 1200.)

Read letter dated the 28th Ultimo from the Acting Sessions Judge of Chittoor transmitting copy of the Calendar No. 10 of 1843 together with the translation of the Tuluvah.-

(Here enter F.H. No. 1895.)

Case No. 10.

The Court of Foujdary Adalut are of opinion, after a careful review of the record in

7th December 1843.-

in this case, that the evidence against the 3d Prisoner was sufficient to convict him of guilty knowledge in receiving the stolen property and that his release was accordingly improper.-

Ordered that Extract of these proceedings be sent to the Acting Sessions Judge of Chittoor for his information and future guidance.-

(Sent in No. 1201.)

Read letter dated the 24th Ultimo from the Acting Subordinate Judge of Salem, requesting authority to convert the 69 chains now in use in the Jail under his charge into chains of the weight uniformly of 6 3/4 Rupees on the ground that those with which the Convicts at Salem are secured, are inconveniently and useleslely heavy.-

(Here enter No. 1896.)

Before passing orders on the above communication the Court of Foujdary Adalut desire to be furnished with a specimen of the Chains weighing 6 3/4 Rupees the

adoption

7th December 1843.

adoption of which Mr Story has recommended and request he will arrange for its transmission.

Ordered, that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Salem for his information.

(Sent in No 1202)

No return having been received from the Magistrate of Nellore to the precept of this Court dated the 18th October last, requesting him to submit a statement of the causes to which he considers the increase in the number of heinous crimes committed in 841 and 42 may be attributed.

Ordered, that the Magistrate of Nellore be required to make a reply to the precept aforesaid without further delay.

(Sent in No 1203.)

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No 26.

Friday, 8th December 1843.

At a Court of the Foujdary Adawlut.

Present:

Mr. Malcolm Lewin Esquire 1st Puisne Judge.
Mr. Alexander Maclean Esquire 2d Puisne Judge.
Fred: Mortimer Lewin Esqre 3d Puisne Judge.

Read the Criminal Reports for the month of October 1843 received from the Subordinate Judge of Chittoor.

(Hereunder No 1207.)

Report No V Case 15.

1. In this case wherein four Prisoners were charged with affrayt causing death, the Subordinate Judge by whom the trial was transferred to the Court of the Sessions Judge, has expressed his doubts whether the Prisoners were really guilty of the offence with which they were accused, but says that he has "no choice left but to commit them to stand their trial" before the higher authority:-

2. Adverting to the Circulars instructions of this Court dated 15th Ultimo, it was competent to the Subordinate Judge to

to remove any doubts he may have had by making previous to ordering commitment, any investigation he may have deemed calculated to remove them - and that course should now be pursued, unless the Sessions Judge has already entered upon the trial of the case.

Case 18. 3. The charge brought before the Subordinate Judge in Case 18 appears to have been the fraudulent appropriation to his own purposes of the proceeds of a horse which the Prisoner had been commissioned to sell.

4. The proceedings of the acting Joint Magistrate as they appear from the Calendar are considered by the Sudr Adalut to be wholly irregular - inasmuch as regards the transmission of the Prisoner to the criminal Court and the measures which that Officer previously adopted for securing the restoration of the horse which the Prisoner had sold.

5. It is therefore resolved to call upon the Sessions Judge to look into the case and submit for the information of this Court a report of the circumstances under which the acting Joint Magistrate has acted, with any explanation that Officer may wish to

to furnish.

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

Sent in Pro. 1204.

Ordered also, that Extract from these proceedings (paras 3. to 5.) be forwarded to the acting Sessions Judge of Chittoor by precept returnable without delay.

(Sent following Precept Pro 1205)

Read Criminal Reports submitted by the Principal Sudr Ameen of Cuddalore for the month of October last.

(Here enter F.R. No. 1885 of 1843.)

Report No. V. Case No. 11. 1. The Court of Sunjdary Adalut resolve to call upon the Magistrate of South Arcot to report for their information the measures which have been adopted by him in the case of the Ryot, whose conduct in unnecessarily detaining the Prisoner in this case for upwards of a month, is stated to have been duly represented by the Principal Sudr Ameen.

Case No. 12. 2. The gross illtreatment to which the Prisoners in this case appear to have been subjected

subjected and the many irregularities observable in the preliminary proceedings, call for the severe animadversion of the Foujdary Udalut. The Court resolve to require the Sessions Judge of Cuddalore to make the necessary enquiries and take such steps as may appear necessary with a view to bring the Prosecutor and the other parties concerned to justice, reporting the result for the information of the Foujdary Udalut.-

Ordered, that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Cuddalore with directions to communicate copies thereof to the Magistrate for his information and guidance.-

(Sent in No)

Ordered also, that Extract from these proceedings (para 2.) be forwarded to the Acting Sessions Judge of Cuddalore by precept returnable without delay.-

(Sent following precept &c)

Read letter under date the 28th Ultimo from the Acting Sessions Judge of Cuddalore, submitting for final orders the

Proceedings

F. H.

8th December 1843.-

Proceedings in Case No 7 of the Calendar for 1843.-

(Prisoner F. H. No 1913 of 1843.)

1. The Prisoner denies the charge of having in conjunction with the Prisoners in Case No 26 of the Calendar for the 1st Sessions of 1843 beat the Prosecutors and robbed them of sundry articles to the value of Pr. 94-6-3.

2. The Mahomedan Law Officer in consideration of certain objections to the evidence holds the Prisoner entitled to his release. The Acting Sessions Judge differs in opinion and accordingly requests the instructions of the Foujdary Udalut.-

3. The Court of Foujdary Udalut observe that as it does not clearly appear whether the Law Officer discredits the testimony or not, it seems requisite, before passing a decision, that the following question should be put to him, Viz., "If the evidence in the case were free from technical exception under the Mahomedan Law, would the crime be substantiated against the Prisoner?"

Ordered

8th December 1843.

Read letter dated the 29th Ultimo from the Sessions Judge of Coimbatore forwarding the Calendar in Case No. 52 with the remarks of the Sessions Judge -

(Here enter No. 1927.)

Read letter dated the 30th Ultimo from the Sessions Judge of Coimbatore, reporting the execution of the Sentence of death on Ighasamy Prisoner in Case No. 4 of 1843 -

(Here enter No. 1928.)

Read letter dated the 30th Ultimo from the Sessions Judge of Salem submitting the report of a case disposed of by him under Section XXX Act VII of 1843 together with the Futwa of the Law Officer -

(Here enter No. 1933.)

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J. 26.

Saturday 9th December 1843.

At a Court of the Temporary Adalut -

Present -

Malcolm Lewin Esquire —— 1st Puisne Judge -

Alexander Maclean Esquire —— 2d Puisne Judge -

Fred. Mortimer Lewin Esquire —— 3d Puisne Judge -

Read letter dated the 15th Ultimo from the Acting Subordinate Judge of Cuddapah forwarding the Criminal Reports for the Month of October 1843 -

(Here enter No. 1821.)

Case No. 170 — 1. The Regulation under which punishment is awarded and not the Circular Order is required to be quoted, and as the parties attacked and injured do not appear to have been examined, the Court of Temporary Adalut direct the Sessions Judge to look into the case and revise any irregularity which he may discovers in the proceedings, reporting the result of his inquiry for the information of this Court -

Case No. 192 — 2. In cases of Housebreaking and robbery of property exceeding in value 100 Rupees the

the Law requires that the Prisoner should be committed and, as in the present instance the Acting Subordinate Judge has omitted to observe this rule, the Sunjdary Udalut direct the Sessions Judge to look into and revise the proceedings reporting the result of his enquiry for the information of this Court.

Case 193. 3. The Court of Sunjdary Udalut see reason to doubt the correctness of the sentence demanding security in this case, and direct the Sessions Judge to look into it and pass the requisite orders reporting his proceedings for the information of this Court.

Case No. 197. 4. The Court of Sunjdary Udalut do not consider the reasons assigned by the Police Officer as satisfactory grounds for the delay observable in this case, and they direct that he may be informed that he has not shewn sufficient cause for making a reference to the Magistrate.

Case No. 199. 5. The charge in this case being for Housebreaking the Regulation quoted by the Sudr Bench is inapplicable.

Case No. 200. 6. As laid down in Circular Order

of the 13th July 1829 the crime of escape ought to be punished separately and not as in the present case conjointly with the robbery. But, the Court of Sunjdary Udalut having invariably ruled that the Regulations do not under the term "guard" contemplate "Village Police" are of opinion that the Prisoner is not liable to punishment for effecting his escape from the custody of the latter. they accordingly direct the Acting Sessions Judge to look into this case, revise what may appear erroneous in the sentence, and report the result of his proceedings for the information of this Court.

Ordered, that Extract from these proceedings (paras 1. 2. 3. and 6.) be sent to the Acting Sessions Judge of Cuddapah by precept returnable without delay.

(Sent following precept No. 1210.)

Ordered also, that Extract from these proceedings be sent to the Acting Subordinate Judge of Cuddapah for his information and future guidance.

(Sent in No. 1211.)

Read letter dated the 2nd Instant from

9th December 1843.

From the Sessions Judge of Mangalore, forwarding copies of the Calendar and Finding in Case No. 17 of 1843 before the Sessions Court with his remarks thereon.

(Here enter P.R. No. 1919.)

1. The Sessions Judge concurs with the Law Officer in the conviction of the Prisoner charged in the above case with having, in the company of others, gone to the residence of the Prosecutor with torches, clubs &c., with the intention of plundering it, committed a severe assault upon the Prosecutor and the 1st, 2d, and 3d Witnesses, and stabbed and wounded the 1st Witness with a knife; but recommends a mitigation of the sentence to which the accused is legally liable, in consequence of the robbery having been committed.

2. The Sudder Adawlut do not consider the circumstance assigned in support of the minor sentence of nine years imprisonment which the Sessions Judge proposes, to be sufficient to justify any leniency on their part and do not sanction any other than the full period awardable under the Regulations.

Ordered

P.R.

9th December 1843.

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

(Sent in No. 1712.)

Read letter dated the 18th Ultimo from the acting Sessions Judge of Canara submitting copy of the Calendar of Cases No. 7 and 8 of 1843.

(Here enter P.R. No. 1891.)

The above Calendar not requiring any remark from the Court of Sudder Adawlut

Ordered, that Extract from these proceedings be forwarded to the acting Sessions Judge of Canara for his information.

(Sent in No. 1713.)

Read letter dated the 30th October last, from the acting Sessions Judge of Rajahmundry forwarding for the final decision of the Sudder Adawlut, the record of proceedings in Case No. 2, on the Calendar of the Sessions Court at Rajahmundry for 1843.

