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365

6th January 1844.

Reports for the month of November last.-

/Here enter F.C. No. 11 of 1844./

Read return dated the 30th Ultimo, from the Principal Sudr Ameens of Mangalapatam, to the precept of the Honjdaree Adalut dated 22d Ultimo, calling for explanation of the excessive delay which appeared to have occurred in Cases Nos 4 and 5 Mangalapatam Criminal List for the month of November 1843.

Reports for the month of November 1843.

/Here enter F.C. No. 17 of 1844./

Read return dated the 30th Ultimo from the Sessions Judge of Canara in answer to the precept of the Honjdaree Adalut of the 26th Ultimo, requesting explanation regarding the entertainment at Cuntoor of 7 Peons &c., in 24 cases of the prescribed number.-

/Here enter F.C. No. 18 of 1844./

End.

12 D 11
Re

F. 26.

Monday 8th January, 1844.-

At a Court of the Honjdary Adalut.-

Present;

Geo. James Casamajor Esquire 1st Principal Judge,
Malcolm Lewin Esquire — 2d Principal Judge.
Alexander Maclean Esquire — 3d Principal Judge.

Read Miscellaneous Petition presented on 11th December 1843 by Ghoolam Ruzak, Vakeel on behalf of A. G. Mascarenhas of Mangalore, complaining of a decision of the Sessions Judge of Canara on the 28th October last, confirming a judgment of the Joint Magistrate, by which this applicant was directed to give personal security in 100 Rupees for his good behaviour during the period of one year; and praying that he may be relieved from a sentence which is not supported by evidence, and is derogatory to his character.-

(Here enter M. P. No. 97 of 1843.)

The charge preferred against this

1. Petitioner seems to have been for an illegal attempt to force a certain laborer into his employ as a woodcutter.-

The

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The Sessions Judge, on a review of the Joint Magistrates' order directing security to be given by this appellant, considers the grounds assigned an ample justification of the Magistrates' decision; and the Court of Foujdary Adalut on a careful perusal of the papers before them see reason to think that the Sessions Judge has given the case full investigation, and, since from his position he must have greater facilities of estimating the Petitioner's character than this Court have, they decline interfering with his order.

Ordered that copy of these proceedings be granted to Petitioner's Vakeel on application.

Ent W.

Read letter dated the 28th Ultimo from the Magistrate of Masulipatam reporting that no cases of the description alluded to in Section LIV Act VII of 1843 have come under his cognizance during the month of November last.

(Here enter No 26.)

Read letter dated the 30th Ultimo from the Sessions Judge of Calicut transmitting copy of the Calicut Calendar No XV of 1843 and translation

translation of the original Fatwa.

(Here enter No 31.)

Read letter dated the 30th Ultimo from the Sessions Judge of Rajahmundry forwarding copies of the Warrant, and of the letter from the Subordinate Court showing the final sentence upon the Prisoner in Case No 5 of 1843 has been executed.

(Here enter No 32.)

Read return dated the 2nd Instant from the acting Sessions Judge of Combaconum to the precept of the Foujdary Adalut dated 29th December 1843 revising the sentence of the 2nd and 3d prisoners in Case No 170 of the Calendar for 1843.

(Here enter No 34.)

Read letter dated the 4th Instant from the acting Magistrate of North Arcot informing that during the month of December 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 36.)

Read return dated the 2nd Instant

8th January 1844.-

Instant from the Acting Subordinate Judge of Cuddapah to the precept of the Foujdary Udalut dated 23d December 1843 conveying their observations on the Criminal Reports for November 1843.-

(Here enter No. 38.)

Read letter dated the 1st Instant from the Session Judge of Guntoor forwarding the Monthly Criminal Reports for the Month of December 1843.-

(Here enter No. 41.)

Read letter dated the 2nd Instant from the Session Judge of Tinnevelly submitting Calendar of Case No. 11 of 1843 committed by the Principal Sudr Ameen of Tinnevelly.-

(Here enter No. 42.)

Read return dated the 2nd Instant from the Acting Sessions Judge of Mangalore to the precept of the Foujdary Udalut of the 26th December last conveying the observations of the Court on Case No. 19 of the Calendar for 1843.-

(Here enter No. 45.)

Ent'd.

J. U.

Wednesday,
10th January, 1844.-

At a Court of the Foujdary Udalut.-

Present;

Geo: James Casamajor Esquire — 1st Puisne Judge,
Malcolm Lewin Esquire — 2d Puisne Judge,
Alexander Maclean Esquire — 3d Puisne Judge,

Read communication dated the 20th Ultimo, from the Acting Magistrate of Tanjore, requesting instructions whether a Magistrate can fine a complainant for a "litigious vexatious — or groundless complaint" when the nature of the charge if proved, would be punishable under Section VII Regulation X of 1816 by Section LIV Act VII of 1843.-

(Here enter No. 2052 of 1843.)

1. The Court of Foujdary Udalut have no hesitation in replying in the negative to the question propounded by the Acting Magistrate.-

2. A Magistrate is empowered to punish for a false complaint only in event of the offence charged being embraced in Sections XXXII and XXXIII Regulation IX of 1816 as clearly

10th January 1844.

clarly shown in Section XXXV of that enactment.-

3. If the result of the investigation by a Magistrate, of an offence punishable under Section VIII Regulation X of 1816 should show that the charge has been falsely and maliciously preferred, the case should necessarily be dealt with by the Magistrate as, under similar circumstances, it would be by a Criminal Judge.-

4. It is obvious that in the case referred, the charge and evidence must have been so preferred and given that the Prosecutor and Witnesses would be punishable for Perjury.-

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

(Sent in No. 21.)

End 1st.

Read letter dated the 2nd. Instant from the acting Sessions Judge of Tellicherry reporting that no amount was realized by the labour of the Prisoners in the Jail, nor any disbursement of the nature described in the Zoojdary Adalut Circular Order No. 88 of 1837. made during the last quarter.-

(Here enter No. 47.-)

Read.

10th January 1844.-

Read letter dated the 30th Ultimo from the Acting Sessions Judge of Canara - submitting the Calendar of Case No. III tried by the Sessions Court, with remarks thereon, the translation of the original Futwah, and the statement of Batta paid to the Prosecutor and witnesses.-

(Here enter No. 49.)

Read letter dated the 2nd Instant from the acting Sessions Judge of Tellicherry - reporting that no disbursement of the nature described in the Zoojdary Adalut's Circular Orders Nos. 50 and 65 was made during the last quarter.-

(Here enter No. 50.)

Read letter dated the 3rd Instant from the Magistrate of Pychinopoly stating that he did not exercise the powers vested in him by Section LIV Act No. VII of 1843 during the month of December last.-

(Here enter No. 53.)

Read letter dated the 5th Instant from the Magistrate of Madura reporting

18th January 1844.-

reporting the powers vested in Magistrates by Section LIV Act VII of 1843 have not been exercised in last month.-

(Here enter No. 60)

Read return dated the 19th Ultimo from the Acting Session Judge of Chittoor to the precept of the Foujdaree Adalut of the 8th Ultimo - submitting a report of the circumstances under which the Acting Joint Magistrate has acted in Criminal Case No 18 of 1843 together with the explanation furnished by that officer and other papers connected with the case in question.-

(Here enter No. 2045 of 1843)

Read letter dated 19th Ultimo from the Sessions Judge of Salem - submitting a trial for the final judgment of the Court of Foujdaree Adalut.-

(Here enter No. 2069 of 1843)

Ent WH

WDM

JL

J. No.

Saturday, 13th January 1844.

At a Court of the Foujdaree Adalut.

Present;

G. J. Casamajor Esqre — Actg 1st Puisne Judge,
Malcolm Lewin Esqre Actg 2d Puisne Judge,
Alex. Maclean Esqre Actg 3d Puisne Judge.

Read the Criminal Reports submitted by the Principal Sudr Ameen of Nellore for the month of November 1843.

(Here enter J. No. 1974 of 1843)

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

Ordered therefore that an Extract from these proceedings be forwarded to the Principal Sudr Ameen of Nellore for his information.-

(Sent in No. 24)

Read the Criminal Reports submitted by the Acting Subordinate Judge of Rajahmundry for the month of

Oct

13th January 1844.

October 1843.

/Here enter S.C. No. 1786 of 1843/

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

Ordered therefore that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Rajahmundry for his information.

/Sent in No. 25./

Read letter dated the 28th Ultimo from the Sessions Judge of Calicut transmitting copy of Case No. 15 of 1843 on the Calendar of the Session Court at that Station.

/Here enter S.C. No. 23 of 1844/

Case No. 15

The Prisoner in this case is charged with having inflicted a severe wound on the Prosecutrix, and the Sessions Judge under a conviction that the offence demands exemplary punishment

13th January 1844

punishment awards a sentence of 100 Stripes and 3 years imprisonment with hard labor in irons.

2. As the Court of Sonydaree Adalut do not concur with the Sessions Judge in thinking the present a case that calls for corporal punishment they resolve to direct, under the authority vested in them by Section XXXV Act VII of 1843, that the infliction of Stripes may be remitted.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Calicut by precept returnable in 5 days from and after its receipt.

/Sent following precept No. 20./

End

Read letter dated the 8th Instant from the Acting Sessions Judge

13th January 1844.

J. Chittoor, transmitting the Calendars
Nos. 15 and 16 of 1843, together with the
translations of the Putwahs —

(Here enter F.R. No. 66 of 1844)

Read letter dated the 6th
Instant from the Sessions Judge of Bellary
transmitting the Calendar in committed Case
No. 11 of 1843 together with a Translation
of the Putwah of the Mahomedan Law Officer.

(Here enter F.R. No. 67 of 1844)

Read letter dated the 2d
Instant from the Acting Sessions Judge of
Honore, reporting the removal of Prisoner
Soonagy alias Bawbee in Case No. 4
on the Sirsy Calendar 1st Sessions of 1843,
to the Jail at Sirsy, on account of illness
under Circular Order No. 144, the Zillah
Surgeon having certified that his removal
from Honore was urgently necessary —

(Here enter F.R. No. 68 of 1844)

Entd

F.R.

F.R.

Monday, 15th January, 1844.

At a Court of the Foujdaree Adalut.

Present:

G. J. Casamajor Esqre Actg 1st Puisne Judge,
Malcolm Lewin Esqre Actg 2d Puisne Judge,
Alex. Maclean Esqre Actg 3d Puisne Judge,

Read letter dated the 1st
Instant from the Acting Magistrate of
North Arcot in reply to the proceedings
of the Foujdaree Adalut of the 26th
Ultimo directing, with reference to Case
No. 24 of the Criminal Reports of
the Subordinate Judge of Chittoor
for the month of November 1843, that
the Acting Magistrate should be request-
-ed to report what steps he had taken
for punishing the Peon, Abdool Kader,
who seems to have detained one of the
Prisoners in this charge for a period
of 13 days —

(Here enter F.R. No. 19 of 1844)

F.R.

13 15th January 1846.

1. The Acting Magistrate in this communication considers the conduct of the Peon Abdool Kader was not reprehensible or deserving of punishment; the detention being, under the circumstances of the case unavoidable.

2. These circumstances are stated to be a criminations by the 1st Prisoner "Chengadoo" of three other persons, whose identity and place of retreat were not known to the Peons, and for whose apprehension the Peon Abdool Kawder carried "Chengadoo" along with him, and by whose means they were apprehended on the 15th October; the party thus apprehended criminated another person whom they succeeded in capturing on the 21st of October.

3. The Court of Foujdaree Adaulut observe that these several apprehensions were illegal, unless supported by regular warrants, or conducted by the Village Police under Sections XI and XXI Regulation XI of 1816.

As

15th January 1846

4. As the Magistrate treats these cases as of ordinary occurrence, the Court direct that he will report whether it is the practice in his district for Police Peons of themselves to seize persons on information by others already apprehended; and, if so, under what Regulation, or by what authority it is done.

Ordered that Extract from these proceedings be forwarded to the Acting Magistrate of North Arcot by precept returnable in 5 days from and after its receipt.

/ Sent following precept No. 25 /

Read Miscellaneous Petition presented on 18th December 1845 by Chedum Sarum of the Zillah of Cuddapah complaining with reference to the fine imposed upon him by the late 2d Judge of the Provincial Court, that

he

15th January 1844

he has been removed from his Office of Curnum and his Enam lands placed under attachment, and praying that his Office may be restored to him and his lands released from attachment.—

(Here enter J.M. M.P. No 104 of 1843)

The Petitioner is referred to the orders passed by the Tanjore Adalut on the 10th of July 1843 on his petition No 42, together with the Tanjore Adalut Proceedings of 12th June, which orders and proceedings are final in the case.—

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

Read letter dated the 8th Instant, from the Acting Magistrate of South Arcot, stating that no cases had been tried by him and his Subordinates under Section XIV Act VII of 1843 for December 1843.—

(Here enter J.M. No 76 of 1844)

J. M.

Wednesday 17th January 1844.

At a Court of the Tanjore Adalut.

Present;

G. L. Casamajor Esqre — Mg. 1st
M. Lewin Esqre — Mg. 2d
Alexr. Maclean Esqre — Mg. 3d

} Present 1 to 3

Read letter dated the 13th Ultimo from the Acting Magistrate of South Arcot affording the explanation requested by this Court on their proceedings of the 8th Ultimo on a review of Case No 12 of the Cuddalore Criminal Report for October last.

(Here enter No 2001 of 1843)

The Court of Tanjore Adalut observed in their proceedings of the abovementioned date that the "many irregularities observable in the "preliminary enquiries call for their "severe animadversion," and in reference to this remark the Acting Magistrate, in his letter now under perusal, states

such

such circumstances as, in his opinion, refute the Prisoners assertions of illtreatment, and fully justify the course pursued for the purpose of obtaining a conviction.-

2 In the 3d para. of this communication an important omission is attributed to the writer of the deposition which ought to have been rectified by the Magistrate and in the 4th para. the extraordinary omission on the Magistrate's part to authenticate the confessions is noticed.-

3 In the 7th para. Mr. Davis assigns as a reason for his personally investigating the charge that the complainant was his Cutcherry dresser, and in the 9th para. it is stated that "had the Principal Sudr Ameen taken the same pains to convict the Prisoners that he has to release them a very different result would have ensued," an opinion which, from the evidence before them, the Sessions Judge does not think Mr. Davis

Davis was warranted in entertaining, as the investigation of the Principal Sudr Ameen has apparently been conducted in every respect with propriety and judgment.-

4 On the whole the Court observe with regret that the Magistrate's explanation is very unsatisfactory and discloses a negligence in the examination of the case which is highly discreditable.

Ordered, that Extract from these proceedings be forwarded to the Acting Magistrate of South Arcot for his information.-

(Sent in No. 29.

Read letter dated the 30th Ultimo from the Acting Session Judge of Nellore submitting copies of the Calendars in Nos. 3 4 and 7 of 1843 and requesting instructions as to the propriety of deciding the four other Nos. of which the examination has been closed by the Session Judge.-

(Here enter No. 7.)

In reference to the remarks

Case No. 7- 1.

of the Session Judge on this case the Court of Tonjore Udalut observe that as directed by Circular Order 16th May 1822 it should have been stated whether the witness who recognized the Prisoner was previously acquainted with him.

2. The Court trust that the circumstances noticed by the Zillah Judge on the part of the Committing Officer were duly brought to the notice of the latter.—

3. In regard to the other Criminal Cases yet pending decision Mr. Walther has this day been called upon to pass sentence upon them without delay.—

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

(Sent following) precept No. 30.

Read Letter dated the 26th Ultimo from the Acting Magistrate of Salem bringing

bringing to notice the misconduct of the Acting Head of Police of Razepore.

(Here enter F. U. No. 15)

1. In the preceding communication the Acting Magistrate alludes to the numerous charges brought against the Tahsildar, of delay in the transaction of business, of endeavours to suppress evidence, of withholding public documents until it suited his purpose to produce them, of confining people without cause, of altering dates and refusing to listen to complaints because he disrelished them.— these and other charges the Acting Magistrate, as well as his Head Assistant, considers sufficiently proved to call for the exemplary punishment of dismissal from office and a declaration of incompetence to hold henceforward any situation under Government.

2. Without entering into an investigation of the charges preferred against the Head of Police of Razepore the

the Courts of Foujdaree Udalut would merely observe that they have not authority to order the dismissal of a Talukdars peon in cases coming before them under the provisions of Section XXXIX Act VIII of 1843, and that before they could pass a condemnatory sentence, they would require to be provided with the defence of the accused.

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

(Section No. 31)

Read letter dated the 11th Ultimo from the Acting Magistrate of North Arcot, reporting that the powers vested in the Magistracy by Section LIII of Act VIII of 1843 have not been exercised during the month of November last.

(Here enter F. H. No. 1977)

Read the Criminal Reports dated 12th Ultimo from the Magistrate of Chingleput for the Month of November last.

(Here enter F. H. No. 1976)

Read

Read letter dated the 13th December 1843 from the Acting Session Judge of Chittoor, transmitting the Calendar in Case No. 11 of 1843 together with the translation of the Futwah.

(Here enter F. H. No. 1979)

Read the Criminal Reports dated 30th November 1843 from the Acting Subordinate Judge of Salem for the Month of November last.

(Here enter F. H. No. 1982)

Read letter dated the 12th Ultimo from the Principal Sudr Ameen in charge of the Zillah Court of Nellore, submitting the Criminal Reports for the Month of November last.

(Here enter F. H. No. 1985)

Read letter dated the 1st Ultimo from the Chief Magistrate and Superintendent of Police at Madras, submitting the Report of cases tried under Act XXII of 1837 in the Month of October 1843.

(Here enter F. H. No. 1987)

Read

17th January 1844.

Read letter dated the 11th Ultimo from the Session Judge of Madura submitting copys of the Calendar of three Prisoners together with the translation of the Fictwahs—

(Here enter F. R. No. 1992)

Read letter dated the 11th Ultimo from the Session Judge of Mangalore submitting Copy of the Calendar in Case No. 2 of 1843 with his remarks thereon—

(Here enter F. R. No. 1994)

Read letter dated the 5th Ultimo from the Acting Session Judge of Honore submitting the Calendar of Case No. 1 of 1843, together with the translation of the original Fictwahs, and the Statement of Batta paid to the Prosecutors and Witnesses—

(Here enter F. R. No. 1995)

Encl.

PDM
M

F. R.

Thursday 18th January 1844.

At a Court of the Foujdary Adawlut—

Present—

George James Casamajor Esquire 1st Puisne Judge—
Malcolm Lewin Esquire — 2d Puisne Judge—
Alexander Maclean Esquire — 3d Puisne Judge—

Read letter dated the 2nd Instant from the Session Judge of Tinnevelly submitting the record of the Trial in Case No. 11 on the Calendar of the Sessions Court at Tinnevelly for 1843—

(Here enter No. 101.)

The Court of Foujdary Adawlut

Mr. G. J. Casamajor.

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 Pauthalamoottoo,

and

2d Poattynandan,

is sufficient to convict the former of the crime of Culpable Homicide, for which the punishment of Death is awardable under the Mahomedan Law,

Law, as declared in futwas of their Law Officers, and the latter of having been an accessary after the fact to the said crime, do convict them of those crimes respectively and under the provisions of Clause Second Section XV Regulation VII of 1802 and Section XXXIII Act VII of 1843 sentence the prisoner,

1st Panthalamoottoo.

to be imprisoned and kept to labor within the walls of the Jail for and during the period of six months - and the prisoner

2d Poattiyandan.

to be imprisoned and kept to labor within the walls of the Jail, for and during the period of two months.

1. There does not appear to have been any Criminal intentions on the part of either of the prisoners in inflicting, or causing to be inflicted, the beating which occasioned the death of deceased, and to which it distinctly appears that deceased submitted voluntarily, as to a process of exorcism, and made no endeavour to escape from it though he was not bound or otherwise under restraint. Nor was the slipper with

with which the beating was inflicted likely to occasion death or serious injury. On the contrary it is in evidence that it was the instrument customarily used on such occasions and that similar beatings were customarily without injurious result. The criminality of the 1st Prisoner consists solely in a culpable negligence in the mode of administering the beating.

2. The 2nd Prisoner cannot be said to be partaker in this part of the 1st Prisoner's guilt; all the criminality that appears to the Court, to attach to the 2nd Prisoner is his having assisted in burying the body of deceased, and thus knowingly concealing a homicide; which is of the nature of misprision.

3. The case differs widely from No. 5 of 1843 by the sentence in which the Sessions Judge has been guided in proposing the sentence in this case. In that case the Prisoner assaulted the deceased under provocations of abusive language and one of them kicked him on a part of the body on which a kick was likely to be attended with serious injury.

6th January 1844

Sundry Vakils received in the above said Case

Nos.-

(Here enter No. 1996.)

Read letter dated the 13th December 1843 from the Acting Magistrate of South Arcot referring to the Courts proceedings of the 8th Ultimo and forwarding copy of a letter from the Joint Magistrate of South Arcot conveying the explanation required in Case No. 11.-

(Here enter No. 2004)

Read letter dated the 12th December 1843 from the Acting Subordinate Judge of Rajahmundry forwarding Criminal Reports for November last.-

(Here enter No. 2003.)

Read letter dated the 13th December 1843 from the Principal Sudr Ameen at Cuddalore forwarding Criminal Report No. for the Month of November last.-

(Here enter No. 2005.)

Read letter dated the 12th December 1843 from the Subordinate Judge of Bangalore, transmitting the required Reports in the Criminal Department of this Court for the Month of November 1843.-

(Here enter No. 2006.)

8th January 1844

Read letter dated the 11th December 1843 from the Acting Principal Sudr Ameen of Guntoor, forwarding the Criminal Reports for the Month of November 1843.-

(Here enter No. 2007.)

Read letter dated the 12th December 1843 from the Sessions Judge of Guntoor, sending copy of the 5th Calendar of persons committed by the Acting Principal Sudr Ameen of Guntoor for trial before the Sessions Judge.-

(Here enter No. 2008.)

Read letter from the Sessions Judge of Calicut dated the 11th December 1843 transmitting copy of the Calicut Calendar No. X of 1843 and translation of the original Tuliva.-

(Here enter No. 2014.)

Read letter dated the 8th Instant from the Subordinate Judge of Chittoor forwarding the statement required by this Court under date the 11th December 1840.-

(Here enter No. 820 of 44.)

Friday
19th January 1844.

At a Court of the Foujdary Adalut.

Present.

George James Casamajor Esquire Offg. 1st Puisne Judge
Malcolm Lewin Esquire ——— Offg. 2d Puisne Judge
Alexander Maclean Esquire Offg. 3d Puisne Judge

Read return dated the 6th Instant from the Acting Session Judge of Cuttack to the precept of the Foujdary Adalut of 23d December last directing him to look into case No. 207 of the Cuttack Criminal Depot for the month of November 1843, and pass such orders as may seem necessary.—

(Herd enter F. D. No. 44 of 1844).—

1. In the 5th para of the preceding return the Acting Session Judge notices the "discreditable" conduct of the Head of Police of Muddenpully in having forwarded the above case to the Criminal Court without the slightest inquiry, and without evidence which might have been obtained in the first instance in the case of the 8th and 9th Witnesses, who was forthcoming on the requisition of the

9th January 1844

3

of persons apprehended in the District and delivered to the Magistrate, Joint and Assistant Magistrates, of Tanjore from the 15th to the 30th November 1843.

(Here enter F.A. No 2 of 1844.)

Abstract 3, Hand 5.

The same individual being charged in the three cases noted in the margin it was necessary, with reference to the rule laid down in Judiciary Adalut Circular Order dated 8th December 1831 that the name of the accused should in the second and other case be inserted in the Report in red ink.

Ordered that Extract of these proceedings be sent to the Acting Magistrate of Tanjore for his information.

(Sent in Ltr No 41.)

Ltr No.

F.A.

Saturday, 20th January 1844.

At a Court of the Foujdaree Adalut

Present

G. I. Casamajor Esqr 1st Ag.t
Malcolm Lewin Esqr Ag.t 2d
Alex.r Maclean Esqr Ag.t 3d
} Puisne Judges

Read letter dated the 27th Ultimo from the Acting Session Judge of Combaconum.

(Here enter No 8 of 1844.)

In this communication the Acting Session Judge requests instructions as to the course he ought to pursue with reference to the disposal of a certain Criminal Case on appeal from the Magistrate, and on the merits of which he differs from his predecessor Mr. Prendergast who, by his proceedings entered in the Diary of the 8th November last, appears to have credited the accusation, and proposed returning the record of the

to the Magistrate, with a request that he would explain the grounds on which he rejected the appeal of the Petitioner against the order preceded by his Head Assistants previous, however, to adopting this course, he called upon the Magistrate for further information, which information was not received until Mr Rawlings's departure.

2. The original charge was for assault and preferred before Mr Cook the Head Assistant Magistrate who not only doubted its truth but in his Takeed of the 4th September last to the Police Officer of Cadawaple directed that in the event of either party complaining, security should be demanded from the supposed principal.

3 Under existing circumstances the Court are clearly of opinion that it is the duty of the Acting Session Judge to pass the final orders.

4 At the same time the Court resolve, that the Magistrates, to call upon Mr

Mr Cook the late Head Assistant Magistrate of Tangore, to explain under what authority he issued the order to demand security on preferring a complaint referred to at the end of his Takeed to the Head of Police of Cadawaple Talook dated 4th September.

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

(Sent Nº 144.)

Ordered also that Extract from these proceedings be forwarded to the Acting Magistrate of Tangore by precept returnable without delay.

(Sent following) precept Nº 45.

Read letter dated the 5th Instant from the Subordinate Judge of Mangal[illegible] applying for permission to offer a conditional pardon to a Prisoner [illegible] Nº 36 of the Criminal file of that C[illegible]

(Here enter F 11 Nº 70)

The circumstances [illegible]

which the Subordinate Judge applies for permission to offer a conditional pardon to Ober Ayeta the 3rd Prisoner in the above Criminal Case, and his confessions before the Police and Court to the effect that he was in the company of the 1st and 2d Prisoners when the house of a female named Amaty was broken into and she robbed and murdered.

2. With the exception of this confession there is stated to be no material evidence beyond what may be derived from the fact of previous intimacy and enmity existing between the deceased and the 1st and 2d Prisoners.

3. The Court of Foujdaree Adalut observe that unless corroborative evidence can be adduced the offer of a pardon to the 3d Prisoner would be useless, and they would suggest to the Subordinate Judge to cause inquiry to be made as to the exact manner in which the door of the deceased Amaty's house was fastened.

4. From the evidence of the 3d

3d Witness it would appear that the door was more than merely shut; if it was fastened inside and was obliged to be broken to be entered it seems possible that the deceased hanged herself.—

Ordered that Extract from these proceedings be forwarded to the Subordinate Judge of Mangalore by precept returnable without delay.—

(Seal following) precept No. 26

J. U.

Monday, 22d January 1844.

At a Court of the Sungdaree Udalut.

Present,

G. S. Casamajor Esq.re Act.g 1st Puisne Judge,

Malcolm Lewin Esq.re Act.g 2d Puisne Judge,

Alex: Maclean Esq.re Act.g 3d Puisne Judge.

Read Miscellaneous Petition presented on 18th December 1843 by Ramoo vyngar of Zillah Combaconum.

/ Here enter J. U. M. P. No. 103 of 1843 /

Adverting to his previous memorials / No.s 64 and 83 / and the orders passed upon them by this Court the Petitioner states that, in the Sungdaree Udaluts proceedings of 20th November last, he is advised to apply to the Magisterial authorities and thereupon [illegible] that being unable to understand the nature of that order he now prays for specific directions as to the authority from whom he is to

22nd January 1844

No 66 of 1843

From the language adopted in the first Petition in which it is stated that he had addressed the Higher Court on the 10th June last, the Court of Foujdaree Udalut were led to conclude that the Petitioner had addressed the late Provincial Court against the proceedings of the Magistrate, and, as from the return of the late Provincial Court in the Southern Division dated 4th of last September — no such application seems to have been made to them on this Subject, the Court of Foujdaree Udalut, in their order of 20th November last, pointed out the Magistrate as the proper channel for any Appeal from the proceedings of the Subordinate Police.—

To this order the Petitioner is again referred and, at the same time, informed that an Appeal from the Magistrate's decision will lie to the Sessions Judge.—

Ordered

22nd January 1844.

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

Read Miscellaneous Petition presented on the 18th December 1843 by Lingumunk and Lauteepeah of the Zillah of Bellary.—

/Here enter F.C. M.P. No. 102 of 1843/

The Subject matter of this Petition is the same as that of Original Petition No. 66 of 1843, in which this Court by their proceedings dated 4th October last, declined all interference.—

The Petitioners now pray some Standard may be fixed by which their proceedings may be conducted with the limits assigned by Mr. Bruce in a certain proclamation, and which, they allege the late Provincial Court in the Centre Division in an Extract from their proceedings

Submitted

22nd January 1844.

Submitted with the Petition No. 66 of 1843.

declared to be correct and proper.

The Petitioners should apply to the Magistrate of the District for such orders as they may think necessary, matters of the nature of those referred to in their addresses are best in the hands of the local authorities.

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

Read return dated the 30th ult. ultimo from the Magistrate of Malabar, to the precept of the Sanjoined Adalut of the 22nd ultimo, ordering him to supply the information omitted in the Criminal Reports for November 1843.

/Here enter J.Mc. No. 71 of 1844/

Read Statements dated the 31st ultimo from the Sessions Judge of Coimbatore, of the labor of Convicts in the Jail

J.Mc

22nd January 1844.

Jail of Coimbatore and Dotacammund for the Months of December 1843.

/Here enter J.Mc. No. 74 of 1844/

Read Statement dated the 6th Instant from the Acting Sessions Judge of Tellicherry, of Batta paid to the Prosecutors and witnesses attending before the Court of Session for the 4th quarter of 1843.

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/Here enter J.Mc. No. 78 of 1844/

Read letter dated the 9th Instant from the Magistrate of Cuddapah informing that no cases have been tried either by himself, the Joint Magistrate or the Head Assistant Magistrate

under Section XLIX Act VII of 1843 during the
months of December last.-

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Instant from the Sessions Judge of
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Case No. 8 of 1843 committed by the
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Chingleput, forwarding Statements of labor
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Read letter dated the 10th
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him.-

/Here enter F.C. No. 103 of 1844/

Read

Read letter dated the 8th
Instant from the Acting Subordinate
Judge of Rajahmundry, forwarding the
Criminal Reports for the months of December
1843.-

/Here enter F.C. No. 105 of 1844/

Read letter dated the 10th
Instant from the Acting Principal Sudr
Ameen of Guntoor, reporting that
Criminal Reports of December last
are "blank" in consequence of no case
having been received during that months

/Here enter F.C. No. 114 of 1844/

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Instant from the Acting Sessions Judge
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Reports for December 1843, and stating
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No. 7, 8 and 9 and the Statement of
punishment are not transmitted as there
have been no entries to be made therein
during the said months.-

/Here enter F.C. No. 121 of 1844/

R

22nd January 1844

Read letter dated the 10th Instant from the Magistrate of Tinnevelly reporting that no cases were decided by him or his Assistants during the last Month under the powers vested by Act VIII of 1843.—

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Read Report dated the 1st Instant from the Sessions Judge of Tinnevelly of cavaliers and of Prisoners released in the Zillah Courts at Tinnevelly in the Months of December 1843.

/Here enter F.M. No. 132 of 1844/

Read return dated the 16th Instant from the Acting Sessions Judge of Coddapah to the precept of the 30th dated the 3rd January calling for a report on the allegations of the Petitioner in Miscellaneous petition No. 100 concerning certain Jewels withheld from the Prisoner in case No. 2 on the Coddapah Supplemental Calendar for

F.M.

22nd January 1844

for the 2nd Sessions of 1843.

/Here enter F.M. No. 181 of 1844/

Read again Miscellaneous Petition presented on 11th December 1843 by Saurummah Sister of Christoo Naugadoo, prisoner in the above mentioned case, complaining of the family Jewels having been seized by the Peons who search the house, and praying, since the Prosecutor could not identify the Jewels that they may be restored and her Brother released from prison.—

/Here enter F.M. M.P. No. 100 of 1843/

In the preceding return the Acting Sessions Judge attributes the non identifying of the Jewels to bribery on the part of the Prisoner's Friends, and states that they have been detained during his imprisonment but any on his expressing a wish to that effect, be delivered to the Petitioner.—

2. Under these circumstances the Court

Court of Zeyedaree Adalut declare interfering leaving the restoration of the Jewels to the Petitioner or his relatives, to the discretion of the Acting Sessions Judge—

Ordered that Extract of these proceedings be sent to the Acting Sessions Judge of Cuddapah for his information and guidance—

/Sent in Ack 47./

Order further that copy of these proceedings be granted to Petitioner on application—

Read Miscellaneous Petition presented on the 3d January 1844 by Chinnah and Bantalingum of the Zillah of Masulipatam complaining of the sentences passed in Case No 1 of the Supplemental Calendar of Masulipatam for the 2d Quarterly Sessions of 1843, and praying that the Court of Zeyedaree Adalut will be pleased to call for the record and reverse the Sentence—

/Here enter Fl & Mr P. No 2 of 1844/ The

The Petitioners state that in the above case 13 persons, charged with riotously assembling in the Village of Condapelly during a certain car festival, having been tried were variously punished, altho' it was clearly proved that the parties acted in conformity to Mamool and not in opposition to any Regulation.

This case cannot now be gone into again and Petitioners are referred to the former order passed by this Court on the 21st August 1843 on Miscellaneous Petition No 57—

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

End H.

WDM
Dy

Tuesday
23d January 1844.-

At a Court of the Foujdary Udalut.-

Present-

George James Casamajor Esquire Offg. 1st Puisne Judge.
Malcolm Lewin Esquire — Offg. 2d Puisne Judge.
Alexander Maclean Esquire - Offg. 3d Puisne Judge.

Read letter dated the 26th Ultimo from the Session Judge of Tinnevelly submitting copy of the Calendar in Case No. 4 of 1843.-

(Vide entry No. 1.)

In reference to the remarks of the Session Judge in this case the Court of Foujdary Udalut observe that as directed by Circular Order 16th January 1822, it should have been stated whether the witnesses who recognized the prisoners were previously acquainted with them.-

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

(Sentence No. 49.

Read

such circumstances as, in his opinion, refute the Prisoners assertions of illtreatment, and fully justify the course pursued for the purpose of obtaining a conviction.-

2 In the 3d para. of this communication an important omission is attributed to the writer of the deposition which ought to have been rectified by the Magistrate and in the 4th para. the extraordinary omission on the Magistrate's part to authenticate the confessions is noticed.-

3 In the 7th para. Mr. Davis assigns as a reason for his personally investigating the charge that the complainant was his Cutcherry dresser, and in the 9th para. it is stated that "had the Principal Sudr Ameen taken the same pains to convict the Prisoners that he has to release them a very different result would have ensued," an opinion which, from the evidence before them, the Sessions Judge does not think Mr. Davis

Davis was warranted in entertaining, as the investigation of the Principal Sudr Ameen has apparently been conducted in every respect with propriety and judgment.-

4 On the whole the Court observe with regret that the Magistrate's explanation is very unsatisfactory and discloses a negligence in the examination of the case which is highly discreditable.

Ordered, that Extract from these proceedings be forwarded to the Acting Magistrate of South Arcot for his information.-

(Sent in No. 29.

Read letter dated the 30th Ultimo from the Acting Session Judge of Nellore submitting copies of the Calendars in Nos. 3 4 and 7 of 1843 and requesting instructions as to the propriety of deciding the four other Nos. of which the examination has been closed by the Session Judge.-

(Here enter No. 7.)

In reference to the remarks

Case No. 7- 1.

of the Session Judge on this case the Court of Tonjore Udalut observe that as directed by Circular Order 16th May 1822 it should have been stated whether the witness who recognized the Prisoner was previously acquainted with him.

2. The Court trust that the circumstances noticed by the Zillah Judge on the part of the Committing Officer were duly brought to the notice of the latter.—

3. In regard to the other Criminal Cases yet pending decision Mr. Walther has this day been called upon to pass sentence upon them without delay.—

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

(Sent following) precept No. 30.

Read Letter dated the 26th Ultimo from the Acting Magistrate of Salem bringing

bringing to notice the misconduct of the Acting Head of Police of Razepore.

(Here enter F. U. No. 15)

1. In the preceding communication the Acting Magistrate alludes to the numerous charges brought against the Tahsildar, of delay in the transaction of business, of endeavours to suppress evidence, of withholding public documents until it suited his purpose to produce them, of confining people without cause, of altering dates and refusing to listen to complaints because he disrelished them.— these and other charges the Acting Magistrate, as well as his Head Assistant, considers sufficiently proved to call for the exemplary punishment of dismissal from office and a declaration of incompetence to hold henceforward any situation under Government.

2. Without entering into an investigation of the charges preferred against the Head of Police of Razepore the

the Courts of Foujdaree Udalut would merely observe that they have not authority to order the dismissal of a Talukdars peon in cases coming before them under the provisions of Section XXXIX Act VIII of 1843, and that before they could pass a condemnatory sentence, they would require to be provided with the defence of the accused.

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

(Section No. 31)

Read letter dated the 11th Ultimo from the Acting Magistrate of North Arcot, reporting that the powers vested in the Magistracy by Section LIII of Act VIII of 1843 have not been exercised during the month of November last.

(Here enter F. H. No. 1977)

Read the Criminal Reports dated 12th Ultimo from the Magistrate of Chingleput for the Month of November last.

(Here enter F. H. No. 1976)

Read

Read letter dated the 13th December 1843 from the Acting Session Judge of Chittoor, transmitting the Calendar in Case No. 11 of 1843 together with the translation of the Futwah.

(Here enter F. H. No. 1979)

Read the Criminal Reports dated 30th November 1843 from the Acting Subordinate Judge of Salem for the Month of November last.

(Here enter F. H. No. 1982)

Read letter dated the 12th Ultimo from the Principal Sudr Ameen in charge of the Zillah Court of Nellore, submitting the Criminal Reports for the Month of November last.

(Here enter F. H. No. 1985)

Read letter dated the 1st Ultimo from the Chief Magistrate and Superintendent of Police at Madras, submitting the Report of cases tried under Act XXII of 1837 in the Month of October 1843.

(Here enter F. H. No. 1987)

Read

17th January 1844.

Read letter dated the 11th Ultimo from the Session Judge of Madura submitting copys of the Calendar of three Prisoners together with the translation of the Fictwahs—

(Here enter F. R. No. 1992)

Read letter dated the 11th Ultimo from the Session Judge of Mangalore submitting Copy of the Calendar in Case No. 2 of 1843 with his remarks thereon—

(Here enter F. R. No. 1994)

Read letter dated the 5th Ultimo from the Acting Session Judge of Honore submitting the Calendar of Case No. 1 of 1843, together with the translation of the original Fictwahs, and the Statement of Batta paid to the Prosecutors and Witnesses—

(Here enter F. R. No. 1995)

Encl.

PDM
M

F. R.

Thursday 18th January 1844.

At a Court of the Foujdary Adawlut—

Present—

George James Casamajor Esquire 1st Puisne Judge—
Malcolm Lewin Esquire — 2d Puisne Judge—
Alexander Maclean Esquire — 3d Puisne Judge—

Read letter dated the 2nd Instant from the Session Judge of Tinnevelly submitting the record of the Trial in Case No. 11 on the Calendar of the Sessions Court at Tinnevelly for 1843—

(Here enter No. 101.)

The Court of Foujdary Adawlut

Mr. G. J. Casamajor.

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 Pauthalamoottoo,

and

2d Poattynandan,

is sufficient to convict the former of the crime of Culpable Homicide, for which the punishment of Death is awardable under the Mahomedan Law,

Law, as declared in futwas of their Law Officers, and the latter of having been an accessary after the fact to the said crime, do convict them of those crimes respectively and under the provisions of Clause Second Section XV Regulation VII of 1802 and Section XXXIII Act VII of 1843 sentence the prisoner,

1st Panthalamoottoo.

to be imprisoned and kept to labor within the walls of the Jail for and during the period of six months - and the prisoner

2d Poattiyandan.

to be imprisoned and kept to labor within the walls of the Jail, for and during the period of two months.

1. There does not appear to have been any Criminal intentions on the part of either of the prisoners in inflicting, or causing to be inflicted, the beating which occasioned the death of deceased, and to which it distinctly appears that deceased submitted voluntarily, as to a process of exorcism, and made no endeavour to escape from it though he was not bound or otherwise under restraint. Nor was the slipper with

with which the beating was inflicted likely to occasion death or serious injury. On the contrary it is in evidence that it was the instrument customarily used on such occasions and that similar beatings were customarily without injurious result. The criminality of the 1st Prisoner consists solely in a culpable negligence in the mode of administering the beating.

2. The 2nd Prisoner cannot be said to be partaker in this part of the 1st Prisoner's guilt; all the criminality that appears to the Court, to attach to the 2nd Prisoner is his having assisted in burying the body of deceased, and thus knowingly concealing a homicide; which is of the nature of misprision.

3. The case differs widely from No. 5 of 1843 by the sentence in which the Sessions Judge has been guided in proposing the sentence in this case. In that case the Prisoner assaulted the deceased under provocations of abusive language and one of them kicked him on a part of the body on which a kick was likely to be attended with serious injury.

6th January 1844

Sundry Vakils received in the above said Case

Nos.-

(Here enter No. 1996.)

Read letter dated the 13th December 1843 from the Acting Magistrate of South Arcot referring to the Courts proceedings of the 8th Ultimo and forwarding copy of a letter from the Joint Magistrate of South Arcot conveying the explanation required in Case No. 11.-

(Here enter No. 2004)

Read letter dated the 12th December 1843 from the Acting Subordinate Judge of Rajahmundry forwarding Criminal Reports for November last.-

(Here enter No. 2003.)

Read letter dated the 13th December 1843 from the Principal Sudr Ameen at Cuddalore forwarding Criminal Report No. for the Month of November last.-

(Here enter No. 2005.)

Read letter dated the 12th December 1843 from the Subordinate Judge of Bangalore, transmitting the required Reports in the Criminal Department of this Court for the Month of November 1843.-

(Here enter No. 2006.)

8th January 1844

Read letter dated the 11th December 1843 from the Acting Principal Sudr Ameen of Guntoor, forwarding the Criminal Reports for the Month of November 1843.-

(Here enter No. 2007.)

Read letter dated the 12th December 1843 from the Sessions Judge of Guntoor, sending copy of the 5th Calendar of persons committed by the Acting Principal Sudr Ameen of Guntoor for trial before the Sessions Judge.-

(Here enter No. 2008.)

Read letter from the Sessions Judge of Calicut dated the 11th December 1843 transmitting copy of the Calicut Calendar No. X of 1843 and translation of the original Tuliva.-

(Here enter No. 2014.)

Read letter dated the 8th Instant from the Subordinate Judge of Chittoor forwarding the statement required by this Court under date the 11th December 1840.-

(Here enter No. 820 of 44.)

Friday
19th January 1844.

At a Court of the Foujdary Adalut.

Present.

George James Casamajor Esquire Offg. 1st Puisne Judge
Malcolm Lewin Esquire ——— Offg. 2d Puisne Judge
Alexander Maclean Esquire Offg. 3d Puisne Judge

Read return dated the 6th Instant from the Acting Session Judge of Cuttack to the precept of the Foujdary Adalut of 23d December last directing him to look into case No. 207 of the Cuttack Criminal Depot for the month of November 1843, and pass such orders as may seem necessary.—

(Herd enter F. D. No. 44 of 1844).—

1. In the 5th para of the preceding return the Acting Session Judge notices the "discreditable" conduct of the Head of Police of Muddenpully in having forwarded the above case to the Criminal Court without the slightest inquiry, and without evidence which might have been obtained in the first instance in the case of the 8th and 9th Witnesses, who was forthcoming on the requisition of the

9th January 1844

3

of persons apprehended in the District and delivered to the Magistrate, Joint and Assistant Magistrates, of Tanjore from the 15th to the 30th November 1843.

(Here enter F.A. No 2 of 1844.)

Abstract 3, Hand 5.

The same individual being charged in the three cases noted in the margin it was necessary, with reference to the rule laid down in Judiciary Adalut Circular Order dated 8th December 1831 that the name of the accused should in the second and other case be inserted in the Report in red ink.

Ordered that Extract of these proceedings be sent to the Acting Magistrate of Tanjore for his information.

(Sent in Ltr No 41.)

Ltr No.

F.A.

Saturday, 20th January 1844.

At a Court of the Foujdaree Adalut

Present

G. I. Casamajor Esqr 1st Ag.t
Malcolm Lewin Esqr Ag.t 2d
Alex.r Maclean Esqr Ag.t 3d
} Puisne Judges

Read letter dated the 27th Ultimo from the Acting Session Judge of Combaconum.

(Here enter No 8 of 1844.)

In this communication the Acting Session Judge requests instructions as to the course he ought to pursue with reference to the disposal of a certain Criminal Case on appeal from the Magistrate, and on the merits of which he differs from his predecessor Mr. Prendergast who, by his proceedings entered in the Diary of the 8th November last, appears to have credited the accusation, and proposed returning the record of the

to the Magistrate, with a request that he would explain the grounds on which he rejected the appeal of the Petitioner against the order preceded by his Head Assistants previous, however, to adopting this course, he called upon the Magistrate for further information, which information was not received until Mr Rawlings's departure.

2. The original charge was for assault and preferred before Mr Cook the Head Assistant Magistrate who not only doubted its truth but in his Takeed of the 4th September last to the Police Officer of Cadawaple directed that in the event of either party complaining, security should be demanded from the supposed principal.

3 Under existing circumstances the Court are clearly of opinion that it is the duty of the Acting Session Judge to pass the final orders.

4 At the same time the Court resolve, that the Magistrates, to call upon Mr

Mr Cook the late Head Assistant Magistrate of Tangore, to explain under what authority he issued the order to demand security on preferring a complaint referred to at the end of his Takeed to the Head of Police of Cadawaple Talook dated 4th September.

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

(Sent Nº 144.)

Ordered also that Extract from these proceedings be forwarded to the Acting Magistrate of Tangore by precept returnable without delay.

(Sent following) precept Nº 45.

Read letter dated the 5th Instant from the Subordinate Judge of Mangal[illegible] applying for permission to offer a conditional pardon to a Prisoner [illegible] Nº 36 of the Criminal file of that C[illegible]

(Here enter F 11 Nº 70)

The circumstances [illegible]

which the Subordinate Judge applies for permission to offer a conditional pardon to Ober Ayeta the 3rd Prisoner in the above Criminal Case, and his confessions before the Police and Court to the effect that he was in the company of the 1st and 2d Prisoners when the house of a female named Amaty was broken into and she robbed and murdered.

2. With the exception of this confession there is stated to be no material evidence beyond what may be derived from the fact of previous intimacy and enmity existing between the deceased and the 1st and 2d Prisoners.

3. The Court of Foujdaree Adalut observe that unless corroborative evidence can be adduced the offer of a pardon to the 3d Prisoner would be useless, and they would suggest to the Subordinate Judge to cause inquiry to be made as to the exact manner in which the door of the deceased Amaty's house was fastened.

4. From the evidence of the 3d

3d Witness it would appear that the door was more than merely shut; if it was fastened inside and was obliged to be broken to be entered it seems possible that the deceased hanged herself.—

Ordered that Extract from these proceedings be forwarded to the Subordinate Judge of Mangalore by precept returnable without delay.—

(Seal following) precept No. 26

J. U.

Monday, 22d January 1844.

At a Court of the Sungdaree Udalut.

Present,

G. S. Casamajor Esq.re Act.g 1st Puisne Judge,

Malcolm Lewin Esq.re Act.g 2d Puisne Judge,

Alex: Maclean Esq.re Act.g 3d Puisne Judge.

Read Miscellaneous Petition presented on 18th December 1843 by Ramoo vyngar of Zillah Combaconum.

/ Here enter J. U. M. P. No. 103 of 1843 /

Adverting to his previous memorials / No.s 64 and 83 / and the orders passed upon them by this Court the Petitioner states that, in the Sungdaree Udaluts proceedings of 20th November last, he is advised to apply to the Magisterial authorities and thereupon [illegible] that being unable to understand the nature of that order he now prays for specific directions as to the authority from whom he is to

22nd January 1844

No 66 of 1843

From the language adopted in the first Petition in which it is stated that he had addressed the Higher Court on the 10th June last, the Court of Foujdaree Udalut were led to conclude that the Petitioner had addressed the late Provincial Court against the proceedings of the Magistrate, and, as from the return of the late Provincial Court in the Southern Division dated 4th of last September — no such application seems to have been made to them on this Subject, the Court of Foujdaree Udalut, in their order of 20th November last, pointed out the Magistrate as the proper channel for any Appeal from the proceedings of the Subordinate Police.—

To this order the Petitioner is again referred and, at the same time, informed that an Appeal from the Magistrate's decision will lie to the Sessions Judge.—

Ordered

22nd January 1844.

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

Read Miscellaneous Petition presented on the 18th December 1843 by Lingumunk and Lauteepeah of the Zillah of Bellary.—

/Here enter F.C. M.P. No. 102 of 1843/

The Subject matter of this Petition is the same as that of Original Petition No. 66 of 1843, in which this Court by their proceedings dated 4th October last, declined all interference.—

The Petitioners now pray some Standard may be fixed by which their proceedings may be conducted with the limits assigned by Mr. Bruce in a certain proclamation, and which, they allege the late Provincial Court in the Centre Division in an Extract from their proceedings

Submitted

22nd January 1844.

Submitted with the Petition No. 66 of 1843.

declared to be correct and proper.

The Petitioners should apply to the Magistrate of the District for such orders as they may think necessary, matters of the nature of those referred to in their addresses are best in the hands of the local authorities.

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

Read return dated the 30th ult. ultimo from the Magistrate of Malabar, to the precept of the Sanjoined Adalut of the 22nd ultimo, ordering him to supply the information omitted in the Criminal Reports for November 1843.

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Read Statements dated the 31st ultimo from the Sessions Judge of Coimbatore, of the labor of Convicts in the Jail

J.Mc

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Jail of Coimbatore and Dotacammund for the Months of December 1843.

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Read Statement dated the 6th Instant from the Acting Sessions Judge of Tellicherry, of Batta paid to the Prosecutors and witnesses attending before the Court of Session for the 4th quarter of 1843.

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Read letter dated the 4th Instant from the Agent to the Governor of Fort St. George at Vizagapatam forwarding Calendar of Cases for the quarter ending on the 31st December 1843.

/Here enter J.Mc. No. 78 of 1844/

Read letter dated the 9th Instant from the Magistrate of Cuddapah informing that no cases have been tried either by himself, the Joint Magistrate or the Head Assistant Magistrate

under Section XLIX Act VII of 1843 during the
months of December last.-

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Read letter dated the 4th
Instant from the Sessions Judge of
Tinnevelly, submitting Calendar of
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Principal Sudr Ameen of Tinnevelly

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Read letter dated the 10th
Instant from the Sessions Judge of
Chingleput, forwarding Statements of labor
of Prisoners &c. for December 1843.-

/Here enter F.C. No. 89 of 1844/

Read letter dated the 10th
Instant from the Acting Sessions Judge
of Nellore, submitting Copy of the Calendar
of Case No. 11 of 1843. disposed of by
him.-

/Here enter F.C. No. 103 of 1844/

Read

Read letter dated the 8th
Instant from the Acting Subordinate
Judge of Rajahmundry, forwarding the
Criminal Reports for the months of December
1843.-

/Here enter F.C. No. 105 of 1844/

Read letter dated the 10th
Instant from the Acting Principal Sudr
Ameen of Guntoor, reporting that
Criminal Reports of December last
are "blank" in consequence of no case
having been received during that months

/Here enter F.C. No. 114 of 1844/

Read letter dated the 9th
Instant from the Acting Sessions Judge
of Salem, forwarding the Criminal
Reports for December 1843, and stating
that the Supplemental Report, Report
No. 7, 8 and 9 and the Statement of
punishment are not transmitted as there
have been no entries to be made therein
during the said months.-

/Here enter F.C. No. 121 of 1844/

R

22nd January 1844

Read letter dated the 10th Instant from the Magistrate of Tinnevelly reporting that no cases were decided by him or his Assistants during the last Month under the powers vested by Act VIII of 1843.—

/Here enter F.M. No. 127 of 1844/

Read Report dated the 1st Instant from the Sessions Judge of Tinnevelly of cavaliers and of Prisoners released in the Zillah Courts at Tinnevelly in the Months of December 1843.

/Here enter F.M. No. 132 of 1844/

Read return dated the 16th Instant from the Acting Sessions Judge of Coddapah to the precept of the 30th dated the 3rd January calling for a report on the allegations of the Petitioner in Miscellaneous petition No. 100 concerning certain Jewels withheld from the Prisoner in case No. 2 on the Coddapah Supplemental Calendar for

F.M.

22nd January 1844

for the 2nd Sessions of 1843.

/Here enter F.M. No. 181 of 1844/

Read again Miscellaneous Petition presented on 11th December 1843 by Saurummah Sister of Christoo Naugadoo, prisoner in the above mentioned case, complaining of the family Jewels having been seized by the Peons who search the house, and praying, since the Prosecutor could not identify the Jewels that they may be restored and her Brother released from prison.—

/Here enter F.M. M.P. No. 100 of 1843/

In the preceding return the Acting Sessions Judge attributes the non identifying of the Jewels to bribery on the part of the Prisoner's Friends, and states that they have been detained during his imprisonment but any on his expressing a wish to that effect, be delivered to the Petitioner.—

2. Under these circumstances the Court

Court of Zeyedaree Adalut declare interfering leaving the restoration of the Jewels to the Petitioner or his relatives, to the discretion of the Acting Sessions Judge—

Ordered that Extract of these proceedings be sent to the Acting Sessions Judge of Cuddapah for his information and guidance—

/Sent in Ack 47./

Order further that copy of these proceedings be granted to Petitioner on application—

Read Miscellaneous Petition presented on the 3d January 1844 by Chinnah and Bantalingum of the Zillah of Masulipatam complaining of the sentences passed in Case No 1 of the Supplemental Calendar of Masulipatam for the 2d Quarterly Sessions of 1843, and praying that the Court of Zeyedaree Adalut will be pleased to call for the record and reverse the Sentence—

/Here enter Fl & Mr P. No 2 of 1844/ The

The Petitioners state that in the above case 13 persons, charged with riotously assembling in the Village of Condapelly during a certain car festival, having been tried were variously punished, altho' it was clearly proved that the parties acted in conformity to Mamool and not in opposition to any Regulation.

This case cannot now be gone into again and Petitioners are referred to the former order passed by this Court on the 21st August 1843 on Miscellaneous Petition No 57—

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

End H.

WDM
Dy

Tuesday
23d January 1844.-

At a Court of the Foujdary Udalut.-

Present-

George James Casamajor Esquire Offg. 1st Puisne Judge.
Malcolm Lewin Esquire — Offg. 2d Puisne Judge.
Alexander Maclean Esquire - Offg. 3d Puisne Judge.

Read letter dated the 26th Ultimo from the Session Judge of Tinnevelly submitting copy of the Calendar in Case No. 4 of 1843.-

(Vide entry No. 1.)

In reference to the remarks of the Session Judge in this case the Court of Foujdary Udalut observe that as directed by Circular Order 16th January 1822, it should have been stated whether the witnesses who recognized the prisoners were previously acquainted with them.-

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

(Sentence No. 49.