(Here enter No. 1941.)

Read return dated the 28th Ultimo from the

9th December 1843.

the Sessions Judge of Rajahmundry, to the proceedings of the Foujdary Adalut of the 20th Ultimo returning the Record of proceedings in Case No 2 on the Criminal file for the purpose of rectifying the omission to recommend what sentence should be passed on the prisoner.-

(Presenter No 1926.)

The Court of Foujdary Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner Moorah Razagadee is sufficient to convict him of the crime of culpable Homicide, for which the penalty of Deyut is awardable under the Mahomedan Law as declared in fatwas of their Law Officers, do convict him thereof; and under the provisions of Clause Second Section XX Regulation XII of 1802 do sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of four years.-

(But following letter No 1214.)

Mr A. Maclean and Mr F. M. Lewin.

Entd

No 76.

Monday, 11th December 1843.

At a Court of the Foujdary Adalut.

Present.

Malcolm Lewin Esquire — Offg 1st Puisne Judge.
Alexander Maclean Esquire — Offg 2d Puisne Judge.
Fred: Mortimer Lewin Esquire — Offg 3d Puisne Judge.

Read communication dated 2d Ultimo from the late 2nd Judge of the Provincial Court of Circuit in the Centre Division transmitting the translated record of the Trial in Case No 14 on the Cuddalore Calendar for the 1st Sessions of 1843.-

(Presenter No 1903.)

Read again Miscellaneous Petition presented on the 4th October last by Imyammay of Cuddalore.-

(Record enter No. D. No 977 of 1843.)

1. The Petitioner asserting that his son Pauly Ramasawmy Prisoner in the above case, has been convicted on the testimony of witnesses alleged by Petitioner to have been subborned, prays the Court of Foujdary Adalut to call for and peruse the entire record of the trial connected with the case and to direct his

Release

December 1843.

release.

2. On perusal and consideration of the record of the trial in question the Court of Sunjeary Udalut are of opinion that the crime charged against the Prisoner Pauly Ramasawmy has been clearly proved and accordingly direct that this Petition be dismissed.

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

Read Miscellaneous Petition presented on the 13th Ultimo by Mooneyuttal of Zillah Chittoor.

(Here enter M. P. No 89 of 1843.)

1. The Petitioner, wife of a convict named Kishnuppa Moodly, prays the Sunjeary Udalut in consideration of her husband having on two occasions given information to the authorities regarding the contemplated escape of certain prisoners at work on the Great Western Road and near Chittoor to enquire into the circumstances and as a reward for his services to sanction a mitigation of the sentence of 14 years imprisonment passed on him.

The

11th December 1843.

The Petitioner also prays the Court

2 to direct that her husband be relieved from hard work, in consequence of a severe wound on his hand, and that the full allowance of subsistence may be granted to him.

3. The Court of Sunjeary Udalut resolve to call upon the Subordinate Judge of Chittoor to ascertain and report the truth or otherwise of the Petitioner's several allegations and in the event of their proving correct to state whether the said Kishnuppa Moodly's services of the nature represented, have been suitably rewarded.

Ordered that Extract from these proceedings be forwarded to the Subordinate Judge of Chittoor by precept returnable in 15 days from and after its receipt.

(Sent following precept No 1716.)

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

Read Miscellaneous Petition presented on 20th November 1843. by Ramasawmy alias Vysavoo Vunniyen and Chinnamma the Curnaum of the Zillah of Cumbaconum, &c.

Proceedings

4th December 1843.

Prosecutors in a Criminal charge before that Court praying that a copy of Petition No 47 of 1843 presented to this Court by the 1st Prisoner may be granted to them.-

(Vide letter No 92 of 1843.)

The Court of Fouzdary Udalut see no reason for granting the prayer of this Petition which they accordingly dismiss.-

Ordered that Extract of these proceedings be granted to Petitioners on application.-

Read Miscellaneous Petition presented on the 29th Ultimo by Gungiah Naicken and 4 others.-

(Vide enter M. P. No 95 of 1843.)

1. The Petitioners, prisoners in Case No 2 on the Tinnevelly Calendar for the 4th Sessions of 1843, set forth that the charge of assault, preferred against them in that case, was false, and the result of enmity and collusion, that the evidence was suborned, and that the 1st Petitioner was elsewhere on the alleged date of the assault. They therefore pray the Fouzdary Udalut to order their release from imprisonment.-

The

4th December 1843.

2. The original indictment against the Petitioners was for assault and robbery but the facts proved against them not amounting to robbery they were punished only for the assault. Their conviction on this count, appears to the Court to be perfectly correct, and in accordance with the evidence adduced.-

3. This Petition is therefore dismissed.

Ordered accordingly- and that Extract from these proceedings be granted to Petitioners on application.-

Read letter dated the 29th Ultimo from the Sessions Judge of Salem, submitting the report of a case disposed of under Section XXX Act VII of 1843.-

(Vide enter F.H. No 1925.)

It is observed that in laying before the Court of Fouzdary Udalut with the above report, a copy of the original Futwa delivered by the Law Officer, the Sessions Judge has failed to conform to the exigency of Fouzdary Udalut Circular Order No 158 directing the submission only of Translations of Futwas in all cases not referible to

their

their Court.-

Ordered that Extract from these proceedings be forwardid to the Sessions Judge of Salem for his information and future guidance.-

(Put in No 1217.)

Read letter dated the 25th Ultimo from the Acting Sessions Judge of Honore submitting the Calendar of Case No 2 of 1843 tried before the Sessions Court at that Station.-

(Here enter No 1934.)

1. The Prisoner in the above case was charged with having cut his wife the Prosecutrix on her forhead, face and left hand with a billhook and thereby caused severe wounds.-

2. On a consideration of the nature and extent of the assault as it appears from the Apothecarys description of the wounds inflicted on the Prosecutrix, the Court of Foujdary Adalut are induced to believe that the sentence of imprisonment for five years which has been passed by the Acting Sessions

Judge

Judge, is unduly severe.-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Honore for his information.-

(Put in No 1218.)

Read Criminal Reports received from the Acting Subordinate Judge of Salem for the month of October last.-

(Here enter F. H. No 1867 of 1843.)

Supplemental report 1. Case No 113.- The Prisoner in this case having been convicted in the Court of the Moofty Sudr Ameen of having preferred a false complaint before the Police, accusing certain parties of Highway robbery, the sentence of one months imprisonment which has been passed by the Moofty is not, in the opinion of the Foujdary Adalut, a sufficient punishment for a false charge of so serious a nature.

Cases Nos 3 and 7.- 2. The sentences declared by the Subordinate Judge in these cases, they for the offence of escape from Jail, should at once have been recorded, against the Prisoner as it will be in addition to and independent of the punishment

which

which may be adjusted for the other offence for which he has been committed for trial by the Sessions Court.-

Report 4th V
Case No. 10.-

3. The Prisoner in this case appears to have been apprehended on the 20th September, and, from the explanation appended, was not produced until the 23d before the Police authorities.-

4. The Court desire to be informed of the circumstances which led to the delay above shewn and which the Acting Magistrate of Salem should be called upon to furnish.-

Ordered that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Salem for his information and guidance and for communication of paras: 3. and 4. to the Acting Magistrate.-

(Sent in No. 1219.)

Read letter dated the 29th Ultimo from the Acting Sessions Judge of Chittoor transmitting the Calendar of Cases No. 12 of 1843 before the Sessions Court at that Station.-

(Here enter No. 1920.)

1. In the above case the first 5 Prisoners were charged with having broke in

in the wall of the Prosecutor's house and stolen therefrom gold and silver jewels, house hold utensils &c. valued at Rupees 219-5/- the 6th and 9th Prisoners with being accessaries after the act.-

2. Adverting to the doubts expressed by the Acting Sessions Judge whether the offence charged was ever committed at all, the Court of Foujdary Adalut are surprized to observe that ultimately Mr. Lavie sentenced one of the individuals accused, to imprisonment for a period of 7 years and to suffer corporal punishment to the extent of 100 lashes.-

3. Adverting further to the remarks of the Acting Sessions Judge which shew that in his opinion the private revengeful feelings of the Prosecutor have been mixed up in the prosecution of the parties brought to trial, the Court of Foujdary Adalut are of opinion that the ends of justice require that the record of the case should be laid before them and direct accordingly; the sentence passed being meanwhile suspended.-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions

Tuesday
12th December 1833.

At a Court of the Foujdary Udalut.

Present:

A. M. Alexander Maclean Esquire — At 2nd Puisne Judge.
Fredk. Mortimer Lewin Esquire — At 3rd Puisne Judge.

Read communication dated the 10th Ultimo from the acting Sessions Judge of Bhoorey requesting instructions, with reference to para 8 of the Extract from the proceedings of the Foujdary Udalut dated 2d August last whether the Calendars therein alluded to are to be prepared from the proceedings received from Police Officers, or on the evidence taken before the Sessions Court.

(Here enter F. N. No 1833.)

The submission of a Calendar exhibiting the purport of the evidence adduced against Prisoners previous to their being brought for trial before the Session Court, is considered indispensable in every case coming under the revision of the Foujdary Udalut, and the Court are of opinion that the interests of justice will best be consulted by directing

12th December 1843.-

directing, in explanation of the orders quoted by the Acting Sessions Judge, that the Calendars forwarded from the Courts of Session Judges constituted under Section XLV Act VIII of 1843 be prepared either on the testimony recorded before the Magistracy or the Police authorities as the case may be- the other particulars being entered under the usual headings, mutatis mutandis.-

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions judges of Honore, Tellicherry and Chicacole for their information.-

(Sent in No. 7223/4/57)-

F. 16.

Wednesday 13th December 1843.

At a Court of the Sudary Adalut.-

Present-

The Hon. Alexander Maclean Esquire — Acting 2d Puisne judge.
Fred: Mortimer Lewin Esquire. Acting 3d Puisne judge.

Read letter dated the 30th October last from the Acting Sessions Judge of Rajahmundry, submitting for the final decision of the Sudary Adalut the record of proceedings in Case No. 3 on the Calendar of the Session Court at Rajahmundry for 1843.-

(Here enter No. 1742 of 1843.)

The Court of Sudary Adalut

Mr. A. Maclean.
and
Mr. F.M. Lewin.

on a deliberate consideration of all the circumstances of the case in tendered before them, being of opinion that the proof against the prisoner

Vauseereddy Pauperdoo.

is sufficient to convict him of the crime of murder, do convict him thereof, but, being of opinion under the circumstances of the case, that

that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802, would in this instance, be too severe, the Court, under the provisions of Clause third Section III Regulation I of 1825, do 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 ten years.-

(Sent following letter No 7226.)

Read letter dated the 6th Instant from the Magistrate of Tricklinopoly, stating that he did not during the month of November exercise the power vested in him by Section LIV Act VII of 1843.-

(Here enter No 1946.)

Read return dated the 1st Instant from the Acting Magistrate of Tanjore, to the precept of the Foujdary Adalut dated 25th Ultimo, pointing out that a brief abstract of the testimony adduced against parties punished should be submitted in the appropriate column of the Criminal Report and requesting him to supply the requisite information for

October

October 1843.-

(Here enter No 1947.)

Read letter dated the 29th Ultimo from the Session Judge of Mangalore transmitting a Warrant issued by him for execution of the sentence of death passed by the Court of Foujdary Adalut on Chennuppa prisoner in Case No 7 of 1843 on the Calendar of the Subordinate Judge, and copy of a Report made by the latter officer according to the Circular Orders 3d May and 20th September 1830.-

(Here enter No 1953.)

Read letter dated the 5th Instant from the Session Judge of Mangalore, submitting copy of the Calendar in Case No 18 of 1843 received from the Subordinate Judge.-

(Here enter No 1956.)

Read letter dated the 1st Instant from the Acting Session Judge of Honore, submitting the Calendar of Case No VII committed for trial by the late Acting Principal Sudr Ameen of Honore and tried by the Sessions Court, with remarks thereon, the translation of the original Futwah and the Statement of Batta paid to

&c.

the Witnesses.-

(Here enter No. 1958.)

Read letter dated the 7th Instant from the Acting Subordinate Judge of Combaconum, informing particulars of the evidence of 5 additional witnesses with reference to the Case No. 5 on the Combaconum Calendar for October 1843 now under reference.-

(Here enter No. 1959.)

Read letter dated the 8th Instant from the Acting Magistrate of Salem, stating that the powers vested by Section 1. IV. Act VII of 1843, was not exercised by the Magistracy of that District in the Month of November 1843.-

(Here enter No. 1968.)

Read Statements dated the 30th ultimo from the Session Judge of Coimbatore, of the labor of Convicts in the Jail at that Station and Cotacamund for the Month of November 1843.-

(Here enter No. 1971.)

RDM
Aper.

4 Stamps

Thursday, 14th December 1843.-

At a Court of the Foujdary Adalut-

Present-

A.M Alexander Maclean Esquire — Acting 1st Puisne Judge.
Fred: Mortimer Lewin Esquire — Acting 2d Puisne Judge.

Read communication dated the 2d Instant from the Subordinate Judge of Mangalore forwarding copy of the charge and Sentence in Case No. 26 on the Criminal file of his Court, the latter having been erroneously passed under the provisions of Clause ninth Section VI Regulation I of 1829, instead of Clause sixth Section IV of that Regulation and requesting the Sanction of the Foujdary Adalut for its Revision in accordance with the latter enactment.

(Here enter No. 1954.)

1. The Court of Foujdary Adalut authorize the amendment of the Sentence in the mode proposed by the Subordinate Judge.

2. That Officer's attention is at the same time requested to Section VII Regulation I of 1802 which indicates the manner in which references to a Regulation should be made

"to be old offenders" he has sentenced to receive 3 dozen stripes each under Section VIII Regulation X of 1816.-

2. The attention of the Principal Sudr Ameen is drawn to the Circular Orders of the Foujdary Adalut now in force on the subject of the infliction of corporal punishment, from which he will observe that, as a general rule it has been deemed advisable to prohibit the immediate execution of sentences awarding stripes, even where an offence charged has been judicially established against parties accused and it has frequently been ruled by this Court, that stripes shall not be inflicted previous to the expiration of a period of two months after date of sentence in the Criminal Courts.- By the latter rule, the Principal Sudr Ameen on all future occasions should be guided, it being understood that it is only under circumstances which appear to render the incarceration of a Prisoner for a period less than two months inadvisable, that the Foujdary Adalut admit the necessity of castigation, before they have had an opportunity of judging, from the monthly reports, of the propriety of the

J.H.

14th December 1843.

the grounds on which it has been adjudged.-

3. In the present instance, the Principal Sudr Ameen's sentence of corporal punishment is shown to be partially founded on a report submitted by a Police Ameen declaring the 1st and 2d Prisoners to be "old offenders."-

4. The Principal Sudr Ameen is informed that in his capacity of Criminal Judge he should be guided solely by the evidence forthcoming in the Court over which he presides and that he cannot consistently with his present duties, allow written statements received from subordinate officers employed under the Magistracy of the District, to influence his mind in passing sentence, unless such statements be supported by legal testimony.-

5. The Principal Sudr Ameen should further have shown the nature of the charge, whether trivial or otherwise, which he deemed to be proved against the 1st and 2d Prisoners and with reference to the Foujdary Adalut Circular Order dated the 4th July 1826, should have modified the charge as it appeared in the Police Record, according to the circumstances actually

actually elicited by the investigation held in his own Court.-

6. With reference to the above observations the Foujdary Adalut resolve to direct that the Session Judge of Calicut do call the proceedings held in the case in question and pass such further orders as he may deem necessary.-

Ordered that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Cochin for his information and guidance.-

(Sent in No. 1232)

Ordered also that Extract from these proceedings be sent to the Session Judge of Calicut for his information and guidance by precept returnable without delay.-

(Sent following precept No. 1233)

Read letter dated the 26th October last from the Session Judge of Calicut submitting for determination by the Foujdary Adalut, a question propounded by the late Principal Subordinate Judge at that Station; "whether "under Section XXIX Act VII. of 1843. it is compe-"tent to him to release persons charged with offences

"offences committable to the Sessions Court, "upon the Calendar depositions duly confirmed "on oath, when the charges may not appear "proved, or whether in such cases it is necessary "to take fresh depositions".-

(Here enter No. 1703.-)

The Court of Foujdary Adalut concur in the opinion expressed by the Session Judge that where the proof against any of the Prisoners, is so defective, as to warrant their release, the abovementioned Section empowers "a Subordinate Judge, or Principal Sudr Ameen, to discharge them in the manner proposed"; but that a committing authority" can neither punish" nor "hold them to security without thoroughly "sifting the evidence and allowing them to "cite witnesses in their defence".-

Ordered that Extract from these proceedings be forwarded to the Session Judge of Calicut for his information.-

(Sent in No. 1234) /s

DDY

Reg

Cl Thotts

P 16

Saturday 16th December 1843.

At a Court of the Tonjdaree Udalut.

Present

Alexr. Maclean Esqre. Agt. 2d Puisne Judge

P. M. Levien Esqre. Agt. 3d Puisne Judge

Read letter dated the 2nd December 1843 from the Session Judge of Coimbatore forwarding for the final sentence of the Tonjdaree Udalut the Record of the trial in Case No. 5 on the Calendar of the Sessions Court at that Station for 1843.

(Here enter P 16 No. 1948)

Mr. A. Maclean and Mr. P. M. Levien

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

"Seerungaul"

is sufficient to convict her of the crime of Murder do convict her thereof; but being of opinion, under the circumstances of this Case, that the punishment

punishment to which the prisoner is liable under the provisions of Section X. Regulation VIII of 1802, would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825, do sentence her to be transported to such place or places beyond Sea, as the Governor in Council shall direct, there to be imprisoned and kept to labor suitable to her sex on the public roads or other public works, for, and, during the period of her natural life.

(Last following) letter No. 1240.

End 7th.

J. Uc

Monday, 18th December, 1843. At a Court of the Sowdaree Udalut.

Present:

J.L. Malcolm Lewin Esqre. Actg. 1st Puisne Judge,

J.M. Alexr. Maclean Esqre. Actg. 2d Puisne Judge,

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

Read letter dated the 2d Instant from the Sessions Judge of Tinnevelly submitting the English translation of the record of the trial in case No. 5 of 1843 before the Sessions Court at that station.-

(Here enter J.C. No. 1950 of 1843)

Mr. A. Maclean and Mr. F. M. Lewin

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

1st Dancobody,

2d Moottoovanisy

and

3d Saunyashany

ex

is sufficient to convict them of assault of an aggravated nature for which, according to the Mahomedan Law, as declared and enforced as of their Law Officers, discretionary punishment is awardable, do convict them thereof, and, with reference to the provisions of Clause third Section VII Regulation XV of 1803, do sentence the prisoners,

1st Damorkody

and

2d Mottoovaisy

to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for, and during the period of two years; and the prisoner,

3d Saunyasharay

to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for, and during the period of six months.-

The Court of Sessions Colombo

see

see no reason to doubt the fact of the three Prisoners having beaten and kicked the deceased, or that he died from the effects of their ill treatment; but, they do not discover any intention of killing him although they think his death must have been occasioned by the kick of the 2d Prisoner.

2. They consider the objections taken by the Law Officers to the evidence of the 1st and 2d witnesses to be unreasonable.-

3. The clandestine burial of the deceased is deemed by the Court to be proved, but the alarm created by the death of the deceased may it is to be inferred, have led to this and is scarcely to be taken in aggravation.-

4. Altogether the Sessions Court think the ends of justice will be attained by passing a sentence of (2)

two

two years imprisonment against the 1st and 2d Prisoners: they would sentence the 3d to /6/ Six months imprisonment as recommended by the Sessions Judge.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Tinnevelly for his information.—

/Sent following letter No. 1242/

Read letter dated the 2d Instant from the Agent to the Governor of Fort St. George at Kurnool, forwarding the Criminal Reports No. 1 and 2 for the Month of November 1843.—

/Here enter F.H. No. 1940 of 1843/

Report No. 2
Case No. 10.

Adverting to the Charge in this Case from which it appears that the amount value of the property stolen is Rupees 402 the Sum in excess of 300 Rupees rendering the Prisoner liable to imprisonment for seven years, the attention of the Government Agent is drawn to Section

F.H.