Read

23d January 1844.

to her sex, the 4th to 2 years' imprisonment with hard labour, and the 5th is ordered to be released.

4. The Court of Foujdary Udalut consider there are no circumstances in this case which call for the infliction of stripes which they accordingly, under the authority vested in them by Section XXXV Act VII of 1843, direct may be remitted, observing that it would have been a better distinction had the Acting Sessions Judge sentenced the 1st Prisoner to 7 and the 2d Prisoner to 5 years' imprisonment which they accordingly order.

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

(Sent following precept No. 51.)

Read letter dated the 16th Instant from the Magistrate of Masulipatam reporting that no cases of the description alluded to in Section LIV Act VII of 1843 have come under his cognizance for last month.

(Here enter No. 238.)

Ent. W.

F. U.

Wednesday, 24th January 1844.

At a Court of the Foujdary Udalut.

Present.

George James Casamajor Esquire 1st Puisne Judge.
Malcolm Lewin Esquire 2d Puisne Judge.
Alexander Maclean Esquire 3d Puisne Judge.

Read letter from the Acting Sessions Judge of Combaconum dated the 9th Instant, submitting case No. 13 on the Sessions Court for the final judgment of the Foujdary Udalut.

(Here enter F. U. No. 80 of 1844.)

1. The Prisoners in this case are charged with Gang Robbery in having gone accompanied by others to the house of the Prosecutor with sticks and torches and having forcibly entered and stolen therefrom property to the value of Rs. 301-10-6.

2. The Mahomedan Law Officer convicts the 5th and 6th Prisoners, considers the 4th liable only to suspicion, and declares the 1st, 2nd, 3d and 7th on the ground of deficiency of evidence entitled to their release; but on a

second

remit question being proposed observes- that if the legal objection to the 1st and 2nd Witnesses, in the score of affinity to the Prosecutor was removed, the Prisoners (with exception of 2nd) would be liable to Asheerbut.-

3. The Acting Sessions Judge differs as to the conviction of the 1st, 2d and 7th Prisoners, stating, with regard to the 1st that he is not satisfied with the proof of his identity, and has no confidence in the evidence adduced against the 2nd and 7th.-

4. The Court of Foujdary Udalut observe that the record of this trial must be returned as it does not appear that the Law Officer's exception is merely a legal exception, but from the last para of the Futwah, an exception to the evidence generally- The second question is improperly put, it ought to have been "would they have been convicted," and not as in the record "to what punishment would they have been liable"-

5. The Acting Sessions Judge should, moreover, state specifically by name what prisoner he thinks guilty, and what punishment he recommends

recommends for each.-

Ordered, that Extract of these proceedings be sent to the Acting Sessions Judge of Combaconum by precept returnable without delay.-

(Vide following precept No. 66.)

Read letter dated the 6th Instant from the Sessions Judge of Coimbatore, recommending in consideration of his total and apparently incurable blindness, that the sentence of a Convict in the Coimbatore Jail should be in part or wholly remitted.-

(Vide Order P. 26 No. 73.)

1. The Prisoner above alluded to, Kapadichinnagatha Iramoo Kaya, was convicted in No. 3 on the Calendar of the 1st Session of 1840 at Calicut, and sentenced to 7 years imprisonment with banishment to the Zillah of Coimbatore, where he appears to have lost his sight.-

2. In consideration of the circumstances above mentioned the Court of Foujdary Udalut resolve to direct that the convict Kapadichinnagatha Iramoo Kaya be

24th January 1844.-

be removed to Calicut to undergo the remainder of his sentence as they see no grounds for sanctioning a remission.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Coimbatore for his information, by precept returnable without delay.-

(Sent following precept No. 56.

Read return dated the 30th Ultimo from the Magistrate of Cuddapah, to the precept of the Sundary Dated of the 27th December 1843, forwarding observations and orders on the Criminal Reports for the Month of November 1843.-

(Here enter No. 13.)

Read return dated the 30th Ultimo from the Agent to the Governor of Fort Saint George at Karnoole the precept of the Sundary Dated of the 18th December 1843, submitting the particulars of a case of Robbery No. 10 of 1843.-

(Here enter No. 22.)

Read letter dated the 5th Instant from the acting Sessions Judge of Tinnevelly

J. M.

24th January 1844.-

Tinnevelly forwarding copy of the 4th Calendar of persons committed by the Principal Sudr Ameen of Tinnevelly together with copy of the Spanstate of the Futwa.-

(Here enter No. 55.)

Read return dated the 6th Instant from the Sessions Judge of Bellary, to the precept of the Sundary Dated of the 23d December 1843, expressing that the entry of the Prisoner into the Prosecutor's house in case No. 79 of the Criminal file for 1843, was burglarious but that the evidence was not sufficient for conviction.-

(Here enter No. 87.)

Read letter dated the 12th Instant from the Principal Sudr Ameen of Chingleput, forwarding Criminal Report for December 1843.-

(Here enter No. 104.)

Read letter dated the 9th Instant from the Magistrate of Bellary informing with reference to the 3d Para of the Extract from the Proceedings of the Sudr Court under date the 21st August 1843, that the

the powers vested by Section XLIV Act VII of 1843 have not been exercised by the Magistracy of this District during the month of December 1843.-

(Here enter No. 112.)

Read letter dated the 12th Instant from the acting Session Judge of Nellore, submitting the Report No. 6, the statement of Extra Peons, &c. and the statement of the labor of Prisoners in the Jail at Nellore for December 1843.-

(Here enter No. 115.)

Read fuil Reports dated the 10th Instant from the acting Session Judge of Masulipatam for December 1843.-

(Here enter No. 126.)

Read letter dated the 15th Ultimo from the Magistrate of Guntoor, reporting that no cases were decided by the Magistrate himself, during the last month under the provisions of Act VII of 1843, and only one by his acting Head Assistant Magistrate as per enclosed Report.-

(Here enter No. 128.)

Read

Read letter dated the 9th Instant from the Sessions Judge of Cuttack, transmitting a statement of Batta paid to the Prosecutors and Witnesses who attended before the Court of Session during November and December 1843.-

(Here enter No. 140.)

Read letter dated the 12th Instant from the acting Sessions Judge of Nellore, submitting the Calendar of Case No. 5 of 1843 tried by the Sessions Court, with remarks thereon, the translation of the Original Futwah, and the Statement of Batta paid to the Witnesses.-

(Here enter No. 204.)

Read letter dated the 17th Instant from the acting Sessions Judge of Cuddapah, forwarding a report of casualties and a statement of the Prisoners labor &c. for December 1843.-

(Here enter No. 206.)

Read letter dated the 17th Instant from the Magistrate of Cuddapah, forwarding copy of a letter from the acting Joint Magistrate replying to the requisitions contained in the Extract of Proceedings under date the 27th December last.-

(Here enter No. 218.)

Read

24th January 1844.

Read letter dated the 11th Instant from the Principal Sudr Ameen of Vizagapatam informing that the Quarterly Statement required by Circular Order No. 88 has not been sent as no other than mere road labor is done by the Prisoners in the Jail under his charge.—

(Here enter No. 228.)

Read letter dated the 16th Instant from the Session Judge of Cuttack, transmitting the statement required by Circular Order dated 5th July 1834, No. 4, of the cases referred to the Foujdary Court as Circuit Judge.—

Here enter No. 229.—

Read return dated the 20th Instant from the Acting Sessions Judge of Nellore, to the precept of the Foujdary Adalut of the 17th Instant, conveying observations on cases 3, 4, and 7 of the Calendar of 1843.—

(Here enter No. 230.)

Read letter dated the 16th Instant from the Sessions Judge of Cuttack transmitting the statement required by Circular Order dated 5th July 1834, No. 4, of the only case referred to the Foujdary Court as Sessions Judge.—

(Here enter No. 231.)—

No. 1.

Thursday 25th January 1844. At a Court of the Foujdaree Adalut

Present

G. J. Casamajor Esqre. Ag. Pt.
Malcolm Lewin Esqre. Ag. 2nd. } Puisne Judges.
A. Maclean Esqre. Ag. 3rd.

Read letter dated the 2nd Instant from the Sessions Judge of Salem, submitting the record of the trial in Case No. 4 of 1843 on the file of this Court.—

(Here enter No. 100)

Mr. 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 Prisoner Andatal is not convicted on presumptive proof, or on the evidence of credible witnesses, or on her own confession of the crime of Murder, do acquit her thereof, and do direct that she be unconditionally released.—

The Court of Foujdaree Adalut are of opinion that the prisoner

Andatal

And altal should be acquitted on the grounds of insanity - it is sufficient in fluence, the Court considers of the state of her mind that, she killed her child without a motive, and adopted a mode of committing the act, abhorrent from a mothers feelings and at utter variance with the ordinary bent of nature - The sentence proposed by the Judge of Sessions, is the Court think illegal - the offence proved (see fatwah) is murder, for which the law adjudges the punishment of death - The act proved (according to the letter of the Sessions Judge) constitutes no offence - as there was no malicious motive - which is a necessary ingredient of murder - The law it is true, in some cases infers malice, but in the present instance there is sufficient proof of its non existence - Under any circumstances the Court of Sessions dare Odalut think they cannot while doubting the state of the womans mind when the act was committed award punishment and accordingly resolve to direct the unconditional

unconditional release of the Prisoner.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Salem for his information.-

/Sent following letter No. 60./

Read letter dated the 30. December 1843 from the Acting Sessions Judge of Mangalore forwarding copy of a Calendar received from the Subordinate Judge in a case of severe wounding, and requesting the opinion of the Sudder Adalut whether under the circumstances of the case he should release the prisoner without proceeding to trial.-

/Here enter F.H. No. 24 of 1844/

1. It appears from the above communication that the wounds which form the subject of the charge in the case in question were inflicted on the Prosecutor by the Prisoner at a time when the former was sleeping with the Prisoners wife, a Criminal intercourse having previously subsisted between the latter and the Prosecutor.-

Assertion

25th January 1844.

25

2. Adverting to two Cases quoted
Vide 1 pages 7th and 151 in the Reports of the Nizamut Adawlut
in which under very similar circumstances
two homicides were ruled to be justifiable
and to this Courts Circular Order dated
9th April 1834, the Acting Sessions Judge
observes that "when a smaller degree of
"injury has been inflicted under circum-
"stances that justify, it was equally compe-
"tent to the Circuit Court to release," and
the doubt the Acting Sessions Judge, Chief Feels "is
"whether the slighter Enquiry made by the
"Subordinate Criminal Court in commit-
"ting under the existing law, may not in
"the opinion of the Judges of the Tanjore
"Adalut render a regular trial necessary."

3. The Court of Tanjore Adalut
are of opinion that the Prisoner should
be brought to trial in the regular Courts
by which means he will have an
opportunity afforded to him of pleading
a justification of the offence of which
he now stands accused, before a tribunal
holding deliberate proceedings of Enquiry.

No. 61.

25th January 1844.

Ordered that Extract from
these proceedings be sent to the Acting
Sessions Judge of Mangalore for his in-
formation and guidance.

Sent in No. 61.

Friday,

26th January 1844.

At a Court of the Fouzdaree Udalut

Present:

Geo: James Casamajor Esqre. Acting 1st Puisne Judge.

Malcolm Lewin Esqre. Acting 2nd Puisne Judge.

Alexander Maclean Esqre. Acting 3rd Puisne Judge.

Read letter dated the 11th Instant from the Magistrate of Trichinopoly

(Here enter No 126 of 1844)

1. In the above address the Magistrate requests the instructions of the Fouzdaree Udalut whether it "is the duty of a Magistrate "to interfere for the purpose of recovering property "illegally detained" under circumstances which by that officer are thus described.-

"A gives B a valuable instrument, or piece of furniture, to repair: on the completion of the repairs A objects to B's charges on the ground that they are exorbitant, that the work has been badly performed, or that in some other respect the implied contract between them, for in the case supposed there is no written agreement- has been violated. B is

compelled

competent to the Magistrate to compel B. to give up the property committed to his charge to A. leaving him to sue the latter in the Civil Courts."

2. The Judges of the Foujdaree Udalut are of opinion that the case adverted to by Mr. Onslow is one in which the Magistrate has no jurisdiction, the point at issue between A. and B. being clearly a question of right depending on certain acknowledged circumstances of a Civil nature, in connection with which there does not appear to have been either fraud or violence which alone could bring the case before a Magistrate and justify his interference.-

Ordered, that Extract from these proceedings be sent to the Magistrate of Trichinopoly for his information.-

(Sent in No. 65.)

Read letter dated the 29th December 1843 from the Sessions Judge of Chicacole &c. transmitting copy of the Calendar in Case No. 2 on the file of that Court.-

(Here enter No. 94 of 1844)

Case No. II. 1. The Prisoners in this case are charged

charged, the first with having murdered his wife, and the 2nd and 3rd with having aided and abetted in the commission of the crime.-

2. The Mahomedan Law Officer acquits the 2nd and 3rd Prisoners but considers the suspicion against the 1st sufficient to demand punishment, in which view the Sessions Judge expresses his entire concurrence.-

3. The Court of Foujdaree Udalut consider this a very unsatisfactory case and resolve to call for a translation of the several depositions of the 1st Witness.-

Ordered, that Extract of these proceedings be sent to the Sessions Judge of Chicacole by precept returnable in V. days from and after its receipt.-

(Sent following precept No. 66.)

Read return dated the 28th December 1843 from the Sessions Judge of Salem, to the Precept of the Foujdaree Udalut of the 21st December 1843, requesting information as to what steps have been taken to secure the apprehension of Eraolan of Tadavoor, it appearing from the record of Case No. 4 of 1843 that

26th January 1844. that the charge of having fractured the skull of the deceased was preferred chiefly against him.-

(Here enter F.16. № 24 of 1844)

Read letter dated the 26th December 1843, from the Acting Sessions Judge of Cuddapah forwarding the Original death warrant in Case № 13 of the Cuddapah Calendar of 1843.-

(Here enter F.16. № 26 of 1844.)

Read letter dated the 8th Instant from the Sessions Judge of Chicacole, submitting the Criminal Reports № V. for the month of December 1843.-

(Here enter F.16. № 134 of 1844.)

Read letter dated the 10th Instant from the Agent to the Governor of Fort St. George at Vizagapatam, submitting Criminal Reports for December 1843.-

(Here enter F.16. № 135 of 1844.)

Read letter dated the 8th Instant, from the Acting Sessions Judge of Honore, submitting the Calendar of Cases № 6 tried by the Sessions Court with remarks thereon, the translation of the original

F.16.

26th January 1844.- original Petition, and the Statement of Batta paid to the Prosecutor and Witnesses.-

(Here enter F.16. № 136 of 1844.)

Read letter dated the 11th Instant from the Subordinate Judge of Bellary, transmitting Statements of Prisoners &c. in the above Jail for the year 1843.-

(Here enter F.16. № 139 of 1844.)

Read letter dated the 12th Instant from the Acting Sessions Judge of Trichinopoly, forwarding Statement of the actual produce of the labour of the Convicts in the Jail at that Station for the 4th Quarter of 1843.-

(Here enter F.16. № 141 of 1844.)

Read Report dated the 12th Instant, from the Acting Sessions Judge of Trichinopoly, shewing the executions and of prisoners released from the Jail at Trichinopoly during the month of December 1843.-

(Here enter F.16. № 142 of 1844.)

Read return and Estimate dated the 12th Instant from the Acting Sessions Judge of Trichinopoly shewing the value of produce of labour of the prisoners in the Jail at Trichinopoly during the month

of

of December 1843.-

(Here enter F.No. & No. 163 of 1844.)

Read return dated the 9th Instant

from the Acting Subordinate Judge of Cuttack

the precept of the Jury placed dated the 3rd

Instant, enclosing observations on Case No. 6 of the

Calendar, & supplemental Criminal Reports for November 1843.-

(Here enter F.No. & No. 146 of 1844.)

Read letter dated the 10th Instant

from the Magistrate of Rajahmundry reporting

that the powers vested by Section IV. Act VII of 1843

have not been exercised in December last.-

(Here enter F.No. & No. 151 of 1844.)

Read letter dated the 10th Instant

from the Acting Sessions Judge of Honore, submitting

the Calendar of Case No. 1 of 1843 tried by the Sessions

Court, with remarks thereon, the translations of the

original Tuhwah and the Statement of Batta

paid to the Prosecutors and Witnesses.-

(Here enter F.No. & No. 163 of 1844.)

Read letter dated the 10th Instant

from the Acting Sessions Judge of Honore, submitting

the Calendar in Case No. 1 of 1844 tried by the Sessions

Court, with remarks thereon, the translation

of

26 January 1844.-

of the original Tuhwah, and the Statement

of Batta paid to the Prosecutors & Witnesses.-

(Here enter F.No. & No. 164 of 1844.)

Read letter dated the 10th

Instant from the Acting Sessions Judge of

Honore stating with reference to Circular

Order No. 88. that no money was realized by

the labor of Prisoners in the Jail at Honore

during the 4th Quarter of 1843.-

(Here enter F.No. & No. 165 of 1844.)

Read letter dated the 10th

Instant from the Acting Sessions Judge of

Honore stating with reference to Circular

Order No. 65. that no charge was incurred

for the maintenance of children of Convicts

in the Jail at Honore during the 4th

Quarter of 1843.-

(Here enter F.No. & No. 166 of 1844.)

Read the Criminal Report

dated 31st December 1843 from the Magis-

trate of Malabar for the month of Decem-

ber 1843.-

(Here enter F.No. & No. 169 of 1844.)

Read letter dated the 15th

Instant

26th January 1844.

Instant, from the Magistrate of Kollaroyen reporting that no Cases cognizable under Section XIV Act VII of 1843 were disposed of by him or the Joint Magistrate and Assistant Magistrate in the Month of December 1843.-

(Here enter F. 11. № 170 of 1844.)

Read communication dated the 15th Instant from the Acting Sessions Judge of Cuddapah forwarding an Original death warrant in Case № 19 on the Sessions Court of Cuddapah for 1843.-

(Here enter F. 11. № 172 of 1844.)

Read letter dated the 13th Instant from the Acting Sessions Judge of Tellicherry transmitting copy of a Calendar and translation of the Putwah.-

(Here enter F. 11. № 176 of 1844.)

Read Statement dated the 1st Instant from the Acting Subordinate Judge of Salem, shewing the amount realized by the Labor of the Prisoners in the 4th quarter of 1843.-

(Here enter F. 11. № 177 of 1844.)

F. 11.

Monday,
29th January 1844. At a Court of the Fouzdaree Adalut

Present.

G. I. Casamajor Esqr. Agt.
Malcolm Lewin Esqr. Agt. 2d } Sessions Judge
Alex: Maclean Esqr. Agt. 3d }

Read Miscellaneous Petition presented on the 8th January 1844 by Thelly Hamud, Jail Peon of Chingleput.

(Here enter M. D. № 7 of 1844.)

1. The object of the foregoing address would appear to be to procure from the Fouzdaree Adalut orders for the restoration of the Petitioner to the situation of Peon.-

2. The circumstances under which the Petitioner lost the situation are however, not clearly stated. The Court of Fouzdaree Adalut accordingly resolve to direct that a copy of the Petition be forwarded to the Session Judge of Chingleput for such notice

as

as he may deem it to require.

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Singleput for his information

(Sent in No. 71.

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

Read Miscellaneous Petition presented on the 8th instant by Autoor Sashnumbotloo alias Parpunnah, of the Zillah of Chittoor.

(Here enter M. P. No. 6 of 1844)

1. The Petitioner complains against an order passed by the Acting Session Judge of Chittoor, confirming a proceeding of the Acting Magistrate of Chittoor, by which the Head of Police of Chumbaty in the Zemindary of Calastry, was directed by endorsement on an address presented to the Magistrate by Petitioner, to enquire into a charge of Robbery preferred by the Petitioner against the said Police Officer and two others.

The

2. The Petitioner further complains of the refusal by the Acting Session Judge to furnish him with a copy of the above order and prays for the issue of a precept, instructing the Magistrate personally to investigate the complaint preferred to him.

3. The Court of Foujdaree Adalut resolved to refer the foregoing address to the Acting Session Judge with directions to state whether, and if so, why he refused Petitioner a copy of his order and for any further explanation necessary.

Ordered that Extract from these proceedings together with copy of the Petitioner's address be forwarded to the Acting Session Judge of Chittoor by precept returnable in 10 days from and after its receipt.

(Sent following precept No. 72

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

Read

29th January 1844.

Road Miscellaneous Petition

presented on 8th January 1844 by Soogoory Ramappah of the Zillah of Cuddapah praying that the sentence of transportation passed upon his Brother, Soogoory Ramappah, 5th Prisoner in Case No. 13 on the Calendar of the Session Court of Cuddapah for 1843, may be cancelled, in consideration of his being innocent of the crime laid to his charge.

(Here enter M. P. No. 5 of 1844)

With reference to the above Petition the Court of Foujdaree Udalut observe that the sentence complained of having been passed by a full and competent Court cannot now be altered.

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

Read report, dated the 16th Instant, of persons tried by the Acting Magistrate of Tanjore from the 2d to the 31st December 1843, under the provisions

F. U.

29th January 1844

provisions of Section XIII of Act VII of 1843.

(Here enter F. U. No. 197 of 1844)

Case No. 3

The Court of Foujdaree Udalut observe, with reference to this case, that the 1st Prisoner being a Servant of the Prosecutor's ought to have been committed for punishment under the provisions of Clause 4th Section III Regulation VII of 1822, and not sentenced by the Magistrate under Section VII Regulation X of 1816, but they will not disturb the sentence as it now stands.

Ordered, that Extract of these proceedings be sent to the Acting Magistrate of Tanjore for his information and future guidance.

Sentence No. 13.

Read letter dated the 15th Instant from the Session Judge of Calicut submitting the record of trial in Case No. 13 of 1843 on the Calendar of the Session Court.

(Here enter No. 199)

The

29th January 1844.

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 Kerakie Vellaat Joyan Nair.

and

2nd Kerakie Vellaat Thungaran Nair

is sufficient to convict them of the crime

of Murder, do convict them thereof;

and under the provisions of Section X

Regulation VIII of 1802, do sentence them

to suffer death, by being hanged at the

usual time and place of execution.

1 The real question is whether

the Prisoners were, or were not inside

the tiled storey of the Store-room in which

the Murders were committed.

2 The dying declaration of

Ramen Nair and the depositions of the

Prosecutor and the 2d and 3d witnesses are

all the proof there is of this. The evidence

of the 4th witness is so contradictory that it

must be discarded altogether. That of

the

29th January 1844.

the 5th 6th 7th and 8th witnesses is in fact evidence

for the Prisoners; for it is express to the effect

that they were not inside the building.

The rest of the witnesses for the Prosecutor

do not speak to the point.

3 The first thing for consideration

is whether the evidence of Ramen, of the

Prosecutor, and of the 2d and 3d witnesses

is sufficient to convict the Prisoners,

if not rebutted. Ramen declares to the

fact, as an eye witness, that both the

Prisoners assisted in murdering Sarang-

koodhan; and the other 3 depose that they

saw the Prisoners come out of the building

where the door was opened with weapons

stained with blood.

4 The declaration of Ramen

Nair is not open to rebuttable.

5 The Prosecutor varies in his

deposition before the Session Court from

his account before the Police as to the

persons present when he first ran up

to the house; as to Pungoo Nair, who

was released being armed; and as to the

time

time at which the Prisoners ran off -

Upon the whole the Prosecutor's evidence appears not fully to be trusted.

6 The 2d Witness expressly contradicts himself as to seeing the Prisoners come out of the Store house and his evidence must be discarded.

7 The 3d Witness is consistent and he is not related to either party; he is a Mussulman.

8 His evidence therefore and Raneu Nair's dying declaration are all the good evidence against the Prisoners and it is the Court of Foujdaree Adalut think sufficient to convict them if not rebutted.

9 The evidence to rebut it is that of the 5th 6th 7th and 8th witnesses for the prosecution and that of the witnesses for the Prisoners - This is all to the same effect viz: that the Prisoners were never inside the building in which the murders were committed; tho' all depose, and the Prisoners admit that they were present outside -

all

10 All these witnesses depose that they saw the Prisoners come, the 1st Prisoner from the West entrance the 2d Prisoner from the East entrance of the premises; and this minute agreement as to a most unimportant circumstance which it is impossible they should have had leisure to observe in a scene of terror and confusion, destroys the effect of their evidence altogether; for it is an unmistakable mark of fabrication.

The Court of Foujdaree Adalut therefore think that the evidence against the Prisoners is not rebutted.

12 They therefore convict them both of murder and sentence them to death.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Calicut for his information.

Sent following letter No 74.

Read letter dated the 16th Instant from the Session Judge of Chingleput

29th January 1844

Chingleput submitting the record of the trial in Case No 9 on the Calendar for 1843.

(Here enter No 160)

The Court of Zoujdaree Udalut

No 9 of Calendar
Cavanagh
and
Nos M. Levin

on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoners

4th Varadeu

and

5th Rayanen

is sufficient to convict them of the crime of Murder, and that the proof against the

6th Coopoo

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 sentenced the prisoners,

4th Varadeu

and

5th Rayanen

to suffer death by being hanged at the usual time and place of execution, and the

Prisoner

29th January 1844

Prisoner

6th Coopoo

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 Zoujdaree Udalut conceive that much time and pains have been unnecessarily spent upon this Case by the Principal Sudr Ameen; little additional light is thrown upon it by his proceedings and an useless addition is thereby made to the bulk of the record which it is very desirable to avoid.

Ordered that Extract from these proceedings be forwarded to the Judges of Chingleput for communication to the Principal Sudr Ameen for his information and future guidance.

(Sent following) letter No 75

Cuttack

29th January 1844.

Vedlee Mahomed, Sail
Peon of the Zillah of Chingleput, moves
the Court to return the Enclosures in his
Miscellaneous Petition No 7 of 1844

Ordered accordingly.

Read letter dated the 16th
Instant from the Magistrate of Chingleput
reporting that no sentences were passed
in December last under the authority of
Section LIV Act VIII of 1843.

(Here enter P. M. No 185)

Read letter dated the 17th
Instant from the Acting Session Judge
of Nellore submitting Copy of the Calendar
of Case No 10 of 1843 disposed of by him.

(Here enter P. M. No 186)

Read returns dated respectively
the 4th and 15th January 1844 from the
Subordinate Judge of Chittoor, to the precept
of the Tongaree Vadalet of the 11th December
last calling upon him to ascertain and
report whether the Convict Kistnaspa
Moodely did give such information
regarding the escape of certain Prisoners
from

P. M.
29th January 1844.

from the Great Western Road as in the
Petition (No 89) presented by his wife,
he is asserted to have given.

(Hereunto P. M. No 37 and 47 of 1844)

Accompanying the preceding
returns the Subordinate Judge forwards
copies of 2 letters from Captain Sirtius
Deputy Superintendent of Government
Roads, stating that the Convict Kistnaspa
Moodely received a severe blow from
the Prisoners against whom he informed
of an intention to attempt their escape
and that it appears the death of Lieuten
Stack, late Deputy Superintendent of
Government Roads, alone prevented
the laudable conduct of Convict Kistn
naspa Moodely being brought from
strictly to notice.

2 Under the circumstances
mentioned above the Court of Tongaree
Vadalet resolve to order the Subordinate
Judge of Chittoor to make all the inquiries
he can, thro the Superintendent of Roads
or otherwise, and having done so, to

recommend

29th January 1844

recommend such mitigation of the sentence passed on the Convict Kastiraspod Moodely as in his judgment may seem proper, and also to state the term of his sentence still remaining unexpired.

Ordered that Extract of these proceedings be sent to the Subordinate Judge of Chittoor by precept returnable without delay.

(Sent following) precept No. 76.

Extract

Tuesday 30th January 1844.

At a Court of the Fouzdaree Adalut.

Present.

G. I. Casamajor Esqr. Agt. 1st
Malcolm Lewin Esqr. Agt. 2d
Alexr. Maclean Esqr. Agt. 3d
} Prisnl. Judge

Read the Criminal Report dated the 31st Ultimo submitted by the Principal Sudr Ameen of Coimbatore for the Month of December 1843.

(Here enter No. 161.)

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

Ordered therefore, that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Coimbatore for his information.

(Section No. 77.

Read Criminal Calendar for the Month of December 1843 submitted by the Acting Session Judge of Canara.

(Here enter F. A. No. 187.)

The

30th January 1846

Case No 80/29

The Court of Foujdaree Udalut observe that under the provisions of Clause first Section XI Regulation VIII of 1811 the fine for smuggling is not to exceed three times the value of the illicit article, and they accordingly direct that the sentence in the present case may be set aside, and another passed in conformity with the Law.

Ordered that Extract of these proceedings be sent to the Acting Session Judge of Madura by precept returnable in 3 days from and after its receipt (sent following precept No 78.)

Wd.

T. U.

Wednesday 31st January 1846

At a Court of the Foujdaree Udalut

Present,

G. I. Casamajor Esqre Acting 1st
Malcolm Lewin Esqre Acting 2nd
A. M. Alexr. Maclean Esqre Acting 3rd
} Puisne Judges

Read return dated the 5th Instant from the Session Judge of Madura, to the precept of the Foujdaree Udalut of the 4th December 1845, containing observations on certain cases of the Madura Criminal Report for October last.

(New enter T. U. No 93 of 1845)

The Court of Foujdaree Udalut observe that this is an imperfect return as 4 cases were remarked in pargraph 2 of the precept of the above mentioned date, and 2 pargraph returned, only one is answered.

Ordered that Extract from these proceedings be sent to the Session

Jud

31st January 1844.

Judge of Madura for his information and guidance.

(Sentence No. 80.

Read the Criminal Report submitted by the Acting Subordinate Judge of Combaconum for the Month of December 1843.

(Here enter No. 157)

Report & Case No. 28

1. The Prisoner in this case was charged with having "on the night "of the 25th November last feloniously "entered the house of the Prosecutor Samia "in the Kovalaloor Cusbah with intent "to steal."

2 The Court of Zoujdaree Udalut would remark that the term "feloniously" is objectionable, and they desire that in future it be not used. But that all crimes be described as in the Regulations.

Ordered, that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Combaconum for his information.

(Sentence No. 81.

Read

31st January 1844.

Read returns dated the 18th Instant from the Acting Session Judge of Chittoor to the Precept of the Zoujdaree Udalut of 11th December 1843, directing that the sentence on the 2d Prisoner in Case No. 12 of 1843 before the Sessions Court of Chittoor may be suspended and the entire record of the case submitted for their consideration.

(Here enter T. C. No. 186 of 1844.)

Case No. 12 1. The 2d Prisoner in this case is convicted of theft by the Tuhvah of the Mahomedan Law Officer, and the Session Judge, concurring in the conviction, sentences him to 7 years imprisonment with hard labor in irons and 100 lashes at the same time expressing his doubts as to the crime charged having been actually perpetrated.

2 Under these circumstances the Court called upon the Session Judge to submit the record of the case and, having carefully weighed the testimony adduced

31st January 1844.

adduced in support of the prosecution, they see no reason to doubt that a Burglary and theft took place in the manner described, but, as they consider there is nothing to call for further punishment than the 7 years imprisonment they resolve, under the authority vested in them by Section XXXV Act VII of 1843, so far to modify the sentence as to direct the remission of Stripes.

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

Ordered further, that the record of this trial be returned to the Acting Session Judge.

(Entd following precept No. 82.)

Thursday,
1st February 1844.

P. No.

At a Court of the Poujdaree Udalut.

Present.

Geo. James Casamajor Esqre. Acting 1st Puisne Judge.
Malcolm Lewin Esqre. Acting 2d Puisne Judge.
Alexander Maclean Esqre. Acting 3d Puisne Judge.

Read letter dated 20th November 1843 from the Session Judge of Nellore.

(Here enter No. 1871 of 1843.)

1. In the above address the Session Judge has submitted certain observations regarding the delay caused by the preparation in committed cases of the Calendars required to be laid before the Session Judges and observing that "upon the old plan at least, it is a work of time, occasioning more delay between the committal of the case and the signing the Calendar than was perhaps contemplated when it was enacted that a Session Judge should commence with the trial of a case immediately on it's commitment" the Session Judge has suggested

for

1st February 1844.-

resolve to direct the Acting Sessions Judge to look into it and pass such orders as he may deem requisite, reporting the result of his investigation for the information of this Court.-

No 33 3 In explanation of the delay attending the transmission of the case from the Palook it is observed that a reference was made to the Joint Magistrate on the 1st of December and an answer directing its commital received on the 18th the Court direct that the Joint Magistrate may be called upon to state what prevented his making an earlier reply to the requisition of the Police Officer.-

Ordered that Extract of these proceedings be sent to the Subordinate Judge of Mangalore by precept returnable without delay.-

(Sent following precept No 84.)

Ordered also that Extract from these proceedings (Para 2) be forwarded to the Acting Sessions Judge of Mangalore by Precept returnable without delay.-

(Sent following Precept No 85.)

Read letter dated 15th Ultimo from

No 16.

1st February 1844.-

from the Sessions Judge of Coimbatore requesting the opinion of the Court of Foujdaree Udalut whether it is competent in the Criminal Court to sentence a Prisoner detained in the Criminal Jail under the provisions of Regulation V of 1831 in default of paying a fine for a breach of the Tobacco Regulations to light labor.-

(Register No 193 of 1844.)

1. The Sessions Judge remarks that Act XVII of 1840 empowers a Magistrate to award labor to Individuals convicted by him for a breach of the Salt Laws under Regulation V. of 1831, and that in the Court of Canara it is always customary to award labor under that Regulation; that the Principal Sudr Ameen of Coimbatore appears however to doubt the authority of the Criminal Court to do so which has occasioned the present reference.-

2. The Court of Foujdaree Udalut think that Clause first section IV Regulation V of 1831, clearly shows that the confinement therein authorized, in default of the payment

payment of the fine imposed, is discretionary, whether in the Debtors or Criminal jail and the latter being selected according to the conditions and character of the offender, that the power of exacting labour from the parties condemned follows as a matter of course.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Coimbatore for his information.-

(Sent in No. 86)

Read letter dated the 16th Ultimo from the Governor's Agent at Kurnool submitting a report of the proceedings held before him in an investigation into a charge of robbery to the extent of Rupees 523-4-6, and suggesting that a sentence of three years imprisonment with labor, be passed on the Prisoner concerned.-

(Hereunder F.No. 207 of 1844)

1. On a perusal of the statement transmitted by the Agent to the Governor, the Court of Foujdaree Udalut are not by any means satisfied of the guilt of the Prisoner charged, and, under the circumstances of the case, they do not think they would be justified &c

justified in sanctioning the sentence proposed by the Agent without bringing under consideration the entire record of that functionary's proceedings.-

2. They accordingly resolve to call upon the Agent to the Governor to lay before the Court a translation of the proceedings in question and in the mean while to detain the Prisoner in confinement.-

Ordered that Extract from these proceedings be sent to the Governor's Agent at Kurnool for his information by Receipt returnable in XV days from and after its receipt.-

(Sent following Receipt No. 87.)

Read letter dated the 11th January 1844 from the Sessions Judge of Coimbatore forwarding the Calendar of Cases No. 1 and 2 of 1844 with translation of the Intirah.-

(Hereunder F.No. 137 of 1844)

Case No. 2

1. The Prisoners in this case are severally charged with having severely wounded the Prosecutor and robbed him of property to the value of Rs. 4.-12.-0

&c

P.M.

1st February 1844.

Case No. 22.

The Court of Foujdaree Udalut perceive, with regret, the inflation of Stripes in this case, and they accordingly direct that they may be remitted.

Ordered that Extract of these proceedings be sent to the Acting Subordinate Judge of Salem by precept returnable in 2 days from and after its receipt.

(Sent following Receipt No. 89.)

Read letter dated the 5th Ultimo from the Session Judge of Tinnevelly reporting the recapture of 15 more of the convicts who recently effected their escape and requesting to be informed whether it is the duty of the Principal Sudr Ameen to commit them for Trial.

(Here enter No. 81 of 1844.)

The Court of Foujdaree Udalut do not consider it necessary that a commitment of the above mentioned Convicts by the Principal Sudr Ameen should be a preliminary to their trial in the Sessions Court as now constituted, being of opinion that the Officer in actual charge of a Jail has primary cognizance of all Offences including escape

1st February 1844.

2. The Law Officer convicted the Prisoners and declared them liable to Dakoobut, and the Sessions Judge concurring in the conviction, sentences the 1st and 2nd to 14 years imprisonment with hard labor in irons, but, in consideration of his youth and probable influence of his Father (2nd Prisoner) recommends a mitigated punishment, as regards the 3rd Prisoner, of 8 years imprisonment with hard labor in irons.

3. The Court of Foujdaree Udalut, in concurrence with the views of the Sessions Judge, and under the authority vested in them by Clause third Section III Regulation I of 1825, sanction a mitigated punishment to the 3rd Prisoner of 8 years imprisonment with hard labor in irons.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Coimbatore.

(Sent in No. 88.)

Read Salem Criminal Reports for the month of December 1843 submitted by the Acting Subordinate Judge.

(Here enter F. No. 119.)

The

1st February 1844.

escape, committed against its discipline.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Demerara for his information.

(Sent in No 90.)

Minute of the acting 1st Judge.

I can't put my name to this draft, it appears to me wrong in principle.

The cognizance of escape by convicts is by Section V. Regulation VI of 1822 vested in the Criminal Judge, as such; and not because he has charge of the jail: this is evident from Regulation X of 1832 and Regulation I of 1833; in which cognizance of certain offences by convicts is given to the Officers having charge of them, as such; and escape is not one of those offences; and accordingly convicts in charge of any other Officer than the Criminal Judge are (I believe) always sent to the Criminal Court to be tried and punished.

As the Principal Undersheriff has succeeded to all the powers of the Criminal Judge, he of course succeeds to this among the rest. He may punish escapes himself or which

1st February 1844.

which are not attended with aggravated circumstances and commit those which are for trial by the Sessions Judges. Cognizance of escapes has not necessary any thing to do with the charge of the jail.

(Signed) G. J. Castamajor.

25th January.

Read letter dated the 9th Instant from the Principal Undersheriff of Berbice submitting the Criminal Reports for the month of December 1843.

(Herewith No 33 of 1844.)

Case No 20.

With reference to this case the Court of Sessions Demerara resolve to enquire whether the removing the plantain of the Granary was proved; and if so, why Clause 6th Section III Regulation VI of 1832 was not quoted for the sentence: at the same time the Court order imprisonment to be substituted for stripes.

Ordered that Extract of these proceedings be sent to the Principal Undersheriff of Berbice by Receipt returnable in 3 days from and after Receipt.

(Sent following Receipt No 91.)

Read

1st February 1844.

Read Letter dated the 1st December 1843 from the Chief Magistrate and Superintendent of Police at Madras transmitting the Report of cases tried under Act XXII of 1837 in the month of November 1843.

(Here enter Plt. No 153 of 1844.)

Friday 2nd February 1844.

P. No.

At a Court of the Sessions Holden

Present

Geo: James Casamajor Esqre Acg 1st Puisne Judge

Malcolm Lewin Esqre Acg 2nd Puisne Judge

Alexander Maclean Esqre Acg 3rd Puisne Judge

Read Letter dated the 17th Ultimo from the Acting Sessions Judge of Mangalore, submitting Case No 3 of 1843 on the Calendar of the Sessions Court at that Station.

(Here enter No 198)

Mr Lewin and Mr Maclean. The Court of Sessions Holden on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoners

1st Malingoo Shetty

and

2nd Venkata

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 direct that they

be

be unconditionally released.-

1. The Court of Foujdaree Udalut observe that the real merits of this extraordinary case are not discernible from the depositions of the witnesses and parties concerned, the whole of the evidence being apparently of the most worthless description, and not to be depended upon in any particular.-

2. It seems very doubtful whether the deceased was murdered, or died a natural death, and her corpse made use of by the Prisoners in the way and for the object alleged.-

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions Judge of Mangalore for his information.-

(Sent following Letter No. 95.)

Read the Criminal Reports submitted by the Acting Subordinate Judge of Cuddapah for the month of December 1863.-

(Here enter No. 170)

Supplemental Report Case No. 218.

1. The Court of Foujdaree Udalut resolve to send to the Magistrate of Cuddapah a copy of the Sudr Ameen's remarks as recorded in this case, with directions to make such inquiries

inquiries as he may deem requisite into the conduct of the Police Officers, reporting direct to this Court the result of his proceedings.-

Report V. Case No. 229.

2. The Court of Foujdaree Udalut do not concur in the sentiments expressed by the Sudr Ameen in this case, as the reasons assigned for inflicting a peculiarly lenient punishment would more naturally seem to aggravate than palliate the offence of which the Prisoner is convicted.-

Case No. 229.

3. The Court observe that the crime of which the Prisoner stands charged in this case is of so grave and savage a complexion that he ought to have been committed for trial before the Sessions Judge.-

Case No. 233.

4. The Court consider the punishment awarded in this case disproportionate to the crime, and they accordingly direct that the Stripes may be remitted and the imprisonment reduced from 1 year to 3 months.-

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

(Sent following Precept No. 96.)

Ordered

F. 86.

2nd February 1844.

1. In reference to the 4th para: of the preceding letter the Court are of opinion that the Sessions Judge, under the true construction placed upon Section X. Regn. XIII of 1832 by this Courts Circular Order of the 22nd September 1843, had authority to give rewards to those persons who performed meritorious services in Police operations of which this of Sergeants Town and 3 Peons must be considered an instance.

2. In the 2nd para: this observes that the Sessions Judge disapproves of the manner in which the gang was divided, and considers the Peons employed to be physically and morally unequal to their charge. objections which, if founded on observation or experience, it was in the power as it was manifestly the duty of the Sessions Judge himself to rectify.

3. The Court cannot view the "gross cowardice" alluded to in the 2nd para: in any other light than that of "culpable neglect of duty" they desire that the Sessions Judge will consider further of the propriety of proceeding against the Peons who, he

N° 153.

February 1844.

Ordered also, that Extract from these proceedings (para: 1.) be forwarded to the Magistrate of Cuddapah by express Parcel returnable without delay.

(Sent following Receipt N° 97.)

Read letter dated the 15th Ultimo from the Acting Sessions Judge of Honore, submitting Calendar of Cases N°s 8 and 9 of 1843.

(Here enter F. 86. N° 234.)

The above Calendar not requiring any remarks from the Foujdaree Adalut.

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions Judge of Honore for his information.

(Sent in N° 98.)

Read letter dated the 11th December last from the Sessions Judge of Tinnevelly reporting, in obedience to Circular Orders of the 28th March and 19th November 1832, the escape of 19 Convicts, with Strictures on the conduct of the Peons and recommending some precautionary measures for the more effectual protection of Prisoners and the improvement of their guards.

(Here enter N° 2038 of 1843.)

In

no necessity for the infliction of stripes in this case, and they accordingly direct that they may be remitted.

No 27. 3. The Court observe in the foregoing to this Case, that if (on the remarks heard them to believe) the commitment of the Prisoner was consequent on the Prisoner having been imprisoned for 3 years from an inability to provide satisfactory security, they consider the reason altogether inadequate, since a mere inability to provide security does not subject the party to the infliction of the offender for whose punishment the power to appeal to an extraordinary provision of the Law.

No 26. 4. As the Court of Forjeiture Adalet perceive nothing of an aggravated nature in this case they direct that the stripes may be remitted.

No 26. 5. The Court having resolved to doubt the correctness of an acquittal in this case resolve to direct the Resident Judge to look into it, press such orders as may appear necessary and report the result of

of his enquiry for the information of the Court.

No 27. 6. From the nature of the remarks appended to this case, shewing that the Prisoner was apprehended in the Prosecutor's house with an instrument for forcing an entrance in his hand, the Forjeiture Adalet has no doubt of his guilt, and cannot but consider his acquittal opposed to the evidence on record.

No 28. 7. The Forjeiture Adalet direct that the stripes awarded in this case may be remitted, as they object to their infliction under circumstances where any doubt can possibly exist.

No 32. 8. The Court request to be informed of the result of this trial which seems to have been delayed by an unnecessary transference from one Officer to another.

Ordered that Extract from these proceedings (paras 5 and 8) be sent to the

3rd January 1844.

the Sessions Judge of Tinnevelly by precept returnable in 5 days from and after its receipt.

(Sent following precept No 14.)

Ordered also that Extract from these proceedings be sent to the Principal Sudr Ameen of Tinnevelly by precept returnable in 3 days from and after its receipt.

(Sent following precept No 15.)

No 14

Monday 5th February 1844.

At a Court of the Foujdaree Adawlut

Present

G. L. Cassamajor Esqr Agt &c &c

Malcolm Lewin Esqr Agt 2d Judge

Alex. Maclean Esqr Agt 3d Judge

Read letter dated the 2d January 1844 from the Acting Sessions Judge of Combaconum submitting the record of the trial in Case No 1 on the Calendar of the Sessions Court for 1844.

No 317 of the Calendar

Mr A. Watson

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

" Kistnan "

is insufficient to convict him of the crime of wounding, for which according to the Mahommedan law, as declared in Futwas of their Law Officers, a

deserves

5th February 1844

discretionary punishment is awardable,
do convict him thereof, and with
reference to the provisions of Clause third
Section VIII Regulation XV of 1803 and
Section XXXIII Act VII of 1843 sentence
him to be imprisoned and kept to hard
labor in irons on the public roads or
other public works for and during the
period of (10) ten years.

(Last following) letter No. 117.

Read again letter dated the
9th January 1844 from the Acting Session
Judge of Cuttacoomma submitting for
the final sentence of the Punchayet Udalut
the record of the trial in Case No. 13 on
the Calendar of the Sessions Court of
Cuttacoomma for 1843.

(Here enter P. U. No. 80)

Read also return dated the
27th January 1844 from the Acting Session
Judge of Cuttacoomma to the precept
of the Punchayet Udalut of the 24th Ultimo
returning the record of Case No. 13 of 1843
with the Court's observations.

(Here enter P. U. No. 293)

The

5th February 1844

The Court of Punchayet Udalut
Mr. M. Lewin on a deliberate consideration of all the
circumstances of the case as entered
before them, being of opinion that the
proof against the prisoners,

5th Woonyon

and

6th Maree,

is sufficient to Convict them of the
crime of Gang Robbery do convict them
thereof, and with reference to the provisions
of Clause 5th Section IV Regulation XV
of 1803 sentence them to be imprisoned
and kept to hard labor in irons on the public
roads or other public works for & during the period
of (10) ten years: and considering that strong
suspicion, though not amounting to
conviction, attaches to the prisoner,

5th Vadamalay,

the Court, under the provisions of Clause
sixth Section II Regulation XV of 1803,
direct that he be required to find security
in an amount to be determined at the
discretion of the Session Judge for his

good

5th February 1844

good behaviour and appearance when required, within a period which that Officer shall define, or in default thereof that he be detained for a similar period in confinement; and that the prisoners

3d Letchoomanan

and

7th Teeroomooty

be unconditionally released.

(Sent following) letter No. 118.

Read letter dated the 17th Ultimo from the Acting Session Judge of Trichinopoly

(Here enter No. 203)

1 With the above communication the Acting Session Judge has forwarded copy of the Calendar of a case committed by the Principal Sudr Ameen of Trichinopoly in which a Prisoner

Narrain Pillay

was charged with burglary, the property robbed amounting in value to Rupees 295 including ready money and a document for 3½ Rupees.

2 The Court observe that no 2d question should have been put to the Law

5th February 1844

Law Officer; as the first Jurisdiction must proceed upon the ground of there not being full legal evidence of the Crime as specifically provided for by Section II Regulation XII of 1827.

3 The Court would again request Mr Greenway's attention to the necessity of a strict observance of the rules regarding official correspondence which were brought to his notice on the 25th October last.

4 The endorsement entered on the letter which accompanied the Calendar under perusal shows it to be the 7th Calendar of a person tried before the Court of Sessions" no mention being made of the year, whilst, on reference to the body of the Calendar it is observed that it is "No 1 of the Calendar" the number of the year being likewise omitted in the appropriate column.

"Forwarding copy of the 7th Calendar of a person tried before the Court of Sessions"

5 The Acting Session Judge will submit the information necessary to admit of the proper number being specified in the records of the Tanjore Adalat

I desired and make a corresponding
amendment on those of his own office.

The Court further remark
that the Calendar purports to have been
dispatched on the 22d December 1845

Ordered that Extract from
these proceedings be forwarded to the Acting
Session Judge of Tinchinopoly for his
information by precept returnable in
five days from and after its receipt

(Sent following) precept No. 119

Read Miscellaneous Petition
presented on the 3d Ultimo by Ramasamy
alias Appavoo Vannyar and another of
Combaconum

(Here enter P.M.M.P. No. 1 of 1846)

The Petitioners represent that
they were falsely accused by certain parties
in the Zillah of Combaconum
of having stolen a horse and having
been forwarded to the Criminal Court
that they were eventually released, the
charge being considered by that authority
to be the result of a conspiracy

Adverting to the proceedings
which

which the Criminal Court are bound to
adopted for bringing to punishment
the false accusers, the Petitioners state
that they have been subjected to much
expense and loss in their mercantile
transactions in consequence of having
been sent to the Court on the unfounded
charge referred to and accordingly they
pray that this Court will please order
directing the punishment of the individuals
specified in this address and
further that they (Petitioners) may be aided
to institute against them an action for the
recovery of damages.

The Petitioners are informed
that their application for redress for any
false accusation which may have been
brought against them should be preferred
to the local Magistracy

The Court of Tanjore Malabar
declined to pass orders in regard to the
institution of a Civil action for the pur-
pose of recovering damages.

Ordered that the Petition
be dismissed and that Extract from
these

5th February 1844.

these Proceedings be granted to the Petitioner on application.

Read Miscellaneous Petition presented on the 15th January 1844 by C. Ithemmah and Bandalingum of the Zillah of Masulipatam.

(Here enter M. P. No 12 of 1844)

The Petitioners submit translations of certain documents enclosed in their Petition presented on the 2d January 1844, and pray that they may be perused and justice rendered to them.

Translations are never required from the parties presenting Petitions.

Ordered that this Petition be dismissed and that Extract from these proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petition presented on the 26th June 1843 by Pendy Appavoo Naidoo of Combaconum.

(Here enter P. C. M. P. No 47 of 1843)

Adverting to the Proceedings of the Criminal Court of Combaconum in the matter of a charge which came under

P. C.

5th February 1844

under its investigation in which three individuals were accused by Petitioner of having stolen his horse, the Petitioner represents that the three individuals in question having been improperly [illegible] he was himself unjustly brought to trial on a charge of conspiracy, but acquitted eventually by the Judge on Circuit, whilst three of the witnesses by whom the charge of horse stealing was originally supported have been on insufficient grounds punished for perjury.

2. The Petitioner alleges that the Superior servants of the Combaconum Zillah Court, being his enemies, have by their local influence contrived to secure the dismissal of the charge of horse stealing preferred by him - asserting that the accusations in question was a true one; he prays that the record of the case may be called for and the Prisoners concerned in it punished.

3 He further prays that the Court will issue orders directing the Police

5th February 1844

release of the three who gave evidence on behalf of the prosecution in the said Case.

The Court of Foujdaree Udalut are not of opinion that any sufficient grounds are shown by the Petitioner to require that the record of the case in which he was Prosecutor should be brought under their revision.

In respect of the release of the three Prisoners punished for perjury, it is observed that the Court have approved the sentences passed on them.

Ordered therefore that the Petition be dismissed and that Extract from these Proceedings be granted to the Petitioner on application.

C. Atchamah and Baula Lingum of the Zillah of Masulipatam, move the Court to return the enclosures in their Miscellaneous Petitions No. 2 and 12 of 1844.

Ordered accordingly.

Read Letter under date the 16th Ultimo from the Subordinate Judge of Chittoor forwarding the Criminal Reports

5th February 1844

Reports for the Month of December 1843

(Hewnter P. M. No. 139)

Cases No. 2728

In both these Cases the Prisoners are charged with perjury and robbery, before expressing their opinion of the manner in which they have been disposed of the Court of Foujdaree Udalut resolve to consider whether the Acting Sessions Judge considered the alleged robbery proved

No. 50.

With reference to the remarks in this Case the Court of Foujdaree Udalut are of opinion that the fact of the 2d Prisoner's guilty declaration having been "proved correct" was enough to insure his conviction, which might have been considerably facilitated by converting one or more of the Prisoners into Witnesses in the manner laid down in Circular Order Foujdaree Udalut No. 141.

Ordered that Extract of these proceedings (para 1) be sent to the Acting Sessions Judge of Chittoor for precept

5th February 1844.

precept returnable in 3 days from
and after its receipt.

(Sent following) precept No. 120.

Ordered further that
Extract of these proceedings be sent
to the Subordinate Judge of Chittor
for his information and guidance.

(Sent in No. 81.)

H.D.R.

T. M.

Tuesday
6th February 1844.

At a Court of the Foujdaree Adawlut

Present

W. G. L. Casamajor Esqre Acting 1st Judge
Malcolm Lewin Esqre Acting 2d Judge
A. M. Alexr. Maclean Esqre Acting 3d Judge

Read again the Confirmation
Primary Calendar for the 1st Session
of 1843.

(Here enter No. 857 of 1843)

Read return dated the 3
October last from the Special Co
missioners for the Southern Divi
submitting in conformity with
the requisition contained in the Prec
of this Court dated the 7th of the prece
Month, translations of the trials he
by him in his capacity of 1st Judge
of the late Provincial Court in the
Southern Division on Circuit for
5th Sessions of 1843 in Cases 12, 12
14 on the Confidential Calendar f
last Sessions.

(Recorded No. 1721 of 1843.)

1. The three Prisoners, Ranga-
samy Naik, Veeracatasamy Naik and
Ramasamy who were respectively
brought to trial before the 1st Judge
late on Circuit at Combaconum on
the three cases above mentioned, were
charged with the commission of
wilful and corrupt perjury before
the Acting Criminal Judge of that
Zillah, in having deposed on solem
affirmation as witnesses in Criminal
Case No. 10 of 1843 that they had seen
one Appavoo, the 2d Prisoner in that
case, at Combaconum on the morning
of the 9th January 1843 riding on the
horse of the Prosecutor in the said Case.

2 In instituting the Mahome-
dan Law officer convicted the Prisoners
on the grounds of their own confessions
before the Criminal Judge of the offence
with which they stood charged.

3 Concurring with the Maho-
medan Law Officer, the Judge on Circuit
sentenced the Prisoners respectively to
imprisonment with hard labor on roads
on

on the roads, for a period of four years
but in adjudging that punishment
he remarked that it was with diffi-
culty he made up his mind to convict
as he was unconvinced of the prisoners
of the charge of horse stealing as to
Iya Asamy the 1st Prisoner in Criminal
Case No. 10 of 1843; but that he could
not get over the confessions of the
three Prisoners that they had deliber-
ately given false testimony on the
subject of the theft.

Case No. 12. 4 On a deliberate consideration
of the records of the three trials now
before the Court, the Foujdaree Adalut
think that the perjury charged against
the Prisoner Rungasamy Naik in
Case No. 12, is quite clear - and they
see no sufficient cause to disturb
the sentence passed on him by the
Judge late on Circuit.

Case No. 13. 5 Neither do they think that
doubt can exist in regard to the guilt
of the Prisoner Veeracatasamy Naik who
was brought to trial in Case No. 13.