Section IX Regulation I of 1825 under the provisions of which it was not competent to him to dispose of the trial with reference to the Regulations applicable to Magistrates or Subordinate Judge's Courts, or to proceed otherwise than in the manner indicated by Clause 4th of the Rules framed by Government for his guidance viz: by addressing the Court of Foujdaree Udalut by letter, submitting a Summary of the evidence, a Statement of the grounds for Conviction &c. as pointed out in Clause 5th of the rules in question, and although the Court of Foujdaree Udalut will not now deprive the accused of the benefit of the error which has occurred, they require the Submission of the particulars thus shown to be required to enable them to appreciate the merits of the investigation held by the Agent.—

The Court would further observe

observe that much vacant Space appears in the reports under remark, occasioning a needless expenditure of paper.—

Ordered that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St. George at Kurnool for his information by precept returnable in 10 Days from and after its receipt.—

/Sent following precept No. 1213/

Read again letter dated the 27th October 1843. from the Sessions Judge of Rajahmundry, forwarding the record of the trial in Case No. 5 on the Calendar of the Sessions Court at Rajahmundry for 1843.—

/Here enter F. H. No. 1826 of 1843/

Read also letter dated the 4th Instant from the Sessions Judge of Rajahmundry, retransmitting the English translation of the record of the trial in Case No. 5 on the Calendar of the Sessions Court at

at Rajahmundry for 1843 duly amended.—

/Here enter F. H. No. 1962 of 1843/

Mr. A. Maclean
and
Mr. J. M. Lewis

The Court of Sessions

Adjudge on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner,

"Danchapullee Ramoodoo,"

is sufficient to convict him of the Crime of Murder, do convict him thereof, and under the provisions of Section X Regulation VIII of 1802, do Sentence him to Suffer death, by being hanged at the usual time and place of execution.—

/Sent following letter No. 1144/

Read Miscellaneous Petition presented on the 4th Instant by Ramachendriah, Vakeel on behalf of Seroongadi Sowmy and Krishtna Sawmy Woodelly, Prisoners in Case No. 108 of 1843 on the file of the Criminal Court of Chittoor, complaining

observe that much vacant Space appears in the reports under remark, occasioning a needless expenditure of paper.

Ordered that Extract from these proceedings be forwarded to the Agent to the Governor of Fort St George at Kurnool for his information by precept returnable in 10 Days from and after its receipt.

(Sent following precept No 1243)

Read again letter dated the 27th October 1843. from the Sessions Judge of Rajahmundry, forwarding the record of the trial in Case No 5 on the Calendar of the Sessions Court at Rajahmundry for 1843.

(Here enter F. H. No 1826 of 1843)

Read also letter dated the 4th Instant from the Sessions Judge of Rajahmundry, retransmitting the English translation of the record of the trial in Case No 5 on the Calendar of the Sessions Court at

at Rajahmundry for 1843 duly amended.

(Here enter F. H. No 1962 of 1843)

Mr A. Maclean
and
Mr J. M. Lewis

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

"Danchapulle Ramoodoo,"

is sufficient to convict him of the crime of Murder, do convict him thereof, and under the provisions of Section X Regulation VIII of 1802, do sentence him to suffer death, by being hanged at the usual time and place of execution.

(Sent following letter No 1244)

Read Miscellaneous Petition presented on the 4th Instant by P. Ramachendrah, Vakeel on behalf of Veerevengada Sawmy and Krishtna Sawmy Woodelly Prisoners in Case No 108 of 1843 on the file of the Criminal Court of Chittoor,

complaining

18th December 1843

complaining of the sentence passed by the Acting Criminal Judge, and praying that the fine of 100 Rupees imposed upon them by that Officer may be remitted.-

/Here enter F.H. M.P. No. 96 of 1843/

1. From the proceedings recorded in this case it appears, that after the Petitioners had been warned not to sell liquor of any description to the European Troops stationed at Arcot, they disregarded the warning and, without a licence, supplied the Soldiers with wine and beer, and rendered themselves liable to the penalties provided under Clause nine Section VII of Regulation I of 1820.-

2 Under these circumstances the Court of Fouzdaree Adalut consider the Prisoners rendered themselves amenable to the provisions of the Law quoted, and can perceive no grounds for remitting the fine.-

Ordered that this Petition be dismissed, and Copy of these proceedings granted to Petitioners Vakeel on application.-

Read

No.

18th December 1843.

Read again Miscellaneous petition presented on 9th October last by Moothah Padiachy of the Zillah of Combaconum complaining of the sentence passed by the 1st Judge of the Southern Provincial Court late on Circuit upon the Prisoners in Criminal No. 22 of the Calendar for the 1st Session of 1843.-

(Here enter F.H. M.P. No. 80 of 1843)

Read also return dated the 24th Ultimo from the Acting Subordinate Judge in charge of the Session Court of Combaconum to the precept of the Fouzdaree Adalut of November 6th calling for translations of several statements made by the Prosecution and 1st Witness and also of the deposition of 2d Prisoner before the Criminal Judge.

(Here enter F.H. No. 1904 of 1843)

After a careful perusal of the accompanying papers the Court of Fouzdaree Adalut see reason to question the correctness of the sentence inasmuch

as

18th December 1843.

as the evidence for the most part depends on a torch light recognition, and as it is impossible to judge of the guilt of the Prisoners without having that part of the record before them which shows the cause of their apprehension, they resolve to call for the entire record of the case.-

Ordered that Extract of these proceedings be sent to the late 1st Judge of the late Provincial Court in the Southern Division late on Circuit at Combaconum by precipt returnable in 3 days from and after its receipt.-

(Sent following precipt No. 1245)-

End 1st

No. 11.

Tuesday 19th December, 1843.

At a Court of the Foujdaree Adalut.

Present,

A.M. Alex. Maclean Esqre. Act. 2d. Puisne Judge,

F.M. Lewin Esqre. Act. 3d. Puisne Judge,

Read letter dated the 1st inst. from the Session Judge of Mangalore submitting the Calendar of Case No. 8 of 1843 received from the Subordinate Court at that Station.-

(Here enter F.M. No. 1957 of 1843)

1 The Prisoner was charged with having with intent to defraud the Prosecutor and for his own benefit, erased or caused to be erased certain characters originally written in a deed of defeasance executed by Prosecutor in his favor and interpolated or caused to be interpolated other letters in the said deed so as to alter its original stipulations.

2 Concurring with the Law Officer in the conviction of the Prisoner, the Sessions Judge had sentenced him to be imprisoned

imprisoned for a period of four (4) years,
and, if authorized, by the Court of Foujdaree
Adalut to corporal punishment to the extent
of 150 lashes with a cat-o'-nine tails.

3. In the absence of any feature
of aggravation in the case, the Court of
Foujdaree Adalut are of opinion the addition
of flogging to the period of incarceration
awarded will be needless severity and
accordingly they decline to sanction the
infliction of stripes.

4. The Sessions Judge is informed
that he was not called upon specifically
to solicit authority for inflicting corporal
punishment. Its insertion as a part of the
sentence would have been noticed with the
disapproval of the Court of Foujdaree
Adalut in the event of them not concurring
as to the propriety of its infliction.

Ordered that Extract from
these proceedings be forwarded to the Sessions
Judge of Mangalore for his information and guidance.

(Sent in Mr 1249)

Read

Read letter dated the 30th
Ultimo from the Sessions Judge of Calicut
submitting for the consideration and final
sentence of the Foujdaree Adalut an English
translation of the record of the trial in Case
No 6 on the Calendar of the Sessions Court
for 1843.

(Here enter T.M. No 1249 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 prisoners

1st Errata - Cheroonain Koorookumthody Nayady

and

2d Errata - Cheroonain Poorakote Nayady

is sufficient to convict them of the crime
of murder do convict them thereof; but
considering that there are alleviating circum-
stances in the case, which would render
the infliction of the punishment to

which

19th December 1843

which the prisoners are liable under the provisions of Section X Regulation VIII of 1802, to wit in this instance, the Court do, under the provisions of Clause third Section III Regulation I of 1825, sentence them to be transported to such place or places beyond Sea, as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives.—

/Sent following letter No 1250/

Read letter dated 2d Instant from the Sessions Judge of Calicut, transmitting copy of the Calicut Calendar No IX of 1843 and translation of the Original Futwa—

/Here enter F.H. No 1946 of 1843/

From the remarks of the Sessions Judge it is observed that great delay and remissness in his duties in the part of the Adiekary, has led to the suspicion

F.H.

19th December 1843

suspension of his having been concerned in the procural of false evidence and that the Sessions Judge refrained from bringing him to trial only on a consideration of the difficulty of establishing a charge of subornation of perjury.—

The Court of Foujdaree

2.

Ordered that due notice of the Adikary's conduct has been transmitted to the Magisterial authorities.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Calicut for his information

/Sent in No 1251/

Read the Criminal Reports dated the 8th Instant submitted by the Magistrate of Coimbatore for the month of November 1843.—

/Here enter F.H. No 1980 of 1843/

The rules under which it was resolved that Reports of the above description

F.H. proceedings 28th August 1843 paras 3 and 4.—

18 19th December 1843.

description should be prepared, requires that a brief abstract of the testimony adduced against parties punished, should be submitted to the Zoujdaree Adalut in the appropriate columns in order that the justice of the Sentences passed may be estimated and considered - The Magistrate will accordingly be pleased to supply the requisite information and on future occasions cause it to be inserted in the Report itself -

Ordered that Extract from these proceedings be forwarded to the Magistrate of Coimbatore for his information by precept returnable in 5 days from and after its receipt.

Sent following precept No 1252/ in

WDM
Se

Wednesday
20th December 1843

At a Court of the Zoujdaree Adalut.

Present,

Geo: James Casamajor Esqre Actg 1st Puisne Judge
Malcolm Lewin Esqre Actg 2d Puisne Judge
Alexander Maclean Esqre Actg 3d Puisne Judge

Read letter dated 5th Instant from the late Acting Sessions Judge of Coimbatoor, submitting the translated record of Case No 12 on the Calendar of the Sessions Court at that station for 1843.

(Vide entry No 1961)

Mess. A. Maclean and F. M. Simms

The Court of Zoujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proofs against the prisoners

1st Avoonacoonn
2d Mosttaun
3d Rungonpacattoovann
5th Coomann
7th Mosttoosamy alias Thonneyatheyapaareyppan
8th Ramon
9th Vyrapoory

10

10th Bungon
12th Veeramoottoocuttawitty
13th Auron alias Auroomoogon
and
14th Veeran

is sufficient to convict them of the crime of Gang Robbery by open violence attended with aggravating circumstances. and that against the prisoner

1st Govindummal

to convict her of having received stolen property knowing it to be such, do convict them severally thereof, and with reference to the provisions of Clause third Section IV Regulation XV of 1803 adjudge the prisoners

2d Moottaun
3d Rungonpacotteevanu
7th Mootteesamy alias Moonyatayga
caroopporun
8th Ramun
9th Vijapoory
10th Rungon
12th Veeramoottoocuttawitty
13th Auron alias Auroomoogon
and
14th Veeran

to receive one hundred and ninety five lashes &c. &c.

with a Cattopine tails, and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of fourteen years the prisoners

1st Narroonacorun
and
5th Coonaroo

to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of seven years, and under the provisions of Clause second Section IV Regulation VII of 1822 sentence the prisoner

11th Govindummal

to be imprisoned and kept to labour suitable to her sex on the public roads or other public works for and during the period of five years.

On a consideration of the record the Court of Fouzdaree Adaulut are not of opinion that the ends of justice require the award against the 1st and 5th Prisoners of the same extent of punishment as that declared against the 2d, 5d, 7th, 8th, 9th, 10th, 12th, 13th, and 14th Prisoners. and accordingly it has been reduced in their

case

20th December 1843

cases to seven (7) years imprisonment with hard labour, respectively.

2 Neither do the Court consider the case of the 11th Prisoner, a concubine of the 7th to demand a heavier punishment than imprisonment with labour suited to her sex for a period of four (5) years to which extent it has accordingly been modified.

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions Judge of Combaconum for his information.

/ Sent following letter No 1257 /

Read communication dated the 9th instant from the Acting Sessions Judge of Cuddapa - forwarding for the final orders of the Foujdaree Adalut the translated of the record in case No 43 of 1843 in the Calendar of the Sessions Court at that station

(Here enter No 1978.)

Mssrs A. Maclean and T. M. Lewin

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case as evidenced before them being of opinion that the proof against the Prisoners

1st Kumalagaudoo

and

2d Oblathegadoo

No.

20th December 1843

is sufficient to convict them of the crime of Murder, and that the proof against the Prisoner

4th Soogoory Rungapah

is sufficient to convict him of being an accessary thereto, do severally convict them thereof, and under the provisions of Section X Regulation VIII of 1802 sentence the Prisoners

1st Kumalgaudoo,

and

2d, Oblathegadoo,

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

4th Soogoory Rungapah

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

The Court of Foujdaree Adalut have derived gratification from the perusal of the record in the above trial which satisfactorily shows that the Acting Sessions Judge Mr. Inglis, has zealously and

and judiciously exercised himself in elucidating the facts best calculated to place in their true light the bearings of the important charge brought before him for investigation.—

2 The Court consider the result of the Acting Zillah Judge's enquiries, to be very creditable to that officer.—

Ordered, that Extract from these proceedings be forwarded to the Acting Session Judge of Cuddapah for his information.—

Sent following letter No 1258

F.U.

Thursday 21st December, 1843.

A. M

F. U.

At a Court of the Foujdaree Udalut.

—Present,—

Alexander Maclean Esqre Acting 2d Puisne Judge
Fred: H. Lewis Esqre Acting 3d Puisne Judge

Read Chingleput Criminal Reports for the Month of November 1843.

(See enter F.U: No 1975.—)

Case No 8.

1 With regard to the sentence in this case the Court of Foujdaree Adalut observe that there is no law authorizing the Principal Sudr Ameen to demand security on the conditions stated in his remarks.

2 The Court accordingly direct, that in the event of their having been accepted, the bail bonds may be cancelled, and the Prisoner left to be dealt with by the Session Judge according to the result of his enquiry in Case No 9.

Ordered that Extract of these Proceedings be sent to the Principal Sudr Ameen of Chingleput for his information and guidance.—

Sent per No 1259.

Read Criminal Reports for the Month of November submitted by the Principal Sudr Ameen of Cochins—

/Here Enter F.R. No. 1972/

case No. 21 1 The sentence of two Months imprisonment does not appear to the Court of Tonjdaree Adalut an adequate punishment for the very prevalent crime of instituting false charges, and the present instance seem to have demanded the full penalties of the Law.

No. 23. 2 From the remarks appended to this case it seems that the wounds inflicted on the Prosecutrix were severe, and if not dangerous to life likely to have permanent effects.

3 Under such circumstances the Court of Tonjdaree Adalut regret the Prisoner should have been allowed to escape with the insuitable punishment of 3 Weeks imprisonment—

No. 24 4 The Court would call the attention of the Principal Sudr Ameen to their Circular Order of 1st November 1831 by which he will perceive that the grounds

on which judgment is passed are required to be stated in order to enable the Court to determine on the correctness or incorrectness of every decision—a result which could not be attained if, as in the present instance, the opinion only is recorded.

5 The present opportunity is taken to inform Mr Taylor that his official designation is Principal Sudr Ameen and not, as he subscribes himself in the Calendar under review, Joint Criminal Judge.—

Ordered that Extract of these proceedings be sent to the Principal Sudr Ameen of Cochin for his information and guidance.—

/Sent per No 1260/

Read letter dated the 25th November from the Acting Sessions Judge of Masulipatam forwarding a Calendar in Case No. 3 of 1843—

/Here Enter F.R. No. 1930/

Case No. III 1 The Court of Tonjdaree Adalut concur with the Acting Sessions Judge in the acquittal of the prison-

in this case, but do not consider there were sufficient grounds for demanding security and they accordingly direct that the bail bonds may be cancelled and the prisoner unconditionally released.

2 The Court also request the Acting Sessions Judge will direct the discontinuance in the office under his charge of the useless brown paper covers to official communications, which are both inconvenient for the purposes of record, and, when removed, entail upon the establishment of the Tonjdaree Adalut the additional labor of transcribing the endorsements they bear.—

3. His attention is further drawn to the useless expenditure of paper in the Calendar under observation which contains nearly 3 pages of unwritten space.—

Ordered that Extract of these proceedings be sent to the Acting Session Judge of Masulipatam for his information & by precept returnable without delay.—

Sent following Precept 18th 1261—

Read

Read Chicacole Criminal Report for the Month of November 1843
/Vide inter F.C. No. 1673/

Case No. 1

1 The Court of Sonjdaree Adalut observe with reference to this case that the Session Judge has acted informally in associating with his own the opinion of his Mahomedan Law Officer

2 The case falls under the provisions of Section XLV Act VII of 1843, and had it been tried under the other clauses of that Act it would have required a distinct Futwah and could not have been admitted in the monthly reports.

Ordered that Extract of these proceedings be sent to the Session Judge of Chicacole for his information and future guidance.—

/Sent pii No. 1262/

Read letter dated the 4th Ultimo from the Session Judge of Salem transmitting the translated record of Case No. 4 of 1843 on the Calendar of the Session Court at that station.

Salem.—

(Sess Enter 4th 1872)

Mr A Mackean and Mr F.H. Lewin

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

"Judavoree Paunson"

is sufficient to convict him of Assault of an aggravated nature, for which, according to the Mahomedan Law, as declared in futwas of their Law Officers, discretionary punishment is awardable, do convict him thereof, and with reference to the provisions of Clause third Section VII Regulation XV of 1803, do sentence him to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for, and, during the period of five years

(Next following precept 2nd 1263)

1 The Court of Foujdaree Adalut wish to be furnished with information as to what steps have been taken to secure

secure the apprehension of Jroobun of Dadavoor, it appearing from the record throughout that the charge of having fractured the skull of the deceased was preferred chiefly against him.

2 It has been ascertained that the record of a referred trial which the Court of Foujdaree Adalut directed should be transmitted to the Session Judge of Salem as a specimen for the guidance of his establishment cannot have reached the Court at that station previous to the despatch of the trial under remark.

3 The Court of Foujdaree Adalut will therefore only request the Session Judge on all future occasions strictly to adhere to the forms which in the record in question he will find observed.

4 The preparation of that now under notice reflects much discredit on the ministerials in the office of the Session Judge by whom it has been transcribed and it will be the duty

21st December 1843.

of Mr Bruere to make arrangements for providing more competent copyists than those who appear to be at present employed under his orders.

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

(Sent following Precept No 1264)

Read letter dated 5th December 1843 from the Sessions Judge of Bellary

(Here Enter No 1965.)

With the above address the Sessions Judge has submitted copy of a communication from the Subordinate Judge in charge of the Jail at Bellary forwarding transcript of a letter from the Magistrate of the District enclosing an order to the Jailer directing "under the provisions of Section VII Regulation X of 1816" the detention in custody for a period of six Months, of one Swobba=doo convicted before the Magistrate of

2 December 1843

22 November 1843

having effected his escape from the village Choultry of Anuntapoor

2 The Subordinate Judge has raised the question, whether, as the offence charged against Swobbadoo is punishable under Clause third Section V Regulation VI of 1822, and not under the Regulation quoted by the Magistrate, that functionary is competent to its adjudication.

3 The Sessions Judge has deemed it necessary to refer the point for the consideration of the Foujdaree Adalut being "under the impression that the said section VII Regulation X of 1816 was intended only to define a punishment for offences punishable under the Mahome=dan Law, as well as to prescribe a greater degree of punishment than had previously been provided for certain offences, and that it has no reference to an offence, the punishment for which is especially prescribed by another Regulation bearing a subsequent date".-

4 The Sessions Judge further adverts to its having repeatedly been ruled by this Court that cases of escape from legal custody should be disposed of exclusively under

under the provisions of Clause 3d Section V Regulation VI of 1822. or such other Regulations, that might be especially applicable to the case."-

5 The Court of Foujdaree Adalut are clearly of opinion that in the instance under observation the Magistrate of Bellary has exceeded the powers recently vested in the magistracy by Section LIV Act VII of 1843 it being incompetent to them to try offences to which Section VII Regulation X of 1816 may not be strictly applicable or for which distinct provision has been made in other parts of the Code not extended to Magistrates by the new Law.

6 The Court of Foujdaree Adalut accordingly direct the Commitment of the Magistrates order to the Jailor and the immediate release of the Prisoner Soobbadoo.

7 In regard to the further request of the Magistrate that the prisoner in question may on the expiration of the sentence of imprisonment be returned to his office, the Foujdaree Adalut concur in opinion with the

with the Sessions and Subordinate Judges that they would not be legally justified in directing the enforcement of further coercive measures against Soobbadoo, when he has once been discharged from the Custody of the Jailor.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Bellary for his information and for communication to the Magistrate and Subordinate Judge of that Zillah.-

Sent in P. 1265.

End 8th.

Friday
22d December 1843

J. M.
A. L.
A. M.

J. Ct.

At a Court of the Zillah Adalut

Present,

Geo. James Casamajor Esqr. Actg 1st Puisne Judge
Malcolm Lewin Esqr Actg 2d Puisne Judge
Alexander Maclean Esqr Actg 3d Puisne Judge

Read the Criminal Reports dated the 30th Ultimo, submitted by the Magistrate of Malabar for the Month of November 1843.

(Here Enter No 2013 of 1843)

The Rules under which it was resolved that Reports of the above description should be prepared require that a brief abstract of the testimony adduced against parties punished, should be submitted to the Zillah Adalut in the appropriate Column, in order that the justice of the sentences passed may be estimated and considered. The Magistrate will accordingly be pleased to supply the requisite information and on future occasions cause it to be inserted in the report itself.

Ordered

J. Ct. Proc. 31st August 1843 paras. 3 & 4.

22d December 1843.