The

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Case No 14

The foregoing opinion is equal-
ly applicable to the Case of the Prisoner
Ramasamy in Case No 14

As respects the truth or
falsity of the circumstance touched
the Prisoners first deposed, the Court of
Poojaree Udalut are of opinion that
it is a point of no importance what-
ever so far as their punishment is
concerned it being clear that perjury
has been committed by them, and that
they have testified to having seen what
they never saw.

In this view of these Cases,
the Court of Poojaree Udalut are satis-
fied that the 1st Judge late on Circuit
at Combaconum has correctly disposed
of the specific charges brought against
the three Prisoners under observation and they
accordingly direct that the Sentences declard
by that Functionary be now carried into effect.

Ordered that Extract from the
proceedings be sent to the Session Judge of
Combaconum by precept returnable in 3
days from and after its receipt.

(Sent following precept No 122.

No 32

Wednesday
7th February 1844

At a Court of the Poojaree Udalut

Present

The Hon'ble G. I. Casamajor Esq. Agt Governor
Malcolm Lewin Esq. Agt 2d Judge
Alexr Maclean Esq. Agt 3d Judge

Mr G. I. Casamajor
and
Mr M. Lewin

Read letter dated the 31st
Ultimo from the Acting Session Judge
of Mangalore submitting Case No 14
of 1844 on the Calendar of the Session
Court at that Station.

(Here enter No 32.8)

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

1st Linga
2d Moodbidray Appoo
3d Bantoo
4th Billa Cantoo,

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

on their own confessions of the crime of Murder, do acquit them thereof, and direct that they be unconditionally released.

1. In the above case the Prisoners
1st Linga
2nd Moodiriya Appuwa and
3rd Bontes
were charged with the wilful Murder of one Ranna by rendering him intoxicated, and when in that state making away with him by throwing him into a pit or some other means, the 4th Prisoner Billa Unnehe was accused of being an accessary to the murder, by supplying the drink, concealing his knowledge of it, and endeavouring to prevent its discovery by hiding the badge and a cloth of the deceased and burning his belt.

2. The Law Officer convicted the Prisoners of the offences respectively charged against them and the Acting Assessor concurring in his verdict, has stated that although it is

that the punishment usually awarded to Murderers, when there are no circumstances of mitigation should be adjudged against any of the Prisoners, the circumstance of the corpse not having been found though it does not shake his conviction of Ranna having been murdered, yet, as there admits of a bare possibility of his being still in existence it indisposes him to suggest a punishment which can in no degree be remedied.

3. He therefore submits his opinion that the four Prisoners should be sentenced to imprisonment for life each with banishment to another Zillah.

4. On an attentive consideration of the above record the Court of Judicature do not think that the Prisoners should be acquitted and discharged.

5. There is no proof that a Murder has been committed at all; the facts in evidence do not amount to murder; and the body has not been found. Conviction is therefore, the Court conceive, out of the question.

February 1844

6 The only question is whether there is evidence enough against the Prisoners, or any of them, to require that security should be demanded.

7 The Court of Fougdare Udalut think that there is not

8 The only evidence of any importance is that of the 2d witness Loobba. After as careful and deliberate a consideration of his depositions, and the whole of the record, as the Court are capable of, the impression left upon their minds is that the deceased died from the effects of intoxication, while drinking and smoking Bang with the three first Prisoners; and that when they found he was really dead, they were alarmed for probable consequences and wound him up in his cloth and sunk him in the river.

9 There is not, throughout the record the slightest trace of any enmity between the deceased and any of the Prisoners, or any ground for such enmity.

10 If the Prisoners had really any

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intention to murder the deceased, it is absurd to suppose that they would have chosen so public a place to do it in; especially while they saw Loobba and most probably the boy Appaya Pillai sitting, the former in the veranda of the room they were in, the latter in that of the house opposite and within a few of them, the door of the room in which they all were being open all the time. Such conduct is unaccountable and contrary to every principle of human nature.

Ans. 8. p. 37

11 There is a fact deposed to by Loobba before the Police, about which he was not questioned at the trial, and the Court think he ought to have been but which is very characteristic of the state of the case with which the Court of Fougdare Udalut are impressed and very inconsistent with a design of murder. He says that as soon as deceased fell down insensible from intoxication the Prisoners, pulled his arms and

Police Record p. 44

Now this is indicative of a desire to

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him; and accordingly the same witness
2nd Rec'd Feby 21 1844 when asked what he thought they
intended doing with deceased when they
carried him away, says that he thought
the 3 first Prisoners
they were going to take care of him.
It is true that in another place he says
that he supposed deceased had been
murdered; but he also expressly says
that he drew this conclusion from the 3
first Prisoners, when they returned after
disposing of the body, cautioning him
not to mention what he had seen and
threatening, if he did to serve him in the
same manner. But this is not inconsistent
with the state of things, the Court of
Enquiry should believe; the Prisoners
were in a state of alarm and the uppermost
most thought of their minds was to avoid
unpleasant consequences; also he does not
mention before the Police their threatening
4th Rec'd p 46. him, or that he drew any such conclusion
from their conduct; he there states that
they only cautioned him and that he supposed
they carried deceased away as they were fellow
servants and deceased was intoxicated.

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12

The finding of the deceased's
Badge and Coconut with the 4th Prisoner
proves nothing. It is in evidence that
deceased left them at the 4th Prisoner's
house before he sat down to drink
with the 3 first Prisoners. The 4th Prisoner
concealed these articles from the same
motive as the rest did the body, fear
of consequences.

Ordered that Extract from
these Proceedings be forwarded to the Acting
Session Judge of Mangalore for
his information and guidance.

Sent in No. 107

Read order of Government
dated the 20th Ultimo, No. 41, communicating
6th January 1844 a copy of a communication from the
Acting Adjutant General of the Army
with a view to the submission by this
Court of the opinion thereon requested.

(Here enter S Dr. No. 165 of 1844.)

In the communication of
the Acting Adjutant General the question
is propounded whether a sentence of
Corporal Punishment and Imprisonment
may

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may be awarded for a Criminal offence in cases provided for by the Madras Regulations, in the instance of a Convict Tolbourn when tried by a Military Court at places beyond the Territories of the East India Company.

2. The Judges of the Foujdaree Adalut are of opinion that if the offence is one for which stripes and imprisonment are adjudicable under the Regulations, within the territories of the Company, for the same offence they may be adjudged without the territories, as prescribed by Article 6th of Section XII of Regulation V of 1827. The mode of carrying into effect such sentences as laid down in Regulation V of 1828 and is settled by the Foujdaree Courts proceedings of date 17th October 1839.

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

(Sent following letter No. 128.

Read

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Read communication dated the 24th Ultimo from the Acting Session Judge of Trichinopoly reporting the decission of the Court of Foujdaree Adawlut whether all crimes committed by Convicts are to be tried under Act 24 of 1843 or no, whether, under Section III of the said Act, the attendance of the Law Officer in the Session Court is necessary

(Herewith No. 278.)

The Court think that Act 24 of 1843 does not necessarily apply to all Gang Robbers and Robberies, but only to professional robbers and the robberies committed by them.

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Trichinopoly for his information.

Letter No. 129.

Read letter dated the 25th Ultimo from the Acting Subordinate Judge of Calicut transmitting copy of a warrant issued by the Session Court of Calicut and requesting the orders of Co

1844 February

Court as to the disposal of the prisoners sentenced to banishment in Case No. 2 on the Calendar of the Session Court at Caliaut for 1844.

(Here enter No. 3057)

1844 J. Casamajor and H. Lewin

The Court of Foujdaree Adalut direct that the prisoners,

"Francis D'Araujo"

and

"Thomas Desmier"

be removed to the Jail at Mangalore there to be imprisoned agreeably to the terms of their sentence

Ordered that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Caliaut and to the Acting Session Judge of Mangalore for their information and guidance respectively.

(Sent in No. 130. & 131.)

Read Trichinopoly Criminal Reports for the Month of December 1843

(Here enter F. C. No. 253 of 1844)

Case No. 26.

The Court of Foujdaree Adalut observe that the 1st Prisoner in this case is stated to have been apprehended on the 27th

7th February 1844.

of August and forwarded to the Court on the 8th of December, and they request to be informed of the manner and cause of his detention in the interim.

Ordered that Extract of these proceedings be sent to the Principal Sudr Ameen of Trichinopoly by precept returnable in 5 days from and after its receipt.

(Sent following) precept No. 132.)

Read returns dated the 23d December 1843 and 15th January 44 to the precept of the Foujdaree Adalut of 19th December last calling for a brief abstract of the testimony against the parties punished in the Month of November 1843 by the Joint Magistrate of Dotacamund.

(Here enter F. C. Nos. 11 and 216.)

Case No. 70.

With regard to the sentence in this case the Court of Foujdaree Adalut notice the omission, on the part of the Joint Magistrate, to give the date on which it was passed; and, at the same time, they observe that the woman was not punishable, as she received the

Sd to

1st February 1844.

stolen property from her husband.

2 It has been ruled on various occasions that a confession does not preclude the necessity of evidence being heard, and the Court accordingly direct the Joint Magistrate in future to hear the evidence, altho' the Prisoner makes a voluntary confession.

Ordered, that Extract of these proceedings be sent to the Session Judge of Coimbatore for communication to the Joint Magistrate of Ootacamund.

(Sent in No. 133.

Read the Coimbatore Calendar dated the 25th Ultimo from the Acting Session Judge of Coimbatore of Cases Nos. 6 of 1843 and 1 2 and 3 of 1844.

(Were entered No. 288.)

Case No. 23 of 1844. 1 In this case three Prisoners were charged with having shut up the 4th Prisoner, a girl aged 12 years, in a room of the 5th Prisoner's house for a whole day without food and on the next day tied her to a Pillar and severely burnt her on her back and other parts, with a heated ladle.

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2. The Futwa of the Law Officer convicted the accused of the crimes laid to their charge, concurring in which finding the Acting Session Judge sentenced the 1st Prisoner to four years and the 2d to three years imprisonment with hard labor under Clause Seventh Section XV Regulation XV of 1803.

3 On a consideration of the circumstances brought in evidence against the Prisoners, they appear to have been convicted of an aggravated assault, and the Court of Evidence Udalut are of opinion that a sentence of seven years imprisonment with Labour, would not have been more than was required for the ends of justice.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Coimbatore for communication to the late Acting Session Judge.

(Sent in No. 134.)

Read letter dated the 16th Instant from the Acting Magistrate of Salem submitting a Report of

sentences passed by the Magistrate of Salem in December 1843 under the provisions of Section XIV Act VII of 1843.

(Here enter No. 217)

Circ. Ord. No. 3. 1 In proceeding to pass sentence in Case No. 3, in which a party of five individuals appear to have been concerned in the commission of the theft charged, the Acting Magistrate has overlooked the order of the Foujdaree Adawlut noted in the margin.

Circ. Order dated 23rd Feb. 1829. 2 The theft in question is stated to have been committed by night and the value of the property stolen is stated at Rupees 18-4-0; but the manner in which it is supposed the entry into the hut of the Prosecutor was effected, does not, as it should appear either in the column of charge or in the remarks of the Acting Magistrate.

3 Under the circumstances of the case, the Court of Foujdaree Adawlut are clearly of opinion that the transmission of the Prisoner to the Criminal authority was required and that the sentence passed by

Case No. 2. by the Acting Magistrate was irregular.

The Prisoner in this case having been charged with an assault the result of which was the fracture of a limb it was incompetent to the Joint Magistrate under the rule laid down in Foujdaree Adawlut Circular Order No. 124, to proceed to pass sentence.

Ordered that Extract from these Proceedings be forwarded to the Acting Magistrate of Salem by express returnable in 10 days from and after its receipt.

(Sent following) precept No. 135.

Read letter dated the 11th Ultimo from the Governor's Agent at Kurnool forwarding the Criminal Reports for December 1843 and explaining the manner in which Case No. 14 was investigated by the Assistant Agent instead of by himself.

(Here enter F. H. No. 158 of 1844)

Case No. 12. 1 The charge brought against the Prisoner in this case, as it appears in the Report does not set forth any act

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act of Criminality.

2 The Agent to the Governor is accordingly requested to state for the information of the Court what is the nature of the offence charged against the Prisoner.

3 The attention of the Agent to the Governor is further requested to the observance of the rules regarding official correspondence which are noted in the margin the endorsement made on the Communication which accompanied the Reports under review being both imperfect and erroneous as not showing that the Criminal Reports for December 1843 were transmitted with that letter.

Ordered that Extract from these proceedings be forwarded to the Agent to the Governor at Vizagapatam by precept returnable in 5 days from and after its receipt.

(Sent following) precept No 136.

Read the Criminal Reports submitted by the Principal Sub Assistant

Ex. the 9th August 1842 and 10th March 1843.

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of Masulipatam for the Month of December last.

(Hereunto annexed No 233)

Case No 12.

The Court of Sessions Udalut resolve to desire the Session Judge to call for the record and if it appears the evidence is totally insufficient, in case the fine was paid, to order it to be refunded.

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Masulipatam by precept returnable without delay.

(Sent following) precept No 137.

Ordered also that Extract from these proceedings be forwarded to the Principal Sub Assistant at Masulipatam for his information.

Sent in No 138.

Read letter dated the 23d Ultimo from the Session Judge of Nellore acknowledging the receipt of a letter from the Sessions Udalut dated the 17th Ultimo directing him to pass sentence in certain cases left undisposed of by him on quitting

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(quitting) his station under leave of absence.—

(Here enter F U. No: 242)

Read further return dated the 18th Ultimo from the Session Judge of Bellary to the precept of the Fouzdaree Udalut of the 23d December 1843; stating that the sentence passed by the Sudr Ameen in Case No: 14 of the Criminal Reports for November 1843 has been modified to 6 Months imprisonment each equally to the orders of the Court.

(Here enter F U. No: 245)

Read return dated the 18th Ultimo from the Session Judge of Cuttack to the precept of the Fouzdaree Udalut of the 13th Ultimo, forwarding observations on Case No: 14 of the Calendar for 1843.

(Here enter F U. No: 246)

Read letter dated the 17th Ultimo from the Acting Session Judge of Monoo submitting the Calendars of Case No: 2 of 1843, together with the translation of the Original Futwah.

(Here enter F U. No: 255)

Re-

7th February 1844.

Read return dated the 23d Ultimo from the Acting Magistrate of Cuttack in reply to the precept of the Fouzdaree Udalut of the 15th Ultimo, directing him with reference to his letter of the 1st Ultimo in reply to the Proceedings of the Fouzdaree Udalut of the 26th December 1843 referred to case No: 24 of the Criminal Report for the Month of November 1843, to report whether it is the practice in his District for Police Peons of themselves to seize Persons on information by others already apprehended; and if so, under what Regulation, or by what authority it is done.

(Here enter F U. No: 257)

Read Calendar dated the 20th Ultimo submitted by the Session Judge of Tinnevelly of Case No: 1 of 1844.

(Here enter F U No: 264)

Read Calendar dated the 25

Ultimo submitted by the Acting Session Judge of Bellary of Case No: 9 of 1843.

(Here enter F U. No: 266)

Read

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Read Calendar dated the 22d Ultimo submitted by the Session Judge of Bellary of Case No 10 of 1843, together with a translation of the Tuhsuk

(Here enter F. H. No 268)

Read return dated the 25th Ultimo from the Acting Session Judge of Trichinopoly to the Receipt of the Fouzdaree Udalut of the 19th Ultimo, calling for an explanation how that any warrants of the late Court of Circuit remain still unreceived

(Here enter No 281)

Read Statement dated the 16th Ultimo from the Acting Session Judge of Mangalore showing the actual produce of the labor of the Prisoners, from 1st October to 31st December 1843

(Here enter F. H. No 284)

Read letter dated the 23d Ultimo from the Acting Session Judge of Mangalore conveying copy of a letter from the Subordinate Judge of Mangalore reporting that no disbursements were made during the last quarter under the Circular orders of the Fouzdaree Udalut No 50 and 65

(Presenter F. H. No 285)

F. H.

Thursday 8th February 1844.

At a Court of the Fouzdaree Udalut.

Present

R. Sh. A. M.

G. L. Casamajor Esqr 1st
Malcolm Lewin Esqr 2d
Alexr. Maclean Esqr 3d

} Sessions Judges

Read letter dated the 10th Ultimo from the Acting Session Judge of Combaconum submitting a Calendar of Cases from No 6 to 15.

(Heretofore No 102)

Case No 7 1

The Prisoners in this case are charged with Kidnapping two boys with the view to their Shipment to the Mauritius, and the Court of Fouzdaree Udalut consider the sentence of 14 years imprisonment for the first and 3 years imprisonment for the 2d and 3d Prisoners too lenient a punishment for so heavy an offence.

Case No 9 2

The Prisoner is charged with administering certain deleterious drugs to the Prosecutrix and robbing her person

7

of jewels valued at 45 Rupees, and the Court of Tongaree Udalut observe that as actual violence in such a case as this is not necessary to constitute a robbery they conceive this offence was to all intents and purposes a robbery, and that it consequently called for a severer punishment than has been inflicted by the Acting Session Judge.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Combaconum for communication to and information of the late Acting Sessions Judge.

(Sent in No. 139.

Read communications dated respectively 20th and 22d Ultimo from the Acting Session Judge of Honore submitting statements of the expenditure incurred on the Jails at Honore and Sirsy in the 4th Quarter of 1843

(Here enter Nos. 265 and 286 of 1844)

It is not found that the above statements have been transmitted by the Acting Session Judge under orders issued from

from this Court.

2 The Judges of the Tongaree Udalut accordingly resolve to request the Acting Session Judge will explain the circumstances under which he has deemed it necessary to prepare and transmit the Reports in question.

Ordered that Extract of these proceedings be forwarded to the Acting Session Judge of Honore by precept returnable in 5 days from and after its receipt.

(Sent following) precept No. 140.

WDN

R

End 7th

Friday
9th February 1844. At a Court of the Fouzdaree Udalut.

Present

G. S. Cadamajor Esqre. Agt.
Malcolm Lewin Esqre. Ag. 2d. } Puisne Judges
A. Maclean Esqre. — Ag. 3d.

Read letter dated the 29th
Ultimo from the Acting Sessions Judge of
Nellore submitting for the final decision of
the Fouzdaree Udalut translations of the
Proceedings held in Case No. 6 on the
Calendar for 1843.—

[Here enter No. 311.]

Mr. Lewin. The Court of Fouzdaree Udalut
on a deliberate consideration of all the
circumstances of the case in evidence before
them being of opinion that the proof
against the Prisoner
"Shaik Ibrahim"
is sufficient to convict him of the crime
of Highway robbery, do convict him there-
of and with reference to the provisions
of Clause 3d. Section III. Regulation I
of 1825 sentence him to be imprisoned
and

and kept to hard labor in irons on the public roads or other public works for and during the period of four years.-

/Sent following letter No. 146/

Read return dated the 22nd January from the Magistrate of Muddenpully to the precept of the Tinjoure Cutchery of the 19th January 1844, calling upon him to state what notice he had taken of the negligence of the Head of Police of Muddenpully in Case No. 207 of the Cuddapah Criminal Reports for November 1843.-

/Here enter Ill. No. 258/

Read again return dated 6th Ultimo from the Acting Sessions Judge of Cuddapah to the precept of the Tinjoure Cutchery of the 23rd December last, directing him to look into the above Criminal Case and pass such orders thereon as may appear necessary.-

/Here enter I. Ill. No. 44/

1. The Acting Sessions Judge remarks on the remissness and negligence of the Head of Police of Muddenpully, and mainly attributes the difficulty of obtaining a conviction to the reprehensible conduct of that Functionary.-

2. The Magistrate in his preceding return states that he had admonished the Head of Police who endeavours to exculpate himself by asserting that the 7th and 8th Witnesses were not in the village at the time he held the first inquiry, but came forward when a second inquiry was called for by the Acting Subordinate Judge.-

3. The Court of Tinjoure Cutchery do not consider the excuse offered by the Head of Police of Muddenpully at all a satisfactory one, and they accordingly resolve to instruct the Acting Sessions Judge of Cuddapah to follow up his inquiry in the case and make such communication to the Magistrate as he may deem proper, suggesting, if he considers it

9th February 1846.-

it desirable, the punishment of the Tahsildar.-

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Cuddapah for his information and guidance.-

(Sent in No. 147.)

Sgd. J.

J. D. R.

Saturday
10th February 1846.

J. U.

At a Court of the Tonjadaru Vaalut

Present

Geo: James, Casamajor Esqre. in Acting 1st Assn. Judge.
Malcolm Lewin Esqre. in Acting 2d Assn. Judge.
Alexander Maclean Esqre. in Acting 3rd Assn. Judge.

Read Calendar of persons tried before the Court of Sessions of the Zillah of Trichinopoly

(Here enter J. U. No. 297)

The Court of Tonjadaru Vaalut desire, with reference to the omission observable in the present occasion that, in future, the Acting Sessions Judge will be careful to record the specific provision of the Law under which he passes sentence.-

Ordered that Extract of these Proceedings be sent to the Acting Sessions Judge of Trichinopoly for his information and future guidance.-

(Sent in No. 150.)

Read

10th February 1846

Read letter dated the 29th Ultimo from the Magistrate of Cuddapah requesting information with reference to this Courts proceedings dated the 23rd Ultimo whether any particular form is to be observed in the preparation of the comparative statement for the year 1842 and also if it is to be annually sent with the 2d Half Yearly statement.

(Here enter No. 312 of 1844)

1. The Judges would draw the attention of the Magistrate of Cuddapah to their Circular instructions, under date the 11th October 1824, communicated through the late Provincial Court of Circuit in the Centre Division - and direct that a transcript of the Form shewing the particulars in question be prepared and forwarded to that Officer.-

2 No particular form has been laid down for observance by the Magistracy in order to their exhibiting the amount of property taken and recovered; but information on the point should invariably accompany the Half Yearly Statement and the form above noticed should on such occasions also be laid before this Court.-

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

(Sent in No. 151.)

Read Calendar dated 25th Ultimo from the Session Judge of Tinnevelly, submitting case No. 2 of 1844 committed by the Principal Sudr Ameen of Tinnevelly

(Here enter F. U. No. 300)

Read copy of the Calendar dated 27th Ultimo from the Acting Session Judge of Mangalore of Case No. 5 of 1843 received from the Subordinate Judge with his remarks thereon.-

(Here enter F. U. No. 301)

Read letter dated 25th Ultimo from the Session Judge of Salem, stating

10th February 1844

Stating with reference to the Circular Order No. 88. that the Acting Subordinate Judge of Caliecut and the Principal Sudr Ameen of Cochin have reported that no amount was realized by the labor of the Prisoners during the last Quarter.—

(Here enter F. U. No. 306)

Read return dated 29th Ultimo from the Session Judge of Coimbatore, to the precept of the Fouzdaree Udalut of the 24th January 1844, directing the removal of the Convict Kopradich. sindiagotha Mamoothoyah to Caliecut to undergo the remainder of his sentence of imprisonment.—

(Here enter F. U. No. 310)

Read Calendar dated 29th Ultimo from the Session Judge of Caliecut, forwarding Translation of the Original Futwa in Case No. VI of 1844. on the Calendar of the Subordinate Court of Caliecut.—

(Here enter F. U. No. 322)—

Ec Pd

F. U.

Monday
12th February 1844

At a Court of the Fouzdaree Udalut

Present

Geo: James Casamajor Esqre Actg 1st Judge
Malcolm Lewin Esqre Actg 2d Judge
Alexander Maclean Esqre Actg 3d Judge

Read communication dated 5th instant from the late 2d Judge of the Provincial Court in the Central Division requesting the attention of the Court of Fouzdaree Udalut to the translated precord of the trial in Case No. 14 of the Cuddalore Calendar for the 1st Sessions 1843. in regard to which no final order has yet been passed.—

(Here enter No. 357 of 1844)

Ordered that a transcript of the proceedings of the Fouzdaree Udalut under date the 11th December last be forwarded to the late 2d Judge and that the suspended sentence passed against the Prisoner Pauly Ramasamy be

carried

12th February 1844.

carried into effect in the usual manner.

It is observed that an extract from the above Proceedings was, through an oversight in the office of the Foujdaree Udalut Court not sent to the late 2nd Judge.

Ordered that Extract from these Proceedings be sent to the late 2nd Judge for his information and guidance.-

(Sent in No. 153)

Read Miscellaneous Petition presented on the 11th December 1843 by Lutchumanarow of the Zillah of Combaconum.

(And refer MP. No. 99 of 1843.)

The Petitioner states that on the 25th October 1837, one Rookmany Ummaul, the widow of his late brother, preferred a false charge of Robbery against him and some others to the Joint Magistrate, who referred the case to the Head of Police for investigation; that the Police Officer

12th February 1844.

Officer tried it and on the 7th January 1838 forwarded the Proceedings and Prisoners to the Magistrate, who detained the Petitioner and another in close confinement; further that Cullayana Ramyen the Joint Magistrate's Jewabnuvees, used his influence in aid of the Prosecutrix in view to his own pecuniary advantages, and by coercion induced the Petitioner to compromise the charge on conditions prejudical to his (Petitioners) interests.-

The Petitioner now complains that his repeated Petitions to the Joint and Principal Magistrates, as also to the Criminal Court and the Board of Revenue against the above acts have not been attended to- He therefore prays the Court of Foujdaree Udalut will call for and peruse the said false Razeenamah and the Magistrate's Takeeds relating to it, and render him justice by annulling the former.-

This

12th February 1846

This Petition is not deserving of the smallest notice. It relates to an alleged grievance suffered by Petitioner 6 Years ago. He has had abundant opportunities of preferring a complaint to successive Judges on Circuit and it does not appear that he has availed himself of any.

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

Read Miscellaneous Petition presented on the 8th January 1844 by Ponnachariar of the Zillah of Trichinopoly

(See enter M.P. No. 6 of 1844)

The Petitioner states that certain Brahmins of the Vadagala sect having commenced to perform Veda Parayanam (or repetitions of the Vedas) behind the idol during the procession in Sreerungum contrary to the prohibition contained in the decrees passed in original Suit Nos. 130 of 1808 and 62 of 1825 on the file of the late Zillah

12th February 1846

Zillah Court of Trichinopoly, by which the right of performance of all ceremonies within the Pagoda of Sreerungum was conferred exclusively on the Brahmins of the Tengala sect, he presented a Petition to the Court of Foujdaree Udalut under date the 12th June 1843, on which they passed an order directing him to represent the matter to the Magistrate of the District, that he accordingly addressed that functionary who declined interference and that on an appeal to the Sessions Judge, he was directed to seek redress by a Civil action notwithstanding the point in dispute has been decided long ago by a Civil Court.

The Petitioner in conclusion prays for the issue of a Precept to the Magistrate, directing the punishment of the Vadagala Brahmins for their illegal acts and prohibiting their future opposition to the Decrees referred to.

If there has been no riotous assemblage of persons for an unlawful

12th February 1846

unlawful purpose, such as would justify the interference of the Magistrate and Police, the only remedy is by a civil action for damages, based on a former decree in Petitioners favour.

But it does not appear that there has been any aggravated case of opposition calling for the aid of the Police, and so far as the statement in this Petition goes, the Magistrate as well as the Sessions Judge seem to have acted wisely.-

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

Read Miscellaneous.-

Petition presented on the 15th January 1846 by A Sashumbooloo alias Pampumnah of the Tillah of Chittoor.-

(See order M.P. No 11 of 1846)

The Petitioner complains against an order of the Magistrate of Chittoor, directing the Aheas of Police of Calastry to enquire into a

12th February 1846

charge of Theft preferred by him against that Police Officer and some others.-

He further complains that the Head of Police had the females of his house taken to the Cutcherry, and there detained after subjecting them to oppression and annoyance, and that he has also been endeavouring to persuade the Petitioners family to call the Petitioner back to the Village or to give a writing to the effect that no theft has ever taken place in their house. The Petitioner prays, therefore, for the interference of the Court in the case.-

It does not appear from the above Statement that the Petitioner has submitted to the Court of the Sessions Judge any representation against the proceeding of the Magistrate of Chittoor of which he now complains.