Ordered, that Extract from these Proceedings be forwarded to the Magistrate of Malabar for his information by precept returnable in 5 days, from and after its receipt.

/Sent following precept No 1268/

Read Masulipatam Criminal Reports for the Month of November 1843 (Here enter F.R. No 1967).

Case No 475

The excessive* delay which appears to have occurred before these cases were forwarded from the Palook requires explanation, and the Court of Foujdaree Adalut, desire accordingly to be furnished with a copy of the reasons the Assistant Magistrate may have to offer in his power.

* From 15th Oct to 6th Nov — 27 D — 15 D

Ordered, that Extract of these proceedings be sent to the Principal Sudr Ameen of Masulipatam for communication to the Magistrate by precept returnable in X days.-

/Sent following precept No 1269/

Read again letter dated the 28th Ultimo from the Acting Sessions Judge at Cuddalore, submitting Case No 7 of 1843

22d December 1843.

of the Sessions Court for the final sentence of the Foujdaree Adalut.-

Here enter F.R. No 1913./

Read also return dated the 14th Instant from the Acting Sessions Judge of Cuddalore, to the Precept of the Foujdaree Adalut of the 8th Instant transmitting the Answer of the Mahomedan Law Officer to a question put to him in case No 7 of the Calendar for 1843.-

/Here enter F.R. No 2015/

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

Colla Mocttoo Odayan"

is sufficient to convict him of the crime of Robbery, do convict him thereof, and under the provisions of Clause third Section IX 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 fourteen years.-

/Sent following letter No 1270/

22nd December 1843.

Read again letter dated the 4th Ultimo from the Sessions Judge of Salem submitting the record of a trial in case No. 6 on the Calendar of the Sessions Court of Salem for the final Judgment of the Court of Foujdaree Adalut.

/ Hereunder F.R. No. 1873 /

Read also letter dated the 12th Instant from the Sessions Judge of Salem - submitting transcript in red ink of the proceedings held before the Sessions Court of Salem in Cases Nos. 4, 5, and 6 for 1843 with separate fair copies of the notes which appeared on that Calendar, and requesting that a case finally disposed of by the Court of Foujdaree Adalut may be forwarded.

/ Hereunder F.R. No. 1986 /

Mr. A. Maclean and Mr. H. Lascelles

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 Vencatagam is sufficient to convict him of Manslaughter

for

F.R.

22nd December 1843.

for which the penalty of Deyut is awardable under the Mahomedan Law, in futtwas of their law Officers, do convict him thereof and with reference to the provisions of Clause Second Section XV Regulation VIII of 1802 do sentence him to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of ten years.-

/ Sent following letter No. 2741 /

F. 16.

Saturday
23rd. December 1843. At a Court of the Foujdaree Udalut

Present

A. M. Alexander Maclean Esqre. Agg2d. } Puisne Judges
J. M. Lewin Esqre. — Agg 3rd. }

Read the Bellary Criminal
Reports for the month of November 1843.—
/Here enter F. 16. No. 1988/

Cases No. 14. 1. The previous offence for which
this Prisoner is said to have been sentenced
by the Joint Magistrate to 8 days imprison-
ment, cannot be denominated a "heinous
crime" entailing the severe penalties of
Clause 4th Section III Regulation VI
of 1822.—

2. The Court of Foujdaree Udalut
accordingly direct the Sessions Judge to
modify the sentence in accordance to the
provisions of Section VII, Regulation X
of 1816.—

Cases No. 18. 3. The Court of Foujdaree Ud-
-lut are of opinion that the prisoner
in this and the 3 preceding cases ought
to have been committed, as he is an old
offender

offender and now stands convicted of several serious robberies: they will not however on the present occasion interfere with the sentence passed by the Sudr Amin.—

Case No. 19. 4. This appears to have been a case of Burglary and beyond the cognizance of the Police who accordingly acted right in committing it. Since, however, the Sudr Amin expresses a decided opinion of the case not being "burglarious" the Court of Foujdaree Udalut direct the Session Judge to look into it and report the result of his enquiry.—

Ordered, that copy of paras 1 2 and 4 of these proceedings be sent to the Session Judge of Bellary by precept returnable without delay.—

/Sent following precept No. 1273/

Ordered also, that Extract of these proceedings be sent to the Subordinate Judge of Bellary for his information and guidance.—

/Sent in No. 1274/

Read the Criminal Reports submitted

submitted by the Acting Sessions Judge of Tellicherry for the month of November 1843.

/Here Enter No. 1984/

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 Session Judge of Tellicherry for his information.—

/Sent in No. 1275/

Read letter dated the 4th Instant from the Session Judge of Bellary.

/Here enter No. 1942/

1. Adverting to the authority conferred on Session Judges by Section 10 Act VII of 1843 to annul or alter an Appeal'd Sentence or order passed by a Magistrate when Exercising the powers vested in Criminal Judges by Section VII. Regulation X of 1816 the Session Judge of Bellary submits for the consideration of the Foujdaree Udalut certain papers connected with a matter, which does not appear to

to him to be provided for by the new Act.—

2. The case referred to by the Sessions Judge is briefly thus:— a Complaint, was laid before his Court by an individual against an order of the Magistrate imposing on him a fine of 5 Rupees. in consequence, it would appear, of his denial before the Court of the Moofty Sudr Ameen that he understood the language in which had been recorded before the Police authorities, a deposition given by a Prisoner, to which the complaining individuals signature had been taken as an attesting witness.—

Curnum Venaiyah.

3. The Magistrate being of opinion that the denial in question was the result of "an intention to baffle and set at defiance "authority. and otherwise impede the ends of "justice. thought proper to fine" the witness "5 Rupees as a warning".—

4. The Court of Sudr Adawlut are of opinion under the circumstances of the case that it is clearly competent to the Sessions Judge who now stands in the position

position of a Judge on Circuit, to pass without reference to higher authority any order on the Petition of the Curnum Venciyah complaining of the fine of 5 Rupees, which he may think necessary.—

5. It is observed on reference to Section 1 Act VII of 1843 that the Courts newly established are to perform the functions Civil and Criminal of the abolished Provincial Courts of Appeal and Circuit, within whose province the annulment of any illegal order by a Magistrate would legitimately have fallen on its being brought to notice in the usual course.—

6. The absence in Section IV of the said Act of any declaration that the superviving powers of the Sessions Judges, as therein described, shall be extended to other than the sentences or orders of the Magistracy declared under the new law, was unnecessary and would have been superfluous with reference to the distinctly specified object of the establishment of new Courts.—

The

7. The attention of Mr Ogilvie is drawn to the great extent of blank space in the enclosures to his communication under reply and to the necessity for discontinuing in the Court over which he presides the system of transcribing enclosures on separate sheets of various sizes.

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Bellary for his information.—

(Sent in No. 1276.)

Read communication dated the 11th Instant from the Acting Sessions Judge of Trichinopoly submitting the Calendar of Case No. 3 of 1843 before the Sessions Court at that Station.—

(Here Enter No. 1997 of 1843)

1. The Prisoner in the above case was charged with having with certain others in a gang, armed with cudgels and carrying torches, forcibly entered the Prosecutor's house assaulted its inmates and robbed it of property valued at Rupees 113-4-0.

2. The Acting Sessions Judge was of opinion that the evidence was not sufficient for the conviction of the Prisoner of having been directly concerned in the commission of the robbery charged. He, however, has proceeded to pass on him a sentence of six months imprisonment with hard labor under "Clause fourth Section IV Regulation VII of 1822" on the grounds that when apprehended the Prisoner made known where the stolen property was secreted and "admits" he was aware it had been obtained by robbery, but had failed to give information on the subject to the Police authorities.—

3. The proceedings of the Acting Sessions Judge are irregular. It was not competent to him to quote in support of a sentence declared in his capacity of Sessions Judge, an authority which is applicable only to the Criminal Courts of Subordinate Judges or Principal Sudder Ameens.—

4. It was equally incompetent to him in the case under observation to pass

pass any sentence whatever, the Mahomedan Law Officer who assisted at the trial having, it is remarked, declared the accused liable only to Thennut or strong suspicion, under which no punishment was legally adjudicable, it having been frequently ruled by the Foujdaree Udalut to be tantamount to a Futwa of acquittal.—

Clause Sixth Section III Regulation XV of 1808.—

5. Differing, however, as he did with the Moofty in regard to the result of the trial, the Acting Sessions Judge should have proceeded under Section XXII Regulation VII of 1802 to transmit the Entire record for the final opinion of the Foujdaree Udalut and he should now lose no time in adopting that course.—

6. Meanwhile the Court direct that the sentence passed on the Prisoner be suspended.—

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Trichinopoly by Precept returnable in 15 days from and after its receipt.—

Sent following precept No 1277/

Read the Cuddapah Criminal Reports for the month of November 1843.—

/Here enter Fl6. No 1904/

The Court of Foujdaree Udalut

Case No 207. 1. See reason to doubt the correctness of the decision in this case where many circumstances concur to point out the Prisoner as the Murderer; they accordingly direct the Acting Session Judge to look into it and pass such orders as may seem necessary, reporting the result of his proceedings for the information of the Court.—

2. The Court desire the Acting Subordinate Judge to state the necessity that existed for entertaining during the last month two Pleas in excess of the regulated number.—

Ordered that Extract of these proceedings (para: 1) be sent to the Acting Session Judge of Cuddapah by precept returnable in 10 days from and after its receipt.—

/Sent following precept No 1278/

Ordered

23rd December 1843

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

Ewd.

(Sent following precept No 1279)

Read Report and Supplemental Report dated the 13th October 1843 submitted by the Magistrate of Bellary of persons apprehended in the District of Bellary and delivered to the Magistrate in the Month of September 1843.-

(Here enter No 1644)

Read Report dated 12th December 1843 submitted by the Magistrate of Cuddapah of persons apprehended in the District and delivered to the Magistrate of Cuddapah for the month of November 1843.-

(Here enter No 2011)

F U

Tuesday 26th December 1843

At a Court of the Foujdaree Adalut.

Present,

A. M

Alex: Maclean Esqre Actg 2d Puisne Judge

F. M. Levein Esqre Actg 3d Puisne Judge

Read letter from the Sessions Judge of Guntoor dated the 11th Instant forwarding Criminal Reports for the Month of November last.-

(Here enter F U No 1983)

The Court of Foujdaree Adalut request an explanation regarding the entertainment on the Establishment at Guntoor of 7 Peons, 1 Duffadar and 1 Naick, in excess of the prescribed number.-

Ordered that Extract of these proceedings be sent to the Session Judge of Guntoor by precept returnable in 2 days from and after its receipt.-

(Sent following precept No 1280

Read

Read letter dated the 11th Instant from the Session Judge of Mangalore, submitting a copy of the Calendar in Case No 19 of 1843 together with a translation of the Futwah

(Here enter F U. No 1993)

Case No XIX. 1. The undermentioned eight

Prisoners. 1st Calla Hegnday
2d Manjah
3d Billa Chacka
4th Billa Bermoo
5th Billa Nandy
6th Coossa Moorthy
7th Coossa Jogthy
8th Koorma

and 38

pleaded not guilty to the charge of having on the night of the 25th of August last, whilst armed with clubs and bill hooks, entered the house of the Prosecutor, Perumoo Shetty, assaulted him and plundered property of the value of Rs 78-4-36. The ninth Prisoner is further charged with having received from the 1st part of the said property, knowing it to be stolen.

The

2 The Mahomedan Law Officer in his Futwah convicts the 2d 3d 4th 5th 7th and 8th Prisoners on the evidence of witnesses and declares them liable to Chabook. In this conviction the Session Judge concurs and under a belief of their acting by the advice and direction of the 1st Prisoner, recommends, according to the provisions of Section III Regulation I of 1825 a mitigation of punishment to the extent of 10 years imprisonment with hard labor in irons; and, on consideration of strong suspicion attaching itself to the 1st and 6th Prisoners, the Session Judge binds them over to keep the peace for a term of 1 year, the 1st in personal security of 120 Rupees or two sureties of 60 Rupees each, and the 2d in 10 Rupees personal security or both; in failure thereof each to be imprisoned for that period.

3 The 9th Prisoner is released.

4 In recommending a mitigated punishment the Session Judge has omitted to state the specific punishment

punishment awarded under the regulations
and, as the Court do not consider the
reasons assigned sufficient to warrant
any mitigation they, under the authority
vested in them by Clause third Section III
Regulation I of 1825, direct the Session
Judge to issue his warrant for carrying
into effect the sentence prescribed by
Law.

Ordered that Extract from
these proceedings be forwarded to the
Session Judge of Mangalore by spe-
cial Peon returnable in 3 days from and
after its receipt.-

(Sent following) precept No. 1281.

Read letter dated the 16th Instant
from the Subordinate Criminal Judge
of Chittoor forwarding the Criminal
Reports for the Month of November 1843.

(Here enter F. R. No. 2004)

Case No. 24. The Court of Foujdaree Adalut
direct that the remarks of the Head of Police
regarding the reprehensible conduct of the
Peon Mootkader may be transmitted to
the

the Acting Magistrate, with a request
that he will report direct to what steps
he has taken for punishing the Peon
who seems to have retained one of the
Prisoners in his charge for a period of
13 days.

Cases Nos. 27 and 28. 2 The Court do not consider
the explanation offered by the Police Canoo
in exculpation of the unnecessary delay in
forwarding these cases to the Criminal
Court at all satisfactory, and they
accordingly direct that he may be
called upon for a more explicit
explanation of the circumstances to be
forwarded through the Court of the Sub-
ordinate Judge.

Ordered that Extract of these
proceedings be sent to the Subordinate
Judge of Chittoor by precept returnable
without delay.

(Sent following) precept No. 1282.

Read letter dated the 14th
Instant from the Acting Session Judge
of Cuddapah forwarding Copies of
Calendars

punishment awarded under the Regulation and, as the Court do not consider the reasons assigned sufficient to warrant any mitigation they, under the authority vested in them by Clause third Section III Regulation I of 1825, direct the Session Judge to issue his warrant for carrying into effect the sentence prescribed by Law.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Mangalore by precept returnable in 3 days from and after its receipt.-

(Sent following) precept No. 1281.

Read letter dated the 16th Instant from the Subordinate Criminal Judge of Chittoor forwarding the Criminal Reports for the Month of November 1843.

(Here enter F. C. No. 2004)

Case No. 24. The Court of Foujdaree Adalut direct that the remarks of the Head of Police regarding the reprehensible conduct of the Poor Mussulmaun may be transmitted to the

the Acting Magistrate, with a request that he will report direct to what step he has taken for punishing the Peon who seems to have retained one of the Prisoners in his charge for a period of 13 days.

Cases Nos. 27 and 28. 2 The Court do not consider the explanation offered by the Police Canoo in expectation of the unnecessary delay in forwarding these cases to the Criminal Court at all satisfactory, and they accordingly direct that he may be called upon for a more explicit explanation of the circumstances to be forwarded through the Court of the Subordinate Judge.-

Ordered that Extract of these proceedings be sent to the Subordinate Judge of Chittoor by precept returnable without delay.

(Sent following) precept No. 1282.

Read letter dated the 14th Instant from the Acting Session Judge of Cuddapah forwarding copies of Calendar

Calendars in Cases Nos 18. 19. 20 and 21, together with the translation of Tellivah. in Case No. 18.

/Here enter F. U. No 2009/

Case No. 18. 1. The remarks of the Acting Session Judge in this case appear to the Court of Tongdaree Udalut to be extended to an unnecessary length, and they request that in future he will endeavour to be as concise as a clear exposition of the case will admit of.

Case No. 20. 2. The Court do not concur with the Acting Session Judge in the reasons assigned for dismissing this case and No. 21 untried, but consider, whatever doubts may exist from the absence of the Prosecutors, that the original and subsequent confession before the Subordinate Court were sufficient grounds for putting the Prisoners on their trial.

Ordered that Extract of these proceedings be sent to the Acting Session Judge of Cuddapah for his information and future guidance.

Sent in No. 1283.

Read

Read the Criminal Reports dated the 14th Instant submitted by the Magistrate of Tinnevelly for the Month of October 1843.

/Here enter F. U. No 2021/

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

Ordered therefore that Extract from these proceedings be forwarded to the Magistrate of Tinnevelly for his information.

Sent in No. 1284.

Read letter dated the 14th Instant from the Magistrate of Nellore reporting that no cases cognizable under Section LIV Act VIII of 1843 were disposed of during the Month of November last.

/Here enter F. U. No 1998/

Read the Criminal Reports dated the 13th Instant from the Acting Magistrate of South Arcot for the Month of November 1843.

/Here enter F. U. No 1999/

Read

26th December 1843

Read return dated the 8th Instant
from the Acting Session Judge of Pondicherry to
the prosecutor of the Foujdaree Udalut of the 6th in-
stant directing him to revise the sentences
in Cases Nos 170 192 193 and 200 of the Criminal Calen-
dar Reports for October 1843 and report the result of his pro-
ceedings for the information of this Court
(Here enter F U No 2062)

Read letter dated the 16th Instant
from the Session Judge of Cuddalore transmitting
Copy of Calendar No XII of 1843 together with
the translation of the original Futwah
(Here enter F U No 2063)

Read letter dated the 9th Instant
from the Acting Principal Sudr Ameen at
Tschapoor forwarding the Criminal Reports
for the Month of November last
(Here enter F U No 2064)

Read the Criminal Reports
dated 11th Instant from the Magistrate
of Bellary for the Month of November
last
(Here enter F U No 2059)

F U

Wednesday
27th December
1843

At a Court of the Foujdaree Udalut

Present

A M — Alexander Maclean Esqre Actg 2d Puisne Judge
F M Lewin Esqre Actg 3d Puisne Judge

Read letter dated the 11th
Ultimo from the Session Judge of
Salem submitting a trial in case No 125
of 1843 for the final sentence of the
Foujdaree Udalut
(Here enter F U No 1878 of 1843)

The Court of Foujdaree Ud-
Mr Maclean
and
Mr F M Lewin list 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 Nadoopuddoo Coopspunn
2d Anookoodee Mooneyun
3d Bommun
4th Cjarakpuddoo Coopspunn
5th Mucherry
6th Junnaregaun
7th Nauraina Couvedun
8th

27th Decr 1843.

8th Vurda Coumden

9th Vunnuna Bootten

10th Janapa Timmarayen

12th Tundoohara Para Mooneyen

13th Vunnuna Raumon

and

14th Vodda Rungon

is sufficient to convict them of the crime of Gang Robbery by open violence attended with aggravating circumstances, do convict them severally thereof: and with reference to the provisions of Clause third Section IV Regulation XV of 1803 adjudge the prisoners

1st Nadoopuddoo Coopspun

3d Bommun

4th Cjarahpuddoo Coopspun

5th Maicherry

6th Timmaregan

and

10th Janapa Timmarayen

to receive one hundred and ninety five lashes with a Cat o nine tails and to be imprisoned and kept to hard labor

27th Decr 1843- labor in irons on the public roads or other public works for and during the period of fourteen years, and the prisoners

2d Anoo Koodee Mooneyen

7th Naurana Coumden

8th Varada Coumden

9th Vunnuna Bootten

12th Tundoohara Para Mooneyen

13th Vunnuna Raumon

and

14th Vodda Rungon

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of fourteen years.

(Sent following letter No 1286)

Read return dated the 14th instant from the Acting Subordinate Judge of Calicut to the precept of the Foujdaree Udalut of the 6th December 1843 directing the money allowance alluded to in the Subordinate Judge's letter of 20th November to be discontinued

(Were enter'd No 2030)

The

27th Decr 1843.

The Acting Subordinate Judge in the above return states "that "it has not been the practice to furnish "any allowance in money to the Con= "victs in the Jail at Calicut with "the exception of 6 reas for other "articles viz rice; and, that it "was to this allowance he alluded in "his letter of 20th November."

The Court of Foujdaree Udalut observe with reference to the preceding explanation that their order for discontinuance of money payment originated in a misconception of Mr Elton's meaning in his letter of 20th Novmbr and had no reference to the 6 reas allowed under Circular Order 2d June 1831.

Ordered that Extract from these proceedings be sent to the Act= =ing Subordinate Judge of Calicut for his information and guidance.

(Sent in No 1287.)

Read the Criminal reports submitted

F W

27th Decr 1843.

submitted by the Magistrate of Cudda= =pah for the months of November 1843.

(Annexture No 2010.)

Supplemental Report Case No 1.

The fracture of a limb having been the result of the assault on the 1st Prosecutor in which the Pri= =soner was concerned; the case, with re= =ference to the rule laid down in Foujdaree Udalut Circular Order No 124 was beyond the jurisdiction of the Ma= =gistracy, and should have been forward= =ed to the Criminal authorities for disposal.

2. In regard to the above case and to that entered in the re= =port No V, the Court would request the attention of the Magistrate to their Circular Orders, in force, under which a brief and concise statement of the nature of the evidence adduced against convicted Prisoners should be exhibited in the appropriate column of the Reports.