The Court of Sudder Adalut therefore decline to comply with the request preferred in the

Petition

29th February 1844

Petition which is rejected.—

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

Read Miscellaneous Petition presented on the 29th January 1844 by Coollapah Naick and Sashachella Naick of Zillah Chingleput.—

(Here enter M. P. No. 16 of 1844)

The Petitioners complain against an order passed by the Sessions Judge confirming that of the Magistrate of Chingleput, which directed that they should seek redress in the Civil Court upon a purely false report of the Head of Police regarding a Charge of Gang Robbery preferred by them against one Ramasamy Mookul and others, who they allege, carried away by night property of value from the Vinna Rajah Pagoda in the village of Paramasarajah Poorum.—

The object of the address is

12th February 1844.

is that the Sessions Judge be commanded to institute enquiry and dispose of the matter.—

The Petitioner must file copy of any order passed in the Case by the Sessions Judge before the Foujdarree Adalut can bring their request under consideration.—

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

Read Miscellaneous Petition presented on the 8th Ultimo by Chinkarnallew of the Village of Coimbatore.—

(Here enter M. Petn. No. 8 of 1844)

The Petitioner states that having refused compliance with the request of one Vyapoory to attest a deed which the said Vyapoory had forged, the latter and some others assaulted and having gagged him, cut off his tuft; that he thereon preferred a complaint which was enquired into by the

3d January 1844.

Sessions Judge of Cahiente for his information and guidance

Sent in No 9.

Circular Order

No 155.

1 The inconveniences liable to result from the commitment of Prisoners for trial by the Sessions Courts who have just in the Courts of the Subordinate Judges or Principal Sudr Ameens had an opportunity of acknowledging or denying the correctness of the depositions given by them before the Police authorities having been brought to the notice of the Foujdaree Adalut, they resolved to direct by a Circular Order that in all committable cases the statements made before the Police by Prisoners be read over to them and that they be questioned whether they assented thereto and whether they have any additional statements to make, it being, of course, the duty of the committing functionary to record what ever statements they may be desirous of making.

2 And in view more completely

3d January 1844

completely to carry out the intention and object of Sections XXIX and XXX Act VII of 1843. it is resolved that previous to commitment, Prisoners shall be asked whether they wish to call witnesses for their defence on the trial before the Sessions Court, and if any be named, that the committing officer do make immediate arrangements for getting the individuals whose evidence may be required.

3 It is to be understood that the mode of proceeding thus indicated shall not be allowed to interfere with the privilege possessed by every prisoner of urging, and supporting by additional testimony, any supplemental defence he may consider advisable whenever, in the exercise of the powers vested in them by Section XXX of the Act above quoted, Sessions Judges think it necessary after the commencement of a trial, to call for further evidence.

Sent in No 10.

Read.

Read Miscellaneous Petition
presented on the 11th December 1843 by Nauto
nunnack of Cuddapah.

(Here enter Miscellaneous Pet. No. 100)

1 The Petitioner states that her
brother Chinnoo Nungaroo, the prisoner in
case No 2 on the Cuddapah Supplemental
Calendar for the 2d Sessions of 1843 having
been arrested on suspicion of being
concerned in a robbery, which took
place on the 26th June 1843 was examined
before the Head of Police and Criminal
Judge by whom he was committed for
trial before the Court of Circuit. That
the peons, whilst searching the house
took away some jewels belonging to the
family but could find no stolen property
that the prosecutor disclaimed the jewels
when they were shewn to him, but, that
nevertheless, her brother was sentenced
to labour in irons for a period of 14 years.

2 Under these circumstances
she prays the Court to call for and peruse
the record, release her brother and thus
enable her to recover the jewels of which
she

she has been dispossessed.

3 The Court of Foujdaree Udalut
on reference to the Calendar, do not
consider there are any sufficient reasons
for disturbing the sentence passed
on the prisoner, but resolve to call
on the Acting Sessions Judge of Cudda-
pah to inquire into, and report, for
the information of this Court, on
the allegations of the petitioner concern-
ing the jewels.

Ordered, that Extract from
these proceedings, and a copy of the
above petition, be forwarded to the
Acting Session Judge of Cuddapah
by precept returnable in XV days, from
and after its receipt.

Sent for following precept No 14.

Ordered also that extract
from these proceedings be furnished
to petitioner on her application.

Read Miscellaneous
petition presented on the 27 November
1843 by G. Narraidoo of the Zillah
of Chicacole and Prisoner in Case No 2
on

3d January 1844

in the Vizagapatam Calendar for the
2d Sessions of 1844—

/Note under M.P.R. 94—/

1 The Petitioner states that certain Bonds and Documents were taken from his house by the Officers of Police that having been tried by the Circuit Court he was acquitted of the charge preferred against him but that the Documents which he requires to present in evidence before the Moonsiffs were refused him—He therefore prays that the lower Court may be instructed to return the Documents, and to grant an attested copy of the Sentence of the Court of Circuit, as well as of the Precept of the Sudr Adalut directing his release—

2 The Court of Tonjadore Adalut consider that the Petitioner has a manifest right to the documents he requires, and they resolve to direct the Session Judge to return them to him, and, at the same time to grant him copies of such further papers as the Session Judge may think the defence of his claims before the Moonsiffs

S. A.

Saturday 6th January 1844.

At a Court of the Tonjadore Adalut

Present:

G. J. Casamajor Esqr. Act. 1st Puisne Judge
Malcolm Lewin Esqr. Act. 2d Puisne Judge
Alex. Maclean Esqr. Act. 3d Puisne Judge

Read letter dated the 29 Ultimo from the Acting Sessions Judge of Cuddapah forwarding translations of the Records of the trial No. 19 on the Calendar of the Session Court of Cuddapah for 1843—

/Here enter S. A. No. 10 of 1844/

Mr. Casamajor and Mr. Maclean

The Court of Tonjadore Adalut on a deliberate consideration of all the circumstances of the case as evidenced before them, being of opinion that the proof against the prisoner

"Bauba Sahib"

is

4th January 1864

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, do sentence him to suffer death, by being hanged at the usual time and place of execution. —

1 The Court observe an irregularity in the attestation of one of the Prisoners' depositions before the Subordinate Officer of Police of Chitwail Jalook by the 1st witness Lutchmee Ram / see answer 8 / page 6 Sessions Court's proceedings / which they trust was duly noticed to the Magistrate; if not, it should be so now.

2. The Court also observe that the 4th question put to the Prisoner by the Court of Sessions in page 50 of the record was an improper question

4th January 1864

question; the answer to it must have been irrelevant to the trial and had a tendency to draw from the Prisoner a criminations of himself. —

3. The Court remark that part of the Court of Sessions proceedings in this case is copied in so faintly colored Ink as to render the perusal of them difficult. —

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

/ Sent following letter No 18. /

Read return dated the 28th Ultimo from the Subordinate Judge of Chittoor, to the precept of the Foujdaree Adalut under date the 26th Ultimo, conveying their observations and orders on the Criminal Reports

6th January 1844.

Reports for the month of November last.-

/Here enter F.C. No. 11 of 1844./

Read return dated the 30th Ultimo, from the Principal Sudr Ameens of Mangalapatam, to the precept of the Honjdaree Adalut dated 22d Ultimo, calling for explanation of the excessive delay which appeared to have occurred in Cases Nos 4 and 5 Mangalapatam Criminal List for the month of November 1843.

Reports for the month of November 1843.

/Here enter F.C. No. 17 of 1844./

Read return dated the 30th Ultimo from the Sessions Judge of Canara in answer to the precept of the Honjdaree Adalut of the 26th Ultimo, requesting explanation regarding the entertainment at Cuntoor of 7 Peons &c., in 24 cases of the prescribed number.-

/Here enter F.C. No. 18 of 1844./

End.

12 D 11
Re

F. 26.

Monday 8th January, 1844.-

At a Court of the Honjdary Adalut.-

Present;

Geo. James Casamajor Esquire 1st Principal Judge,
Malcolm Lewin Esquire — 2d Principal Judge.
Alexander Maclean Esquire — 3d Principal Judge.

Read Miscellaneous Petition presented on 11th December 1843 by Ghoolam Ruzak, Vakeel on behalf of A. G. Mascarenhas of Mangalore, complaining of a decision of the Sessions Judge of Canara on the 28th October last, confirming a judgment of the Joint Magistrate, by which this applicant was directed to give personal security in 100 Rupees for his good behaviour during the period of one year; and praying that he may be relieved from a sentence which is not supported by evidence, and is derogatory to his character.-

(Here enter M. P. No. 97 of 1843.)

The charge preferred against this

1. Petitioner seems to have been for an illegal attempt to force a certain laborer into his employ as a woodcutter.-

The

2

The Sessions Judge, on a review of the Joint Magistrates' order directing security to be given by this appellant, considers the grounds assigned an ample justification of the Magistrates' decision; and the Court of Foujdary Adalut on a careful perusal of the papers before them see reason to think that the Sessions Judge has given the case full investigation, and, since from his position he must have greater facilities of estimating the Petitioner's character than this Court have, they decline interfering with his order.

Ordered that copy of these proceedings be granted to Petitioner's Vakeel on application.

Ent W.

Read letter dated the 28th Ultimo from the Magistrate of Masulipatam reporting that no cases of the description alluded to in Section LIV Act VII of 1843 have come under his cognizance during the month of November last.

(Here enter No 26.)

Read letter dated the 30th Ultimo from the Sessions Judge of Calicut transmitting copy of the Calicut Calendar No XV of 1843 and translation

translation of the original Fatwa.

(Here enter No 31.)

Read letter dated the 30th Ultimo from the Sessions Judge of Rajahmundry forwarding copies of the Warrant, and of the letter from the Subordinate Court showing the final sentence upon the Prisoner in Case No 5 of 1843 has been executed.

(Here enter No 32.)

Read return dated the 2nd Instant from the acting Sessions Judge of Combaconum to the precept of the Foujdary Adalut dated 29th December 1843 revising the sentence of the 2nd and 3d prisoners in Case No 170 of the Calendar for 1843.

(Here enter No 34.)

Read letter dated the 4th Instant from the acting Magistrate of North Arcot informing that during the month of December 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 36.)

Read return dated the 2nd Instant

8th January 1844.-

Instant from the Acting Subordinate Judge of Cuddapah to the precept of the Foujdary Udalut dated 23d December 1843 conveying their observations on the Criminal Reports for November 1843.-

(Here enter No. 38.)

Read letter dated the 1st Instant from the Session Judge of Guntoor forwarding the Monthly Criminal Reports for the Month of December 1843.-

(Here enter No. 41.)

Read letter dated the 2nd Instant from the Session Judge of Tinnevelly submitting Calendar of Case No. 11 of 1843 committed by the Principal Sudr Ameen of Tinnevelly.-

(Here enter No. 42.)

Read return dated the 2nd Instant from the Acting Sessions Judge of Mangalore to the precept of the Foujdary Udalut of the 26th December last conveying the observations of the Court on Case No. 19 of the Calendar for 1843.-

(Here enter No. 45.)

Ent'd.

J. U.

Wednesday,
10th January, 1844.-

At a Court of the Foujdary Udalut.-

Present;

Geo: James Casamajor Esquire — 1st Puisne Judge,
Malcolm Lewin Esquire — 2d Puisne Judge,
Alexander Maclean Esquire — 3d Puisne Judge,

Read communication dated the 20th Ultimo, from the Acting Magistrate of Tanjore, requesting instructions whether a Magistrate can fine a complainant for a "litigious vexatious — or groundless complaint" when the nature of the charge if proved, would be punishable under Section VII Regulation X of 1816 by Section LIV Act VII of 1843.-

(Here enter No. 2052 of 1843.)

1. The Court of Foujdary Udalut have no hesitation in replying in the negative to the question propounded by the Acting Magistrate.-

2. A Magistrate is empowered to punish for a false complaint only in event of the offence charged being embraced in Sections XXXII and XXXIII Regulation IX of 1816 as clearly

10th January 1844.

clarly shown in Section XXXV of that enactment.-

3. If the result of the investigation by a Magistrate, of an offence punishable under Section VIII Regulation X of 1816 should show that the charge has been falsely and maliciously preferred, the case should necessarily be dealt with by the Magistrate as, under similar circumstances, it would be by a Criminal Judge.-

4. It is obvious that in the case referred, the charge and evidence must have been so preferred and given that the Prosecutor and Witnesses would be punishable for Perjury.-

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

(Sent in No. 21.)

End 1st.

Read letter dated the 2nd. Instant from the acting Sessions Judge of Tellicherry reporting that no amount was realized by the labour of the Prisoners in the Jail, nor any disbursement of the nature described in the Zoojdary Adalut Circular Order No. 88 of 1837. made during the last quarter.-

(Here enter No. 47.-)

Read.

10th January 1844.-

Read letter dated the 30th Ultimo from the Acting Sessions Judge of Canara - submitting the Calendar of Case No. III tried by the Sessions Court, with remarks thereon, the translation of the original Futwah, and the statement of Batta paid to the Prosecutor and witnesses.-

(Here enter No. 49.)

Read letter dated the 2nd Instant from the acting Sessions Judge of Tellicherry - reporting that no disbursement of the nature described in the Zoojdary Adalut's Circular Orders Nos. 50 and 65 was made during the last quarter.-

(Here enter No. 50.)

Read letter dated the 3rd Instant from the Magistrate of Pychinopoly stating that he did not exercise the powers vested in him by Section LIV Act No. VII of 1843 during the month of December last.-

(Here enter No. 53.)

Read letter dated the 5th Instant from the Magistrate of Madura reporting

of the Session Judge on this case the Court of Tonjore Udalut observe that as directed by Circular Order 16th May 1822 it should have been stated whether the witness who recognized the Prisoner was previously acquainted with him.

2. The Court trust that the circumstances noticed by the Zillah Judge on the part of the Committing Officer were duly brought to the notice of the latter.—

3. In regard to the other Criminal Cases yet pending decision Mr. Walther has this day been called upon to pass sentence upon them without delay.—

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

(Sent following) precept No. 30.

Read Letter dated the 26th Ultimo from the Acting Magistrate of Salem bringing

bringing to notice the misconduct of the Acting Head of Police of Razepore.

(Here enter F. U. No. 15)

1. In the preceding communication the Acting Magistrate alludes to the numerous charges brought against the Tahsildar, of delay in the transaction of business, of endeavours to suppress evidence, of withholding public documents until it suited his purpose to produce them, of confining people without cause, of altering dates and refusing to listen to complaints because he disrelished them.— these and other charges the Acting Magistrate, as well as his Head Assistant, considers sufficiently proved to call for the exemplary punishment of dismissal from office and a declaration of incompetence to hold henceforward any situation under Government.

2. Without entering into an investigation of the charges preferred against the Head of Police of Razepore the

the Courts of Foujdaree Udalut would merely observe that they have not authority to order the dismissal of a Talukdars peon in cases coming before them under the provisions of Section XXXIX Act VIII of 1843, and that before they could pass a condemnatory sentence, they would require to be provided with the defence of the accused.

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

(Section No. 31)

Read letter dated the 11th Ultimo from the Acting Magistrate of North Arcot, reporting that the powers vested in the Magistracy by Section LIII of Act VIII of 1843 have not been exercised during the month of November last.

(Here enter F. H. No. 1977)

Read the Criminal Reports dated 12th Ultimo from the Magistrate of Chingleput for the Month of November last.

(Here enter F. H. No. 1976)

Read

Read letter dated the 13th December 1843 from the Acting Session Judge of Chittoor, transmitting the Calendar in Case No. 11 of 1843 together with the translation of the Futwah.

(Here enter F. H. No. 1979)

Read the Criminal Reports dated 30th November 1843 from the Acting Subordinate Judge of Salem for the Month of November last.

(Here enter F. H. No. 1982)

Read letter dated the 12th Ultimo from the Principal Sudr Ameen in charge of the Zillah Court of Nellore, submitting the Criminal Reports for the Month of November last.

(Here enter F. H. No. 1985)

Read letter dated the 1st Ultimo from the Chief Magistrate and Superintendent of Police at Madras, submitting the Report of cases tried under Act XXII of 1837 in the Month of October 1843.

(Here enter F. H. No. 1987)

Read

17th January 1844.

Read letter dated the 11th Ultimo from the Session Judge of Madura submitting copys of the Calendar of three Prisoners together with the translation of the Fictwahs—

(Here enter F. R. No. 1992)

Read letter dated the 11th Ultimo from the Session Judge of Mangalore submitting Copy of the Calendar in Case No. 2 of 1843 with his remarks thereon—

(Here enter F. R. No. 1994)

Read letter dated the 5th Ultimo from the Acting Session Judge of Honore submitting the Calendar of Case No. 1 of 1843, together with the translation of the original Fictwahs, and the Statement of Batta paid to the Prosecutors and Witnesses—

(Here enter F. R. No. 1995)

Encl.

PDM
M

F. R.

Thursday 18th January 1844.

At a Court of the Foujdary Adawlut—

Present—

George James Casamajor Esquire 1st Puisne Judge—
Malcolm Lewin Esquire — 2d Puisne Judge—
Alexander Maclean Esquire — 3d Puisne Judge—

Read letter dated the 2nd Instant from the Session Judge of Tinnevelly submitting the record of the Trial in Case No. 11 on the Calendar of the Sessions Court at Tinnevelly for 1843—

(Here enter No. 101.)

The Court of Foujdary Adawlut

Mr. G. J. Casamajor.

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 Pauthalamoottoo,

and

2d Poattynandan,

is sufficient to convict the former of the crime of Culpable Homicide, for which the punishment of Death is awardable under the Mahomedan Law,

Law, as declared in futwas of their Law Officers, and the latter of having been an accessary after the fact to the said crime, do convict them of those crimes respectively and under the provisions of Clause Second Section XV Regulation VII of 1802 and Section XXXIII Act VII of 1843 sentence the prisoner,

1st Panthalamoottoo.

to be imprisoned and kept to labor within the walls of the Jail for and during the period of six months - and the prisoner

2d Poattiyandan.

to be imprisoned and kept to labor within the walls of the Jail, for and during the period of two months.

1. There does not appear to have been any Criminal intentions on the part of either of the prisoners in inflicting, or causing to be inflicted, the beating which occasioned the death of deceased, and to which it distinctly appears that deceased submitted voluntarily, as to a process of exorcism, and made no endeavour to escape from it though he was not bound or otherwise under restraint. Nor was the slipper with

with which the beating was inflicted likely to occasion death or serious injury. On the contrary it is in evidence that it was the instrument customarily used on such occasions and that similar beatings were customarily without injurious result. The criminality of the 1st Prisoner consists solely in a culpable negligence in the mode of administering the beating.

2. The 2nd Prisoner cannot be said to be partaker in this part of the 1st Prisoner's guilt; all the criminality that appears to the Court, to attach to the 2nd Prisoner is his having assisted in burying the body of deceased, and thus knowingly concealing a homicide; which is of the nature of misprision.

3. The case differs widely from No. 5 of 1843 by the sentence in which the Sessions Judge has been guided in proposing the sentence in this case. In that case the Prisoner assaulted the deceased under provocations of abusive language and one of them kicked him on a part of the body on which a kick was likely to be attended with serious injury.

6th January 1844

Sundry Vakils received in the above said Case

Nos.-

(Here enter No. 1996.)

Read letter dated the 13th December 1843 from the Acting Magistrate of South Arcot referring to the Courts proceedings of the 8th Ultimo and forwarding copy of a letter from the Joint Magistrate of South Arcot conveying the explanation required in Case No. 11.-

(Here enter No. 2004)

Read letter dated the 12th December 1843 from the Acting Subordinate Judge of Rajahmundry forwarding Criminal Reports for November last.-

(Here enter No. 2003.)

Read letter dated the 13th December 1843 from the Principal Sudr Ameen at Cuddalore forwarding Criminal Report No. for the Month of November last.-

(Here enter No. 2005.)

Read letter dated the 12th December 1843 from the Subordinate Judge of Bangalore, transmitting the required Reports in the Criminal Department of this Court for the Month of November 1843.-

(Here enter No. 2006.)

8th January 1844

Read letter dated the 11th December 1843 from the Acting Principal Sudr Ameen of Guntoor, forwarding the Criminal Reports for the Month of November 1843.-

(Here enter No. 2007.)

Read letter dated the 12th December 1843 from the Sessions Judge of Guntoor, sending copy of the 5th Calendar of persons committed by the Acting Principal Sudr Ameen of Guntoor for trial before the Sessions Judge.-

(Here enter No. 2008.)

Read letter from the Sessions Judge of Calicut dated the 11th December 1843 transmitting copy of the Calicut Calendar No. X of 1843 and translation of the original Tuliva.-

(Here enter No. 2014.)

Read letter dated the 8th Instant from the Subordinate Judge of Chittoor forwarding the statement required by this Court under date the 11th December 1840.-

(Here enter No. 820 of 44.)

Friday
19th January 1844.

At a Court of the Foujdary Adalut.

Present.

George James Casamajor Esquire Offg. 1st Puisne Judge
Malcolm Lewin Esquire ——— Offg. 2d Puisne Judge
Alexander Maclean Esquire Offg. 3d Puisne Judge

Read return dated the 6th Instant from the Acting Session Judge of Cuttack to the precept of the Foujdary Adalut of 23d December last directing him to look into case No. 207 of the Cuttack Criminal Depot for the month of November 1843, and pass such orders as may seem necessary.—

(Herd enter F. D. No. 44 of 1844).—

1. In the 5th para of the preceding return the Acting Session Judge notices the "discreditable" conduct of the Head of Police of Muddenpully in having forwarded the above case to the Criminal Court without the slightest inquiry, and without evidence which might have been obtained in the first instance in the case of the 8th and 9th Witnesses, who was forthcoming on the requisition of the

9th January 1844

3

of persons apprehended in the District and delivered to the Magistrate, Joint and Assistant Magistrates, of Tanjore from the 15th to the 30th November 1843.

(Here enter F.A. No 2 of 1844.)

Abstract 3, Hand 5.

The same individual being charged in the three cases noted in the margin it was necessary, with reference to the rule laid down in Judiciary Adalut Circular Order dated 8th December 1831 that the name of the accused should in the second and other case be inserted in the Report in red ink.

Ordered that Extract of these proceedings be sent to the Acting Magistrate of Tanjore for his information.

(Sent in Ltr No 41.)

Ltr No.

F.A.

Saturday, 20th January 1844.

At a Court of the Foujdaree Adalut

Present

G. I. Casamajor Esqr 1st Ag.t
Malcolm Lewin Esqr Ag.t 2d
Alex.r Maclean Esqr Ag.t 3d
} Puisne Judges

Read letter dated the 27th Ultimo from the Acting Session Judge of Combaconum.

(Here enter No 8 of 1844.)

In this communication the Acting Session Judge requests instructions as to the course he ought to pursue with reference to the disposal of a certain Criminal Case on appeal from the Magistrate, and on the merits of which he differs from his predecessor Mr. Prendergast who, by his proceedings entered in the Diary of the 8th November last, appears to have credited the accusation, and proposed returning the record of the

to the Magistrate, with a request that he would explain the grounds on which he rejected the appeal of the Petitioner against the order preceded by his Head Assistants previous, however, to adopting this course, he called upon the Magistrate for further information, which information was not received until Mr Rawlings's departure.

2. The original charge was for assault and preferred before Mr Cook the Head Assistant Magistrate who not only doubted its truth but in his Takeed of the 4th September last to the Police Officer of Cadawaple directed that in the event of either party complaining, security should be demanded from the supposed principal.

3 Under existing circumstances the Court are clearly of opinion that it is the duty of the Acting Session Judge to pass the final orders.

4 At the same time the Court resolve, that the Magistrates, to call upon Mr

Mr Cook the late Head Assistant Magistrate of Tangore, to explain under what authority he issued the order to demand security on preferring a complaint referred to at the end of his Takeed to the Head of Police of Cadawaple Talook dated 4th September.

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

(Sent Nº 144.)

Ordered also that Extract from these proceedings be forwarded to the Acting Magistrate of Tangore by precept returnable without delay.

(Sent following) precept Nº 45.

Read letter dated the 5th Instant from the Subordinate Judge of Mangal[illegible] applying for permission to offer a conditional pardon to a Prisoner [illegible] Nº 36 of the Criminal file of that C[illegible]

(Here enter F 11 Nº 70)

The circumstances [illegible]

which the Subordinate Judge applies for permission to offer a conditional pardon to Ober Ayeta the 3rd Prisoner in the above Criminal Case, and his confessions before the Police and Court to the effect that he was in the company of the 1st and 2d Prisoners when the house of a female named Amaty was broken into and she robbed and murdered.

2. With the exception of this confession there is stated to be no material evidence beyond what may be derived from the fact of previous intimacy and enmity existing between the deceased and the 1st and 2d Prisoners.

3. The Court of Foujdaree Adalut observe that unless corroborative evidence can be adduced the offer of a pardon to the 3d Prisoner would be useless, and they would suggest to the Subordinate Judge to cause inquiry to be made as to the exact manner in which the door of the deceased Amaty's house was fastened.

4. From the evidence of the 3d

3d Witness it would appear that the door was more than merely shut; if it was fastened inside and was obliged to be broken to be entered it seems possible that the deceased hanged herself.

Ordered that Extract from these proceedings be forwarded to the Subordinate Judge of Mangalore by precept returnable without delay.

(Seal following) precept No. 26

J. U.

Monday, 22d January 1844.

At a Court of the Sungdaree Udalut.

Present,

G. S. Casamajor Esq.re Act.g 1st Puisne Judge,

Malcolm Lewin Esq.re Act.g 2d Puisne Judge,

Alex: Maclean Esq.re Act.g 3d Puisne Judge.

Read Miscellaneous Petition presented on 18th December 1843 by Ramoo vyngar of Zillah Combaconum.

/ Here enter J. U. M. P. No. 103 of 1843 /

Adverting to his previous memorials / No.s 64 and 83 / and the orders passed upon them by this Court the Petitioner states that, in the Sungdaree Udaluts proceedings of 20th November last, he is advised to apply to the Magisterial authorities and thereupon [illegible] that being unable to understand the nature of that order he now prays for specific directions as to the authority from whom he is to

22nd January 1844

No 66 of 1843

From the language adopted in the first Petition in which it is stated that he had addressed the Higher Court on the 10th June last, the Court of Foujdaree Udalut were led to conclude that the Petitioner had addressed the late Provincial Court against the proceedings of the Magistrate, and, as from the return of the late Provincial Court in the Southern Division dated 4th of last September — no such application seems to have been made to them on this Subject, the Court of Foujdaree Udalut, in their order of 20th November last, pointed out the Magistrate as the proper channel for any Appeal from the proceedings of the Subordinate Police.—

To this order the Petitioner is again referred and, at the same time, informed that an Appeal from the Magistrate's decision will lie to the Sessions Judge.—

Ordered

22nd January 1844.

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

Read Miscellaneous Petition presented on the 18th December 1843 by Lingumunk and Lauteepeah of the Zillah of Bellary.—

/Here enter F.C. M.P. No. 102 of 1843/

The Subject matter of this Petition is the same as that of Original Petition No. 66 of 1843, in which this Court by their proceedings dated 4th October last, declined all interference.—

The Petitioners now pray some Standard may be fixed by which their proceedings may be conducted with the limits assigned by Mr. Bruce in a certain proclamation, and which, they allege the late Provincial Court in the Centre Division in an Extract from their proceedings

Submitted

22nd January 1844.

Submitted with the Petition No. 66 of 1843.

declared to be correct and proper.

The Petitioners should apply to the Magistrate of the District for such orders as they may think necessary, matters of the nature of those referred to in their addresses are best in the hands of the local authorities.

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

Read return dated the 30th ult. ultimo from the Magistrate of Malabar, to the precept of the Sanjoined Adalut of the 22nd ultimo, ordering him to supply the information omitted in the Criminal Reports for November 1843.

/Here enter J.Mc. No. 71 of 1844/

Read Statements dated the 31st ultimo from the Sessions Judge of Coimbatore, of the labor of Convicts in the Jail

J.Mc

22nd January 1844.

Jail of Coimbatore and Dotacammund for the Months of December 1843.

/Here enter J.Mc. No. 74 of 1844/

Read Statement dated the 6th Instant from the Acting Sessions Judge of Tellicherry, of Batta paid to the Prosecutors and witnesses attending before the Court of Session for the 4th quarter of 1843.

/Here enter J.Mc. No. 75 of 1844/

Read letter dated the 4th Instant from the Agent to the Governor of Fort St. George at Vizagapatam forwarding Calendar of Cases for the quarter ending on the 31st December 1843.

/Here enter J.Mc. No. 78 of 1844/

Read letter dated the 9th Instant from the Magistrate of Cuddapah informing that no cases have been tried either by himself, the Joint Magistrate or the Head Assistant Magistrate

under Section XLIX Act VII of 1843 during the
months of December last.-

/Here enter F.C. No. 79 of 1844/

Read letter dated the 4th
Instant from the Sessions Judge of
Tinnevelly, submitting Calendar of
Case No. 8 of 1843 committed by the
Principal Sudr Ameen of Tinnevelly

/Here enter F.C. No. 85 of 1844/

Read letter dated the 10th
Instant from the Sessions Judge of
Chingleput, forwarding Statements of labor
of Prisoners &c. for December 1843.-

/Here enter F.C. No. 89 of 1844/

Read letter dated the 10th
Instant from the Acting Sessions Judge
of Nellore, submitting Copy of the Calendar
of Case No. 11 of 1843. disposed of by
him.-

/Here enter F.C. No. 103 of 1844/

Read

Read letter dated the 8th
Instant from the Acting Subordinate
Judge of Rajahmundry, forwarding the
Criminal Reports for the months of December
1843.-

/Here enter F.C. No. 105 of 1844/

Read letter dated the 10th
Instant from the Acting Principal Sudr
Ameen of Guntoor, reporting that
Criminal Reports of December last
are "blank" in consequence of no case
having been received during that months

/Here enter F.C. No. 114 of 1844/

Read letter dated the 9th
Instant from the Acting Sessions Judge
of Salem, forwarding the Criminal
Reports for December 1843, and stating
that the Supplemental Report, Report
No. 7, 8 and 9 and the Statement of
punishment are not transmitted as there
have been no entries to be made therein
during the said months.-

/Here enter F.C. No. 121 of 1844/

R

22nd January 1844

Read letter dated the 10th Instant from the Magistrate of Tinnevelly reporting that no cases were decided by him or his Assistants during the last Month under the powers vested by Act VIII of 1843.—

/Here enter F.M. No. 127 of 1844/

Read Report dated the 1st Instant from the Sessions Judge of Tinnevelly of cavaliers and of Prisoners released in the Zillah Courts at Tinnevelly in the Months of December 1843.

/Here enter F.M. No. 132 of 1844/

Read return dated the 16th Instant from the Acting Sessions Judge of Coddapah to the precept of the 30th dated the 3rd January calling for a report on the allegations of the Petitioner in Miscellaneous petition No. 100 concerning certain Jewels withheld from the Prisoner in case No. 2 on the Coddapah Supplemental Calendar for

F.M.

22nd January 1844

for the 2nd Sessions of 1843.

/Here enter F.M. No. 181 of 1844/

Read again Miscellaneous Petition presented on 11th December 1843 by Saurummah Sister of Christoo Naugadoo, prisoner in the above mentioned case, complaining of the family Jewels having been seized by the Peons who search the house, and praying, since the Prosecutor could not identify the Jewels that they may be restored and her Brother released from prison.—

/Here enter F.M. M.P. No. 100 of 1843/

In the preceding return the Acting Sessions Judge attributes the non identifying of the Jewels to bribery on the part of the Prisoner's Friends, and states that they have been detained during his imprisonment but any on his expressing a wish to that effect, be delivered to the Petitioner.—

2. Under these circumstances the Court

Court of Zeyedaree Adalut declare interfering leaving the restoration of the Jewels to the Petitioner or his relatives, to the discretion of the Acting Sessions Judge—

Ordered that Extract of these proceedings be sent to the Acting Sessions Judge of Cuddapah for his information and guidance—

/Sent in Ack 47./

Order further that copy of these proceedings be granted to Petitioner on application—

Read Miscellaneous Petition presented on the 3d January 1844 by Chinnah and Bantalingum of the Zillah of Masulipatam complaining of the sentences passed in Case No 1 of the Supplemental Calendar of Masulipatam for the 2d Quarterly Sessions of 1843, and praying that the Court of Zeyedaree Adalut will be pleased to call for the record and reverse the Sentence—

/Here enter Fl & Mr P. No 2 of 1844/ The

The Petitioners state that in the above case 13 persons, charged with riotously assembling in the Village of Condapelly during a certain car festival, having been tried were variously punished, altho' it was clearly proved that the parties acted in conformity to Mamool and not in opposition to any Regulation.

This case cannot now be gone into again and Petitioners are referred to the former order passed by this Court on the 21st August 1843 on Miscellaneous Petition No 57—

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

End H.

WDM
Dy

Tuesday
23d January 1844.-

At a Court of the Foujdary Udalut.-

Present-

George James Casamajor Esquire Offg. 1st Puisne Judge.
Malcolm Lewin Esquire — Offg. 2d Puisne Judge.
Alexander Maclean Esquire - Offg. 3d Puisne Judge.

Read letter dated the 26th Ultimo from the Session Judge of Tinnevelly submitting copy of the Calendar in Case No. 4 of 1843.-

(Vide entry No. 1.)

In reference to the remarks of the Session Judge in this case the Court of Foujdary Udalut observe that as directed by Circular Order 16th January 1822, it should have been stated whether the witnesses who recognized the prisoners were previously acquainted with them.-

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

(Sentence No. 49.

Read

23d January 1844.

to her sex, the 4th to 2 years' imprisonment with hard labour, and the 5th is ordered to be released.

4. The Court of Foujdary Udalut consider there are no circumstances in this case which call for the infliction of stripes which they accordingly, under the authority vested in them by Section XXXV Act VII of 1843, direct may be remitted, observing that it would have been a better distinction had the Acting Sessions Judge sentenced the 1st Prisoner to 7 and the 2d Prisoner to 5 years' imprisonment which they accordingly order.

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

(Sent following precept No. 51.)

Read letter dated the 16th Instant from the Magistrate of Masulipatam reporting that no cases of the description alluded to in Section LIV Act VII of 1843 have come under his cognizance for last month.

(Here enter No. 238.)

Ent. W.

F. U.

Wednesday, 24th January 1844.

At a Court of the Foujdary Udalut.

Present.

George James Casamajor Esquire 1st Puisne Judge.
Malcolm Lewin Esquire 2d Puisne Judge.
Alexander Maclean Esquire 3d Puisne Judge.

Read letter from the Acting Sessions Judge of Combaconum dated the 9th Instant, submitting case No. 13 on the Sessions Court for the final judgment of the Foujdary Udalut.

(Here enter F. U. No. 80 of 1844.)

1. The Prisoners in this case are charged with Gang Robbery in having gone accompanied by others to the house of the Prosecutor with sticks and torches and having forcibly entered and stolen therefrom property to the value of Rs. 301-10-6.

2. The Mahomedan Law Officer convicts the 5th and 6th Prisoners, considers the 4th liable only to suspicion, and declares the 1st, 2nd, 3d and 7th on the ground of deficiency of evidence entitled to their release; but on a

second

remit question being proposed observes- that if the legal objection to the 1st and 2nd Witnesses, in the score of affinity to the Prosecutor was removed, the Prisoners (with exception of 2nd) would be liable to Asheerbut.-

3. The Acting Sessions Judge differs as to the conviction of the 1st, 2d and 7th Prisoners, stating, with regard to the 1st that he is not satisfied with the proof of his identity, and has no confidence in the evidence adduced against the 2nd and 7th.-

4. The Court of Foujdary Udalut observe that the record of this trial must be returned as it does not appear that the Law Officer's exception is merely a legal exception, but from the last para of the Futwah, an exception to the evidence generally- The second question is improperly put, it ought to have been "would they have been convicted," and not as in the record "to what punishment would they have been liable"-

5. The Acting Sessions Judge should, moreover, state specifically by name what prisoner he thinks guilty, and what punishment he recommends

recommends for each.-

Ordered, that Extract of these proceedings be sent to the Acting Sessions Judge of Combaconum by precept returnable without delay.-

(Vide following precept No. 66.)

Read letter dated the 6th Instant from the Sessions Judge of Coimbatore, recommending in consideration of his total and apparently incurable blindness, that the sentence of a Convict in the Coimbatore Jail should be in part or wholly remitted.-

(Vide Order P. 26 No. 73.)

1. The Prisoner above alluded to, Kapadichinnagatha Iramoo Kaya, was convicted in No. 3 on the Calendar of the 1st Session of 1840 at Calicut, and sentenced to 7 years imprisonment with banishment to the Zillah of Coimbatore, where he appears to have lost his sight.-

2. In consideration of the circumstances above mentioned the Court of Foujdary Udalut resolve to direct that the convict Kapadichinnagatha Iramoo Kaya be

24th January 1844.-

be removed to Calicut to undergo the remainder of his sentence as they see no grounds for sanctioning a remission.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Coimbatore for his information, by precept returnable without delay.-

(Sent following precept No. 56.

Read return dated the 30th Ultimo from the Magistrate of Cuddapah, to the precept of the Sundary Dated of the 27th December 1843, forwarding observations and orders on the Criminal Reports for the Month of November 1843.-

(Here enter No. 13.)

Read return dated the 30th Ultimo from the Agent to the Governor of Fort Saint George at Karnoole the precept of the Sundary Dated of the 18th December 1843, submitting the particulars of a case of Robbery No. 10 of 1843.-

(Here enter No. 22.)

Read letter dated the 5th Instant from the acting Sessions Judge of Tinnevelly

J. M.

24th January 1844.-

Tinnevelly forwarding copy of the 4th Calendar of persons committed by the Principal Sudr Ameen of Tinnevelly together with copy of the Spanstate of the Futwa.-

(Here enter No. 55.)

Read return dated the 6th Instant from the Sessions Judge of Bellary, to the precept of the Sundary Dated of the 23d December 1843, expressing that the entry of the Prisoner into the Prosecutor's house in case No. 79 of the Criminal file for 1843, was burglarious but that the evidence was not sufficient for conviction.-

(Here enter No. 87.)

Read letter dated the 12th Instant from the Principal Sudr Ameen of Chingleput, forwarding Criminal Report for December 1843.-

(Here enter No. 104.)

Read letter dated the 9th Instant from the Magistrate of Bellary informing with reference to the 3d Para of the Extract from the Proceedings of the Sudr Court under date the 21st August 1843, that the

the powers vested by Section XLIV Act VII of 1843 have not been exercised by the Magistracy of this District during the month of December 1843.-

(Here enter No. 112.)

Read letter dated the 12th Instant from the acting Session Judge of Nellore, submitting the Report No. 6, the statement of Extra Peons, &c. and the statement of the labor of Prisoners in the Jail at Nellore for December 1843.-

(Here enter No. 115.)

Read fuil Reports dated the 10th Instant from the acting Session Judge of Masulipatam for December 1843.-

(Here enter No. 126.)

Read letter dated the 15th Ultimo from the Magistrate of Guntoor, reporting that no cases were decided by the Magistrate himself, during the last month under the provisions of Act VII of 1843, and only one by his acting Head Assistant Magistrate as per enclosed Report.-

(Here enter No. 128.)

Read

Read letter dated the 9th Instant from the Sessions Judge of Cuttack, transmitting a statement of Batta paid to the Prosecutors and Witnesses who attended before the Court of Session during November and December 1843.-

(Here enter No. 140.)

Read letter dated the 12th Instant from the acting Sessions Judge of Nellore, submitting the Calendar of Case No. 5 of 1843 tried by the Sessions Court, with remarks thereon, the translation of the Original Futwah, and the Statement of Batta paid to the Witnesses.-

(Here enter No. 204.)

Read letter dated the 17th Instant from the acting Sessions Judge of Cuddapah, forwarding a report of casualties and a statement of the Prisoners labor &c. for December 1843.-

(Here enter No. 206.)

Read letter dated the 17th Instant from the Magistrate of Cuddapah, forwarding copy of a letter from the acting Joint Magistrate replying to the requisitions contained in the Extract of Proceedings under date the 27th December last.-

(Here enter No. 218.)

Read

24th January 1844.

Read letter dated the 11th Instant from the Principal Sudr Ameen of Vizagapatam informing that the Quarterly Statement required by Circular Order No. 88 has not been sent as no other than mere road labor is done by the Prisoners in the Jail under his charge.—

(Here enter No. 228.)

Read letter dated the 16th Instant from the Session Judge of Cuttack, transmitting the statement required by Circular Order dated 5th July 1834, No. 4, of the cases referred to the Foujdary Court as Circuit Judge.—

Here enter No. 229.—

Read return dated the 20th Instant from the Acting Sessions Judge of Nellore, to the precept of the Foujdary Adalut of the 17th Instant, conveying observations on cases 3, 4, and 7 of the Calendar of 1843.—

(Here enter No. 230.)

Read letter dated the 16th Instant from the Sessions Judge of Cuttack transmitting the statement required by Circular Order dated 5th July 1834, No. 4, of the only case referred to the Foujdary Court as Sessions Judge.—

(Here enter No. 231.)—

No. 1.

Thursday 25th January 1844. At a Court of the Foujdaree Adalut

Present

G. J. Casamajor Esqre. Ag. Pt.
Malcolm Lewin Esqre. Ag. 2nd. } Puisne Judges.
A. Maclean Esqre. Ag. 3rd.

Read letter dated the 2nd Instant from the Sessions Judge of Salem, submitting the record of the trial in Case No. 4 of 1843 on the file of this Court.—

(Here enter No. 100)

Mr. 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 Prisoner Andatal is not convicted on presumptive proof, or on the evidence of credible witnesses, or on her own confession of the crime of Murder, do acquit her thereof, and do direct that she be unconditionally released.—

The Court of Foujdaree Adalut are of opinion that the prisoner

Andatal

And altal should be acquitted on the grounds of insanity - it is sufficient in fluence, the Court considers of the state of her mind that, she killed her child without a motive, and adopted a mode of committing the act, abhorrent from a mothers feelings and at utter variance with the ordinary bent of nature - The sentence proposed by the Judge of Sessions, is the Court think illegal - the offence proved (see fatwah) is murder, for which the law adjudges the punishment of death - The act proved (according to the letter of the Sessions Judge) constitutes no offence - as there was no malicious motive - which is a necessary ingredient of murder - The law it is true, in some cases infers malice, but in the present instance there is sufficient proof of its non existence - Under any circumstances the Court of Sessions dare Odalut think they cannot while doubting the state of the womans mind when the act was committed award punishment and accordingly resolve to direct the unconditional

unconditional release of the Prisoner.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Salem for his information.-

/Sent following letter No. 60./

Read letter dated the 30. December 1843 from the Acting Sessions Judge of Mangalore forwarding copy of a Calendar received from the Subordinate Judge in a case of severe wounding, and requesting the opinion of the Sudder Adalut whether under the circumstances of the case he should release the prisoner without proceeding to trial.-

/Here enter F.H. No. 24 of 1844/

1. It appears from the above communication that the wounds which form the subject of the charge in the case in question were inflicted on the Prosecutor by the Prisoner at a time when the former was sleeping with the Prisoners wife, a Criminal intercourse having previously subsisted between the latter and the Prosecutor.-

Assertion

25th January 1844.

25

2. Adverting to two Cases quoted
Vide 1 pages 7th and 151 in the Reports of the Nizamut Adawlut
in which under very similar circumstances
two homicides were ruled to be justifiable
and to this Courts Circular Order dated
9th April 1834, the Acting Sessions Judge
observes that "when a smaller degree of
"injury has been inflicted under circum-
"stances that justify, it was equally compe-
"tent to the Circuit Court to release," and
the doubt the Acting Sessions Judge, Chief Feels "is
"whether the slighter Enquiry made by the
"Subordinate Criminal Court in commit-
"ting under the existing law, may not in
"the opinion of the Judges of the Tanjore
"Adalut render a regular trial necessary."

3. The Court of Tanjore Adalut
are of opinion that the Prisoner should
be brought to trial in the regular Courts
by which means he will have an
opportunity afforded to him of pleading
a justification of the offence of which
he now stands accused, before a tribunal
holding deliberate proceedings of Enquiry.

No. 61.

25th January 1844.

Ordered that Extract from
these proceedings be sent to the Acting
Sessions Judge of Mangalore for his in-
formation and guidance.

Sent in No. 61.

Friday,

26th January 1844.

At a Court of the Fouzdaree Udalut

Present:

Geo: James Casamajor Esqre. Acting 1st Puisne Judge.

Malcolm Lewin Esqre. Acting 2nd Puisne Judge.

Alexander Maclean Esqre. Acting 3rd Puisne Judge.

Read letter dated the 11th Instant from the Magistrate of Trichinopoly

(Here enter No 126 of 1844)

1. In the above address the Magistrate requests the instructions of the Fouzdaree Udalut whether it "is the duty of a Magistrate "to interfere for the purpose of recovering property "illegally detained" under circumstances which by that officer are thus described.-

"A gives B a valuable instrument, or piece of furniture, to repair: on the completion of the repairs A objects to B's charges on the ground that they are exorbitant, that the work has been badly performed, or that in some other respect the implied contract between them, for in the case supposed there is no written agreement- has been violated. B is

compelled

competent to the Magistrate to compel B. to give up the property committed to his charge to A. leaving him to sue the latter in the Civil Courts."

2. The Judges of the Foujdaree Udalut are of opinion that the case adverted to by Mr. Onslow is one in which the Magistrate has no jurisdiction, the point at issue between A. and B. being clearly a question of right depending on certain acknowledged circumstances of a Civil nature, in connection with which there does not appear to have been either fraud or violence which alone could bring the case before a Magistrate and justify his interference.-

Ordered, that Extract from these proceedings be sent to the Magistrate of Trichinopoly for his information.-

(Sent in No. 65.)

Read letter dated the 29th December 1843 from the Sessions Judge of Chicacole &c. transmitting copy of the Calendar in Case No. 2 on the file of that Court.-

(Here enter No. 94 of 1844)

Case No. II. 1. The Prisoners in this case are charged

charged, the first with having murdered his wife, and the 2nd and 3rd with having aided and abetted in the commission of the crime.-

2. The Mahomedan Law Officer acquits the 2nd and 3rd Prisoners but considers the suspicion against the 1st sufficient to demand punishment, in which view the Sessions Judge expresses his entire concurrence.-

3. The Court of Foujdaree Udalut consider this a very unsatisfactory case and resolve to call for a translation of the several depositions of the 1st Witness.-

Ordered, that Extract of these proceedings be sent to the Sessions Judge of Chicacole by precept returnable in V. days from and after its receipt.-

(Sent following precept No. 66.)

Read return dated the 28th December 1843 from the Sessions Judge of Salem, to the Precept of the Foujdaree Udalut of the 21st December 1843, requesting information as to what steps have been taken to secure the apprehension of Eraolan of Tadavoor, it appearing from the record of Case No. 4 of 1843 that

26th January 1844. that the charge of having fractured the skull of the deceased was preferred chiefly against him.-

(Here enter F.16. № 24 of 1844)

Read letter dated the 26th December 1843, from the Acting Sessions Judge of Cuddapah forwarding the Original death warrant in Case № 13 of the Cuddapah Calendar of 1843.-

(Here enter F.16. № 26 of 1844.)

Read letter dated the 8th Instant from the Sessions Judge of Chicacole, submitting the Criminal Reports № V. for the month of December 1843.-

(Here enter F.16. № 134 of 1844.)

Read letter dated the 10th Instant from the Agent to the Governor of Fort St. George at Vizagapatam, submitting Criminal Reports for December 1843.-

(Here enter F.16. № 135 of 1844.)

Read letter dated the 8th Instant, from the Acting Sessions Judge of Honore, submitting the Calendar of Cases № 6 tried by the Sessions Court with remarks thereon, the translation of the original

F.16.

26th January 1844.- original Petition, and the Statement of Batta paid to the Prosecutor and Witnesses.-

(Here enter F.16. № 136 of 1844.)

Read letter dated the 11th Instant from the Subordinate Judge of Bellary, transmitting Statements of Prisoners &c. in the above Jail for the year 1843.-

(Here enter F.16. № 139 of 1844.)

Read letter dated the 12th Instant from the Acting Sessions Judge of Trichinopoly, forwarding Statement of the actual produce of the labour of the Convicts in the Jail at that Station for the 4th Quarter of 1843.-

(Here enter F.16. № 141 of 1844.)

Read Report dated the 12th Instant, from the Acting Sessions Judge of Trichinopoly, shewing the executions and of prisoners released from the Jail at Trichinopoly during the month of December 1843.-

(Here enter F.16. № 142 of 1844.)

Read return and Estimate dated the 12th Instant from the Acting Sessions Judge of Trichinopoly shewing the value of produce of labour of the prisoners in the Jail at Trichinopoly during the month

of

of December 1843.-

(Here enter F.No. & No. 163 of 1844.)

Read return dated the 9th Instant

from the Acting Subordinate Judge of Cuttack

the precept of the Jury placed dated the 3rd

Instant, enclosing observations on Case No. 6 of the

Calendar, & supplemental Criminal Reports for November 1843.-

(Here enter F.No. & No. 146 of 1844.)

Read letter dated the 10th Instant

from the Magistrate of Rajahmundry reporting

that the powers vested by Section IV. Act VII of 1843

have not been exercised in December last.-

(Here enter F.No. & No. 151 of 1844.)

Read letter dated the 10th Instant

from the Acting Sessions Judge of Honore, submitting

the Calendar of Case No. 1 of 1843 tried by the Sessions

Court, with remarks thereon, the translations of the

original Tuhwah and the Statement of Batta

paid to the Prosecutors and Witnesses.-

(Here enter F.No. & No. 163 of 1844.)

Read letter dated the 10th Instant

from the Acting Sessions Judge of Honore, submitting

the Calendar in Case No. 1 of 1844 tried by the Sessions

Court, with remarks thereon, the translation

of

26 January 1844.-

of the original Tuhwah, and the Statement

of Batta paid to the Prosecutors & Witnesses.-

(Here enter F.No. & No. 164 of 1844.)

Read letter dated the 10th

Instant from the Acting Sessions Judge of

Honore stating with reference to Circular

Order No. 88. that no money was realized by

the labor of Prisoners in the Jail at Honore

during the 4th Quarter of 1843.-

(Here enter F.No. & No. 165 of 1844.)

Read letter dated the 10th

Instant from the Acting Sessions Judge of

Honore stating with reference to Circular

Order No. 65. that no charge was incurred

for the maintenance of children of Convicts

in the Jail at Honore during the 4th

Quarter of 1843.-

(Here enter F.No. & No. 166 of 1844.)

Read the Criminal Report

dated 31st December 1843 from the Magis-

trate of Malabar for the month of Decem-

ber 1843.-

(Here enter F.No. & No. 169 of 1844.)

Read letter dated the 15th

Instant

26th January 1844.

Instant, from the Magistrate of Kollaroyen reporting that no Cases cognizable under Section XIV Act VII of 1843 were disposed of by him or the Joint Magistrate and Assistant Magistrate in the Month of December 1843.-

(Here enter F. 11. № 170 of 1844.)

Read communication dated the 15th Instant from the Acting Sessions Judge of Cuddapah forwarding an Original death warrant in Case № 19 on the Sessions Court of Cuddapah for 1843.-

(Here enter F. 11. № 172 of 1844.)

Read letter dated the 13th Instant from the Acting Sessions Judge of Tellicherry transmitting copy of a Calendar and translation of the Putwah.-

(Here enter F. 11. № 176 of 1844.)

Read Statement dated the 1st Instant from the Acting Subordinate Judge of Salem, shewing the amount realized by the Labor of the Prisoners in the 4th quarter of 1843.-

(Here enter F. 11. № 177 of 1844.)

F. 11.

Monday,
29th January 1844. At a Court of the Fouzdaree Adalut

Present.

G. I. Casamajor Esqr. Agt.
Malcolm Lewin Esqr. Agt. 2d } Sessions Judge
Alex: Maclean Esqr. Agt. 3d }

Read Miscellaneous Petition presented on the 8th January 1844 by Thelly Hamud, Jail Peon of Chingleput.

(Here enter M. D. № 7 of 1844.)

1. The object of the foregoing address would appear to be to procure from the Fouzdaree Adalut orders for the restoration of the Petitioner to the situation of Peon.-

2. The circumstances under which the Petitioner lost the situation are however, not clearly stated. The Court of Fouzdaree Adalut accordingly resolve to direct that a copy of the Petition be forwarded to the Session Judge of Chingleput for such notice

as

as he may deem it to require.

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Singleput for his information

(Sent in No. 71.

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

Read Miscellaneous Petition presented on the 8th instant by Autoor Sashnumbotloo alias Parpunnah, of the Zillah of Chittoor.

(Here enter M. P. No. 6 of 1844)

1. The Petitioner complains against an order passed by the Acting Session Judge of Chittoor, confirming a proceeding of the Acting Magistrate of Chittoor, by which the Head of Police of Chumbaty in the Zemindary of Calastry, was directed by endorsement on an address presented to the Magistrate by Petitioner, to enquire into a charge of Robbery preferred by the Petitioner against the said Police Officer and two others.

The

2. The Petitioner further complains of the refusal by the Acting Session Judge to furnish him with a copy of the above order and prays for the issue of a precept, instructing the Magistrate personally to investigate the complaint preferred to him.

3. The Court of Foujdaree Adalut resolved to refer the foregoing address to the Acting Session Judge with directions to state whether, and if so, why he refused Petitioner a copy of his order and for any further explanation necessary.

Ordered that Extract from these proceedings together with copy of the Petitioner's address be forwarded to the Acting Session Judge of Chittoor by precept returnable in 10 days from and after its receipt.

(Sent following precept No. 72

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

Read

29th January 1844.

Road Miscellaneous Petition

presented on 8th January 1844 by Soogoory Ramappah of the Zillah of Cuddapah praying that the sentence of transportation passed upon his Brother, Soogoory Ramappah, 5th Prisoner in Case No. 13 on the Calendar of the Session Court of Cuddapah for 1843, may be cancelled, in consideration of his being innocent of the crime laid to his charge.

(Here enter M. P. No. 5 of 1844)

With reference to the above Petition the Court of Foujdaree Udalut observe that the sentence complained of having been passed by a full and competent Court cannot now be altered.

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

Read report, dated the 16th Instant, of persons tried by the Acting Magistrate of Tanjore from the 2d to the 31st December 1843, under the provisions

F. U.

29th January 1844

provisions of Section XIII of Act VII of 1843.

(Here enter F. U. No. 197 of 1844)

Case No. 3

The Court of Foujdaree Udalut observe, with reference to this case, that the 1st Prisoner being a Servant of the Prosecutor's ought to have been committed for punishment under the provisions of Clause 4th Section III Regulation VII of 1822, and not sentenced by the Magistrate under Section VII Regulation X of 1816, but they will not disturb the sentence as it now stands.

Ordered, that Extract of these proceedings be sent to the Acting Magistrate of Tanjore for his information and future guidance.