3. They accordingly resolve to

to call upon that Officer now to furnish a report of the matters required in respect of the two cases under remark.

Ordered, that Extract from these proceedings be forwarded to the Magistrate of Cuddalore by Precept returnable in X. days from and after its receipt.

(Sent following precept No 1288)

Read letter dated the 11th Instant from the Acting Sessions Judge of Cuddalore forwarding a Calendar of Criminal Cases disposed of by him.

(Here enter F.M. No 2024)

Case No 15 — 1 The 7 Prisoners in this case

1 Iyempermal
2 Sittalingum
3 Arroonachellum
4 Mootloo Carpuna
5 Cheddumbarum
6 Vurramoo Moo
7 Mootloo.

are severally charged with having broken open the Prosecutor's fowl house and stolen therefrom fowls to the value of 11/ Annas.

2 The Prisoners are convicted by their own Confessions as well as the evidence of Witnesses, and the Acting Sessions Judge, in consideration of their youth and the absence of all aggravating circumstances, proposes a mitigated punishment of 3 years imprisonment to the 1st, 2d and 3d Prisoners, and 2 years to the 4th, 5th, 6th, and 7th Prisoners.

3 The Court of Foujdaree Adalut taking into their mature consideration the alleviating circumstances mentioned by the Acting Sessions Judge, and under the Authority vested in them by Clause Third Section III Regulation I of 1825 Sentence the 1st, 2d, and 3d Prisoners to one year's imprisonment with hard labour in irons, and the 4th

27th Decr 1843.

4th, 5th, 6th & 7th Prisoners to six months imprisonment with hard labor in irons.

Ordered, that Extract from these proceedings be sent to the Acting Sessions Judge of Cuddalore for his information and guidance.

(Sent in No 1289)

Read the Tinnevelly Criminal Reports for the month of November 1843.-

(Here enter F.M. No 2026.)

Case No 8.

The Court of Foujdaree Udalut request to be informed what notice the Magistrate has thought it requisite to take of the neglect and omissions of the Head of Police in the disposal of this case.-

Ordered, that Extract of these proceedings be sent to the Principal Sudr Ameen of Tinnevelly by precept returnable in 5 days from and after its receipt.-

(Sent following precept No 1290)

Copy

F.M.

Friday 29th December 1843.

At a Court of the Foujdaree Udalut

Present,

A. M. Alexander Maclean Esqre Acting 2d Puisne Judge

F. M. Levin Esqre Acting 3d Puisne Judge

Read return dated the 15th instant from the Acting Subordinate Judge of Madura to the Precept of this Court dated the previous 4th conveying their orders on the Criminal Reports for the month of October 1843.-

(Here enter No 2051.)

Case 87.

1. Under the explanation afforded by the Acting Subordinate Judge of the circumstances attending the escape of the Prisoner charged in this case, it is clear that it was effected from the custody of others than the guards contemplated in Clause third Section V Regulation VI of 1822. and being so that the sentence of the Principal Sudr Ameen passed on the 9th October last is illegal.-

2. The Court of Foujdaree Udalut accordingly

accordingly direct its immediate commitment and the release of the Prisoner from Gaol on the expiration of the sentence declared in Case N.86 of 1843.

Ordered, that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Madura for his information and guidance, and communication to the Cundish Endorsement.-

(Sent in N.1291.)

Read letter dated the 8th instant from the Acting Subordinate Judge in charge of the Sessions Court of Combaconum in return to the precept of the Sowdaree Udalut under date the 4th December calling for the record in Case N.17 on the Criminal file.-

(Hereunto file N.2035.)

1. The 1st and 2nd Prisoners in this case are charged with having burglariously entered the Prosecutor's house and stolen therefrom property worth Rupees 62-12-6. The 3rd Prisoner is charged with having received a part of the stolen property knowing it to be such.-

The

2. The Mahomedan Law Officer in his first Futwah declares the 2nd and 3rd Prisoners, on the ground of suspicion, liable to the punishment of Ookoobut at the discretion of the Judge, whereupon the Acting Sessions Judge sentences the 1st and 2nd Prisoners to 7 years and the 3rd Prisoner to 4 years imprisonment with hard labor in irons, but, subsequently perceiving he had committed an error in awarding a sentence against the 2nd Prisoner which the finding of Gooman would not sanction, referred the case for the consideration of the Sowdaree Udalut.-

3. The Court of Sowdaree Udalut fully concurs in the conviction and sentence of the 1st Prisoner, and taking into their consideration all the circumstances of the case, in order to rectify the error committed in regard to the 2nd Prisoner, resolve, under the authority vested in them by Clause Eighth Section VII. Regulation XII of 1803 to revise the judgment, and under Clause Seventh Section II Regulation XV of 1803 to

sentence

29th December 1843.

sentenced the 3rd Prisoner to 4 years imprisonment with hard labor in irons, and, the 2nd Prisoner, under Clause first Section IX Regulation VII of 1827, to give two securities, in the sum of 50 Rupees each, for his good behaviour and appearance during the period of two years, or, failing therein to be imprisoned for a like space of time.-

Ordered, that Extract of the above proceedings be sent to the Acting Sessions Judge of Combaconum for his information and guidance by Precept returnable in 3 days from and after its receipt.-

(Sent following Precept No 1292)-

3rd

D.D.C.

dy

F. C.

Saturday 30th December 1843.

At a Court of the Fouzdaree Adalut

Present,

A.M. Alexr. Maclean Esqre. Agt. 2d Principal Asst.

F. M. Lewin Esqre. Agt. 3d Principal Asst.

Read Criminal Reports submitted by the Principal Asst. Agent of Vizagapatam for the Month of November 1843.

Report No V / Here enter F.C. No 2027 /

Case No 10 /

The Prisoner in this case being a peon, and in charge of the Establishment at the time he committed the robbery, of which he has been convicted, was liable to two years imprisonment under Clause fourth, Section III, Regulation VII of 1822, and under any circumstances should have been sentenced

C.O. No 139. to not less than 6 Months imprisonment. The punishment of 12 days imprisonment which has been awarded is unjustifiably lenient.

The

Case No. 11

2. The remarks on the preceding case are also applicable to No. 11, the punishment awarded in this instance being too lenient, in consideration of the Prisoner being an ob offender.

3. The Court further observe that the cases in which the Prisoner was previously punished, together with other particulars of the crimes should have been briefly specified by the Principal Sudr Ameen whose attention should be directed to the early acquisition of a knowledge of the existing Circular Orders of the Fouzdaree Udalut.

Ordered that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Vizagapatam for his information and guidance.

(Sent in No. 1293.

Read the Criminal Reports dated the 30th Ultimo from the Acting Subordinate Judge of Madura for the month of November 1843.

(Here enter No. 2036.)

The

30th December 1843

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 Subordinate Judge of Madura for his information.

(Sent in No. 1294.

Read letter dated the 23d December 1843 from the Session Judge of Chingleput forwarding for the final sentence of the Fouzdaree Udalut the trial of Case No. 10, on the Calendar of the Sessions Court of that Station, for 1843.

(Here enter F. U. No. 2053.)

Mr. A. Maclean and Mr. F. M. Irwin

The Court of Fouzdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner Rungaya Naick is sufficient to convict him of the crime of Murder, do convict him thereof;

Read return dated the 13th Instant from the Session Judge of Salem to the precept of the Tondaree Adalut of the 25th Ultimo directing him to call for and look into the proceedings in Case No 1 of the Magistrate's File, and Case No 1 of the Joint Magistrate's File, for the Month of September last, and report the result of his inquiry to this Court.

(Herewith F U No 2016)

Read the Criminal Reports dated the 15th Instant from the Session Judge of Tinnevelly for the Month of November last.

(Herewith F U No 2018)

Read letter dated the 11th Instant from the Commissioner in charge of Rajahmundry District, reporting that the powers vested in the Magistracy by Section XLIV Act VII of 1842 had not been exercised during the Month of November last.

Herewith F U No 2020

Read return dated the 13th Instant from the Session Judge of Mangalore to the precept of the Tondaree Adalut of the 29th

thereof; but considering that there are 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 Tondaree Adalut, 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 1295

Read the Criminal Reports dated 9th Instant from the Acting Session Judge of Masulipatam for the Month of November last.

(Herewith F U No 2019)

Read the Criminal Reports dated 1st Instant from the Session Judge of Tinnevelly for the Month of November last

(Herewith F U No 2002) Read

29th Ultimo directing him to look into Cases Nos 3 and 4 of the Mangalore Criminal Reports for October last, and report the result of his inquiry to this Court—

(Here enter F. U. No 2017)

Read letter dated the 14th Instant from the Subordinate Judge of Bellary transmitting with reference to the Tunjaree Vakeels letter of the 6th instant, a Statement shewing the number of Convicts under his charge and the manner in which they are at present employed—

(Here enter F. U. No 2022)

Read letter dated the 15th Instant from the Acting Subordinate Judge of Combaconum, submitting the Criminal Reports for the Month of November last—

(Here enter F. U. No 2023)

Read the Criminal Reports dated 15th Instant from the Principal Sudr Ameen of Trichinopoly for the Month of November last—

(Here enter F. U. No 2025)

Read

Read petition dated the 14th Instant from the Magistrate of Canara &c the precept of the Tunjaree Vakeel of the 6th instant, drawing his attention to the informal manner in which the Criminal Reports for October last were drawn up—

(Here enter F. U. No 2029)

Read letter dated the 14th Instant from the Acting Governor General at Vizagapatam, submitting the Criminal Reports for the Month of November last—

(Here enter F. U. No 2031)

Read letter dated the 15th Instant from the Magistrate of Tinnevelly, reporting that no case has been investigated under Section LIV Act VII of 1843, during the Month of November last.

(Here enter F. U. No 2033)

Read letter dated the 14th Instant from the Magistrate of Madura, reporting that the powers vested in Magistrates by Section LIV Act VII of 1843 have not been exercised during the Month of November last—

(Here enter F. U. No 2034)

Read

Read the Criminal Reports dated 30th Ultimo from the Principal Sudr Ameen of Coimbatore for the Month of November last.

(Here enter F. C. No. 2037)

Read letter dated the 12th Instant from the Acting Session Judge of Honore submitting the Criminal Reports for the Month of November last; and states that the submission of the Calendars since the establishment of the Sessions Court is delayed in consequence of no answer having been received to his letter of the 10th Ultimo soliciting the opinion of the Judges regarding the mode of preparing such Calendars.

(Here enter F. C. No. 2040.)

Read letter dated the 12th Instant from the Acting Session Judge of Honore submitting a translation of the Criminal Reports from the Sudr Ameen of Sirsy for the Month of November last.

(Here enter F. C. No. 2041)