Sentence No. 13.

Read letter dated the 15th Instant from the Session Judge of Calicut submitting the record of trial in Case No. 13 of 1843 on the Calendar of the Session Court.

(Here enter No. 199)

The

29th January 1844.

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 Kerakie Vellaat Joyan Nair.

and

2nd Kerakie Vellaat Thungaran Nair

is sufficient to convict them of the crime

of Murder, do convict them thereof;

and under the provisions of Section X

Regulation VIII of 1802, do sentence them

to suffer death, by being hanged at the

usual time and place of execution.

1 The real question is whether

the Prisoners were, or were not inside

the tiled storey of the Store-room in which

the Murders were committed.

2 The dying declaration of

Ramen Nair and the depositions of the

Prosecutor and the 2d and 3d witnesses are

all the proof there is of this. The evidence

of the 4th witness is so contradictory that it

must be discarded altogether. That of

the

29th January 1844.

the 5th 6th 7th and 8th witnesses is in fact evidence

for the Prisoners; for it is express to the effect

that they were not inside the building.

The rest of the witnesses for the Prosecutor

do not speak to the point.

3 The first thing for consideration

is whether the evidence of Ramen, of the

Prosecutor, and of the 2d and 3d witnesses

is sufficient to convict the Prisoners,

if not rebutted. Ramen declares to the

fact, as an eye witness, that both the

Prisoners assisted in murdering Sarang-

koodhan; and the other 3 depose that they

saw the Prisoners come out of the building

where the door was opened with weapons

stained with blood.

4 The declaration of Ramen

Nair is not open to rebuttable.

5 The Prosecutor varies in his

deposition before the Session Court from

his account before the Police as to the

persons present when he first ran up

to the house; as to Pungoo Nair, who

was released being armed; and as to the

time

time at which the Prisoners ran off -

Upon the whole the Prosecutor's evidence appears not fully to be trusted.

6 The 2d Witness expressly contradicts himself as to seeing the Prisoners come out of the storehouse and his evidence must be discarded.

7 The 3d Witness is consistent and he is not related to either party; he is a Mussulman.

8 His evidence therefore and Raneu Nair's dying declaration are all the good evidence against the Prisoners and it is the Court of Foujdaree Adalut think sufficient to convict them if not rebutted.

9 The evidence to rebut it is that of the 5th 6th 7th and 8th witnesses for the prosecution and that of the witnesses for the Prisoners - This is all to the same effect viz: that the Prisoners were never inside the building in which the murders were committed; tho' all depose, and the Prisoners admit that they were present outside -

all

10 All these witnesses depose that they saw the Prisoners come, the 1st Prisoner from the West entrance the 2d Prisoner from the East entrance of the premises; and this minute agreement as to a most unimportant circumstance which it is impossible they should have had leisure to observe in a scene of terror and confusion, destroys the effect of their evidence altogether; for it is an unmistakable mark of fabrication.

The Court of Foujdaree Adalut therefore think that the evidence against the Prisoners is not rebutted.

12 They therefore convict them both of murder and sentence them to death.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Calicut for his information.

Sent following letter No 74.

Read letter dated the 16th Instant from the Session Judge of Chingleput

29th January 1844

Chingleput submitting the record of the trial in Case No 9 on the Calendar for 1843.

(Here enter No 160)

The Court of Zoujdaree Udalut

No 9 of Calendar
Cavanagh
and
Nos M. Levin

on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoners

4th Varadeu

and

5th Rayanen

is sufficient to convict them of the crime of Murder, and that the proof against the

6th Coopoo

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 sentenced the prisoners,

4th Varadeu

and

5th Rayanen

to suffer death by being hanged at the usual time and place of execution, and the

Prisoner

29th January 1844

Prisoner

6th Coopoo

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 Zoujdaree Udalut conceive that much time and pains have been unnecessarily spent upon this Case by the Principal Sudr Ameen; little additional light is thrown upon it by his proceedings and an useless addition is thereby made to the bulk of the record which it is very desirable to avoid.

Ordered that Extract from these proceedings be forwarded to the Judges of Chingleput for communication to the Principal Sudr Ameen for his information and future guidance.

(Sent following) letter No 75

Cuttack

29th January 1844.

Vedlee Mahomed, Sail
Peon of the Zillah of Chingleput, moves
the Court to return the Enclosures in his
Miscellaneous Petition No 7 of 1844

Ordered accordingly.

Read letter dated the 16th
Instant from the Magistrate of Chingleput
reporting that no sentences were passed
in December last under the authority of
Section LIV Act VIII of 1843.

(Here enter P. M. No 185)

Read letter dated the 17th
Instant from the Acting Session Judge
of Nellore submitting Copy of the Calendar
of Case No 10 of 1843 disposed of by him.

(Here enter P. M. No 186)

Read returns dated respectively
the 4th and 15th January 1844 from the
Subordinate Judge of Chittoor, to the precept
of the Tongaree Vadalet of the 11th December
last calling upon him to ascertain and
report whether the Convict Kistnaspa
Moodely did give such information
regarding the escape of certain Prisoners
from

P. M.
29th January 1844.

from the Great Western Road as in the
Petition (No 89) presented by his wife,
he is asserted to have given.

(Hereunto P. M. No 37 and 47 of 1844)

Accompanying the preceding
returns the Subordinate Judge forwards
copies of 2 letters from Captain Sirtius
Deputy Superintendent of Government
Roads, stating that the Convict Kistnaspa
Moodely received a severe blow from
the Prisoners against whom he informed
of an intention to attempt their escape
and that it appears the death of Lieuten
Stack, late Deputy Superintendent of
Government Roads, alone prevented
the laudable conduct of Convict Kistn
naspa Moodely being brought from
strictly to notice.

2 Under the circumstances
mentioned above the Court of Tongaree
Vadalet resolve to order the Subordinate
Judge of Chittoor to make all the inquiries
he can, thro the Superintendent of Roads
or otherwise, and having done so, to

recommend

29th January 1844

recommend such mitigation of the sentence passed on the Convict Kastiraspod Moodely as in his judgment may seem proper, and also to state the term of his sentence still remaining unexpired.

Ordered that Extract of these proceedings be sent to the Subordinate Judge of Chittoor by precept returnable without delay.

(Sent following) precept No. 76.

Extract

Tuesday 30th January 1844.

At a Court of the Fouzdaree Adalut.

Present.

G. I. Casamajor Esqr. Agt. 1st
Malcolm Lewin Esqr. Agt. 2d
Alexr. Maclean Esqr. Agt. 3d
} Prisnl. Judge

Read the Criminal Report dated the 31st Ultimo submitted by the Principal Sudr Ameen of Coimbatore for the Month of December 1843.

(Here enter No. 161.)

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

Ordered therefore, that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Coimbatore for his information.

(Section No. 77.

Read Criminal Calendar for the Month of December 1843 submitted by the Acting Session Judge of Canara.

(Here enter F. A. No. 187.)

The

30th January 1846

Case No 80/29

The Court of Foujdaree Udalut observe that under the provisions of Clause first Section XI Regulation VIII of 1811 the fine for smuggling is not to exceed three times the value of the illicit article, and they accordingly direct that the sentence in the present case may be set aside, and another passed in conformity with the Law.

Ordered that Extract of these proceedings be sent to the Acting Session Judge of Madura by precept returnable in 3 days from and after its receipt (sent following precept No 78.)

Wd.

T. U.

Wednesday 31st January 1846

At a Court of the Foujdaree Udalut

Present,

G. I. Casamajor Esqre Acting 1st
Malcolm Lewin Esqre Acting 2nd
A. M. Alexr. Maclean Esqre Acting 3rd
} Puisne Judges

Read return dated the 5th Instant from the Session Judge of Madura, to the precept of the Foujdaree Udalut of the 4th December 1845, containing observations on certain cases of the Madura Criminal Report for October last.

(New enter T. U. No 93 of 1845)

The Court of Foujdaree Udalut observe that this is an imperfect return as 4 cases were remarked in pargraph 2 of the precept of the above mentioned date, and 2 pargraph returned, only one is answered.

Ordered that Extract from these proceedings be sent to the Session

Jud

31st January 1844.

Judge of Madura for his information and guidance.

(Sentence No. 80.

Read the Criminal Report submitted by the Acting Subordinate Judge of Combaconum for the Month of December 1843.

(Here enter No. 157)

Report & Case No. 28

1. The Prisoner in this case was charged with having "on the night "of the 25th November last feloniously "entered the house of the Prosecutor Samia "in the Kovalaloor Cusbah with intent "to steal."

2 The Court of Zoujdaree Udalut would remark that the term "feloniously" is objectionable, and they desire that in future it be not used. But that all crimes be described as in the Regulations.

Ordered, that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Combaconum for his information.

(Sentence No. 81.

Read

31st January 1844.

Read returns dated the 18th Instant from the Acting Session Judge of Chittoor to the Precept of the Zoujdaree Udalut of 11th December 1843, directing that the sentence on the 2d Prisoner in Case No. 12 of 1843 before the Sessions Court of Chittoor may be suspended and the entire record of the case submitted for their consideration.

(Here enter T. C. No. 186 of 1844.)

Case No. 12 1. The 2d Prisoner in this case is convicted of theft by the Tuhvah of the Mahomedan Law Officer, and the Session Judge, concurring in the conviction, sentences him to 7 years imprisonment with hard labor in irons and 100 lashes at the same time expressing his doubts as to the crime charged having been actually perpetrated.

2 Under these circumstances the Court called upon the Session Judge to submit the record of the case and, having carefully weighed the testimony adduced

31st January 1844.

adduced in support of the prosecution, they see no reason to doubt that a Burglary and theft took place in the manner described, but, as they consider there is nothing to call for further punishment than the 7 years imprisonment they resolve, under the authority vested in them by Section XXXV Act VII of 1843, so far to modify the sentence as to direct the remission of Stripes.

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

Ordered further, that the record of this trial be returned to the Acting Session Judge.

(Entd following precept No. 82.)

Thursday,
1st February 1844.

P. No.

At a Court of the Poujdaree Udalut.

Present.

Geo. James Casamajor Esqre. Acting 1st Puisne Judge.
Malcolm Lewin Esqre. Acting 2d Puisne Judge.
Alexander Maclean Esqre. Acting 3d Puisne Judge.

Read letter dated 20th November 1843 from the Session Judge of Nellore.

(Here enter No. 1871 of 1843.)

1. In the above address the Session Judge has submitted certain observations regarding the delay caused by the preparation in committed cases of the Calendars required to be laid before the Session Judges and observing that "upon the old plan at least, it is a work of time, occasioning more delay between the committal of the case and the signing the Calendar than was perhaps contemplated when it was enacted that a Session Judge should commence with the trial of a case immediately on it's commitment" the Session Judge has suggested

for

1st February 1844.-

resolve to direct the Acting Sessions Judge to look into it and pass such orders as he may deem requisite, reporting the result of his investigation for the information of this Court.-

No 33 3 In explanation of the delay attending the transmission of the case from the Palook it is observed that a reference was made to the Joint Magistrate on the 1st of December and an answer directing its commital received on the 18th the Court direct that the Joint Magistrate may be called upon to state what prevented his making an earlier reply to the requisition of the Police Officer.-

Ordered that Extract of these proceedings be sent to the Subordinate Judge of Mangalore by precept returnable without delay.-

(Sent following precept No 84.)

Ordered also that Extract from these proceedings (Para 2) be forwarded to the Acting Sessions Judge of Mangalore by Precept returnable without delay.-

(Sent following Precept No 85.)

Read letter dated 15th Ultimo from

No 16.

1st February 1844.-

from the Sessions Judge of Coimbatore requesting the opinion of the Court of Foujdaree Udalut whether it is competent in the Criminal Court to sentence a Prisoner detained in the Criminal Jail under the provisions of Regulation V of 1831 in default of paying a fine for a breach of the Tobacco Regulations to light labor.-

(Register No 193 of 1844.)

1. The Sessions Judge remarks that Act XVII of 1840 empowers a Magistrate to award labor to Individuals convicted by him for a breach of the Salt Laws under Regulation V. of 1831, and that in the Court of Canara it is always customary to award labor under that Regulation; that the Principal Sudr Ameen of Coimbatore appears however to doubt the authority of the Criminal Court to do so which has occasioned the present reference.-

2. The Court of Foujdaree Udalut think that Clause first section IV Regulation V of 1831, clearly shows that the confinement therein authorized, in default of the payment

payment of the fine imposed, is discretionary, whether in the Debtors or Criminal jail and the latter being selected according to the conditions and character of the offender, that the power of exacting labour from the parties condemned follows as a matter of course.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Coimbatore for his information.-

(Sent in No. 86)

Read letter dated the 16th Ultimo from the Governor's Agent at Kurnool submitting a report of the proceedings held before him in an investigation into a charge of robbery to the extent of Rupees 523-4-6, and suggesting that a sentence of three years imprisonment with labor, be passed on the Prisoner concerned.-

(Hereunder F.No. 207 of 1844)

1. On a perusal of the statement transmitted by the Agent to the Governor, the Court of Foujdaree Udalut are not by any means satisfied of the guilt of the Prisoner charged, and, under the circumstances of the case, they do not think they would be justified &c

justified in sanctioning the sentence proposed by the Agent without bringing under their consideration the entire record of that functionary's proceedings.-

2. They accordingly resolve to call upon the Agent to the Governor to lay before the Court a translation of the proceedings in question and in the mean while to detain the Prisoner in confinement.-

Ordered that Extract from these proceedings be sent to the Governor's Agent at Kurnool for his information by Receipt returnable in XV days from and after its receipt.-

(Sent following Receipt No. 87.)

Read letter dated the 11th January 1844 from the Sessions Judge of Coimbatore forwarding the Calendar of Cases No. 1 and 2 of 1844 with translation of the Intimah.-

(Hereunder F.No. 137 of 1844)

Case No. 2

1. The Prisoners in this case are severally charged with having severely wounded the Prosecutor and robbed him of property to the value of Rs. 4.-12.-0

&c

P.M.

1st February 1844.

Case No. 22.

The Court of Foujdaree Udalut perceive, with regret, the inflation of Stripes in this case, and they accordingly direct that they may be remitted.

Ordered that Extract of these proceedings be sent to the Acting Subordinate Judge of Salem by precept returnable in 2 days from and after its receipt.

(Sent following Receipt No. 89.)

Read letter dated the 5th Ultimo from the Session Judge of Tinnevelly reporting the recapture of 15 more of the convicts who recently effected their escape and requesting to be informed whether it is the duty of the Principal Sudr Ameen to commit them for Trial.

(Here enter No. 81 of 1844.)

The Court of Foujdaree Udalut do not consider it necessary that a commitment of the above mentioned Convicts by the Principal Sudr Ameen should be a preliminary to their trial in the Sessions Court as now constituted, being of opinion that the Officer in actual charge of a Jail has primary cognizance of all Offences including escape

1st February 1844.

2. The Law Officer convicted the Prisoners and declared them liable to Dakoobut, and the Sessions Judge concurring in the conviction, sentences the 1st and 2nd to 14 years imprisonment with hard labor in irons, but, in consideration of his youth and probable influence of his Father (2nd Prisoner) recommends a mitigated punishment, as regards the 3rd Prisoner, of 8 years imprisonment with hard labor in irons.

3. The Court of Foujdaree Udalut, in concurrence with the views of the Sessions Judge, and under the authority vested in them by Clause third Section III Regulation I of 1825, sanction a mitigated punishment to the 3rd Prisoner of 8 years imprisonment with hard labor in irons.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Coimbatore.

(Sent in No. 88.)

Read Salem Criminal Reports for the month of December 1843 submitted by the Acting Subordinate Judge.

(Here enter F. No. 119.)

The

1st February 1844.

escape, committed against its discipline.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Demerara for his information.

(Sent in No 90.)

Minute of the acting 1st Judge.

I can't put my name to this draft, it appears to me wrong in principle.

The cognizance of escape by convicts is by Section V. Regulation VI of 1822 vested in the Criminal Judge, as such; and not because he has charge of the jail: this is evident from Regulation X of 1832 and Regulation I of 1833; in which cognizance of certain offences by convicts is given to the Officers having charge of them, as such; and escape is not one of those offences; and accordingly convicts in charge of any other Officer than the Criminal Judge are (I believe) always sent to the Criminal Court to be tried and punished.

As the Principal Undersheriff has succeeded to all the powers of the Criminal Judge, he of course succeeds to this among the rest. He may punish escapes himself or which

1st February 1844.

which are not attended with aggravated circumstances and commit those which are for trial by the Sessions Judges. Cognizance of escapes has not necessary any thing to do with the charge of the jail.

(Signed) G. J. Castamajor.

25th January.

Read letter dated the 9th Instant from the Principal Undersheriff of Berbice submitting the Criminal Reports for the month of December 1843.

(Herewith No 33 of 1844.)

Case No 20.

With reference to this case the Court of Sessions Demerara resolve to enquire whether the removing the plantain of the Granary was proved; and if so, why Clause 6th Section III Regulation VI of 1832 was not quoted for the sentence: at the same time the Court order imprisonment to be substituted for stripes.

Ordered that Extract of these proceedings be sent to the Principal Undersheriff of Berbice by Receipt returnable in 3 days from and after Receipt.

(Sent following Receipt No 91.)

Read

1st February 1844.

Read Letter dated the 1st December 1843 from the Chief Magistrate and Superintendent of Police at Madras transmitting the Report of cases tried under Act XXII of 1837 in the month of November 1843.

(Here enter Plt. No 153 of 1844.)

Friday 2nd February 1844.

P. No.

At a Court of the Sessions Holden

Present

Geo: James Casamajor Esqre Acg 1st Puisne Judge

Malcolm Lewin Esqre Acg 2nd Puisne Judge

Alexander Maclean Esqre Acg 3rd Puisne Judge

Read Letter dated the 17th Ultimo from the Acting Sessions Judge of Mangalore, submitting Case No 3 of 1843 on the Calendar of the Sessions Court at that Station.

(Here enter No 198)

Mr Lewin and Mr Maclean. The Court of Sessions Holden on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoners

1st Malingoo Shetty

and

2nd Venkata

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 direct that they

be

F. 86.

2nd February 1844.

1. In reference to the 4th para: of the preceding letter the Court are of opinion that the Sessions Judge, under the true construction placed upon Section X. Regn. XIII of 1832 by this Courts Circular Order of the 22nd September 1843, had authority to give rewards to those persons who performed meritorious services in Police operations of which this of Sergeants Town and 3 Peons must be considered an instance.

2. In the 2nd para: this observes that the Sessions Judge disapproves of the manner in which the gang was divided, and considers the Peons employed to be physically and morally unequal to their charge. objections which, if founded on observation or experience, it was in the power as it was manifestly the duty of the Sessions Judge himself to rectify.

3. The Court cannot view the "gross cowardice" alluded to in the 2nd para: in any other light than that of "culpable neglect of duty" they desire that the Sessions Judge will consider further of the propriety of proceeding against the Peons who, he

N° 153.

February 1844.

Ordered also, that Extract from these proceedings (para: 1.) be forwarded to the Magistrate of Cuddapah by express Parcel returnable without delay.

(Sent following Receipt N° 97.)

Read letter dated the 15th Ultimo from the Acting Sessions Judge of Honore, submitting Calendar of Cases N°s 8 and 9 of 1843.

(Here enter F. 86. N° 234.)

The above Calendar not requiring any remarks from the Foujdaree Adalut.

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions Judge of Honore for his information.

(Sent in N° 98.)

Read letter dated the 11th December last from the Sessions Judge of Tinnevelly reporting, in obedience to Circular Orders of the 28th March and 19th November 1832, the escape of 19 Convicts, with Strictures on the conduct of the Peons and recommending some precautionary measures for the more effectual protection of Prisoners and the improvement of their guards.

(Here enter N° 2038 of 1843.)

In

states in para: 4 of his letter, took fright and ran away, under Section XI Regulations XIII of 1832; they are surprised at the proposition contained in the 2nd para: for a power to a class of servants who have never been considered by any Native State the fit subjects of such a privilege.

4. The Court perceive nothing further in Mr Douglas's report calling for particular notice.

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Trinevelly for his information.

(Sent in No 99.)

Read letter dated the 5th Ultimo from the Sessions Judge of Salem, reporting the death of the Prisoner Pauper in Case No 3, referred on the 19th December last for the consideration and final sentence of the Court of Sanjidara Udalut.

(Here enter F.Vol. No 207 of 1844.)

Read letter dated the 8th Ultimo from the Subordinate Judge of Bellary, transmitting Monthly Criminal Reports for the Month of December 1843.

(Here enter F.Vol. No 208 of 1844.)

Read letter dated the 1st Ultimo from the Acting Sessions Judge of Masulipatam submitting copy of the Calendar in Case No 3 of 1843 received from the Subordinate Judge

(Here enter F.Vol. No 205 of 1844.)

Read letter dated the 30th Ultimo from the Acting Sessions Judge of Nellore submitting translations of the Reports of Criminal cases disposed of by the Subordinate Amean of Sirsy for the month of December 1843.

(Here enter F.Vol. No 209 of 1844.)

Read letter dated the 15th Ultimo, from the Acting Magistrate of Salem, submitting an explanation, with reference to this Courts proceedings of the 11th December 1843, as to the delay in producing the Prisoner in Case No 10 of the Criminal Report before the Police Officer of Ossoor, on the 23rd September, after having been apprehended on the 20th of that Month.

(Here enter F.Vol. No 206 of 1844.)

Read letter dated the 11th Ultimo from the Principal Sudr Ameen of Vizagapatam, submitting the Monthly Criminal Reports of his Court for the

month of December 1843 as prescribed by Section XXXV Regulation X of 1816 and stating that the Report No VIII and the Statement required by Circular Order No 80 have not been sent, there being no entry to be made in them.-

(Here enter F.M. No 227 of 1844.)

Read letter dated the 15th Ultimo from the Acting Sessions Judge of Honore, submitting the Calendar of Case No 8 of 1843 tried by the Sessions Court with remarks thereon.-

(Here enter F.M. No 235 of 1844.)

Read letter dated the 19th Ultimo from the Sessions Judge of Tinnevelly, submitting Calendar of Case No 12 of 1843 committed by the Principal Sudr Ameen of Tinnevelly.

(Here enter F.M. No 239 of 1844.)

Read letter dated the 19th Ultimo from the Acting Sessions Judge of Mangalore, submitting copies of Calendar and Futwa in Case No 9 of 1844.-

(Here enter F.M. No 240 of 1844.)

Read letter dated the 16th Ultimo from the Acting Sessions Judge of Chingleput, forwarding a Calendar of Criminal Cases disposed of by him.-

(Here enter F.M. No 241 of 1844.)

P.M.

Saturday
3rd February 1844.

P.M.

At a Court of the Foujdaree Adalut.

Present.-

Geo. James Cavanagh Esqr. Acting 1st Judge
Malcolm Lewin Esqr. Acting 2nd Judge
Alexander Maclean Esqr. Acting 3rd Judge

Read letter dated the 1st Ultimo from the Agent to the Governor of Fort Saint George at Rajmundry, forwarding copies and translations of proceedings held in a case of Murder.-

(Here enter F.M. No 262 of 1844.)

Mr Lewin.

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

"Number Ali"

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 X

Regulation

3rd February 1844.

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 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 Agent to the Governor having recommended a sentence of transportation in commutation of that of death, the Court of Foujdaree Adalut resolve to adopt the opinion of that functionary, as it is in favor of the prisoner it is a question, however, with the Court whether any sentence short of death meets the requirements of justice. The Agent supposes that there was no intention to kill had there been but one blow, tho' that were in the side, a vital part, the Court of Foujdaree Adalut would be induced to concur in his opinion and to suppose that the act charged was committed in heat of blood and wholly unpremeditated. but the Court observe that the knife was withdrawn from one wound, and another inflicted with it - which shows evident

3rd February 1844.

evident design, and the second wound was also given in a vital part. It is in favor of the prisoner that he was dared and a beast tho' not to such an extent as to justify the use of any weapon, the case can scarcely in the opinion of the Foujdaree Adalut be regarded in any other light than deliberate murder, and with difficulty they appoint to the minor punishment.-

2. The attention of the Agent is requested on all future occasions of the reference of trials for final determination of this Court, to the necessity, for the convenience of record and reference, of numbers being affixed to the pages of the record as required in Foujdaree Adalut Circular Order dated 12th September 1824.-

3. The Agent should also have affixed to the record of the trial under observation, the number which it bears on the file of the cases referred by him to this Court. The deficiency has been supplied in the Office of the Courts Register by numbering the trial as shown in the margin; the Agent will consequently make a corresponding

entry

3rd February 1846.

entry in the records of the Agency.

Ordered that Extracts from these proceedings be forwarded to the Agent to the Governor of Fort St. George at Kurnool for his information and guidance.

(Sent following letter No. 102.)

Read letter dated the 27th Ultimo from the Sessions Judge of Calicut submitting the record of trial in Case No. 4 of 1846 on the Calendar of the Subordinate Court of Calicut, and recommending for reasons assigned, the transportation for life of the Prisoner.

(Here enter No. 308.)

The Court of Sunjdarce 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 "Arroowatta Kundy Tiem Kangaron" is sufficient to convict him of Manslaughter, 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 with reference to the provisions of Clause second Section XV Regulation VII of 1802 and Section XXXIII Act VII of 1843 do sentence him

2.

No. 16.

3rd February 1846.

him to be imprisoned and kept to labour within the walls of the Jail for and during the period of six months.

The Court of Sunjdarce Udalut consider the fact, which is clearly proved, that deceased without adequate provocation first struck the Prisoner on the face with his hand before the scuffle commenced in which the Prisoner drew the knife which he carried in his girdle and inflicted the wounds of which deceased died, as extenuating the homicide and reducing it to manslaughter. It is also in evidence that there existed no previous enmity between them.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Calicut for his information.

(Sent following Letter No. 103.)

Read return dated the 20th Ultimo from the Acting Sessions Judge of Tellicherry to the precept of the Sunjdarce Udalut of 23rd December 1845 directing him to transmit the entire record of Case No. 4 on the Calendar for 1845, and to suspend

the sentence passed on the prisoner during the reference to this Court.-

(Here enter No 261)

1st Assistant.

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

Immyawee Noottoo Shapoolan

is sufficient to convict him of the crime of having been privy to the receipt and secreting of stolen property knowing it to be such, do convict him thereof and with reference to the provisions of Clause Second Section IV Regulation VII of 1822 sentenced him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of six months.-

The Court having already noticed the irregularity on the part of the Acting Sessions Judge in passing sentence in this case, as well as the inapplicability of the Regulation under which the sentence is awarded, now record after a perusal of the entire record, their concurrence in the

view

view taken by the Acting Sessions Judge of the Prisoner's guilt considering that as the the evidence is not sufficient to convict him of a direct concern in the robbery, it is sufficient to show that he was acquainted with the place where the stolen property was secreted, and that he must have known it to be stolen, although he omitted to give information to the Police tho' called upon to do so.-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Trichinopoly for his information.-

(Sent following Letter No 104.)

Read the Criminal Reports submitted by the Principal Sudr Ameen of Nellore for the month of December 1863.-

(Here enter No 116.)

Supplemental Report Case No 6 of 1863.

The Court of Foujdaree Udalut observe that this case has been under trial since the 11th October last. They desire the Principal Sudr Ameen will lose no time in making arrangements for bringing his proceedings to a close.-

In

February 1844.

2.

In the event of the trial in this case being still pending, the Court of Tanjore Adalut request the Principal Sudr Ameen will submit a report showing what has been done since the Prisoners reached the Criminal Court on the 6 July 1843, with a view to the charge of Murder brought against them being finally disposed of.

Report Ex. V. Ltr. Ex. 32.

3. The 1st Prisoner in this case who is accused of having stolen from the Prosecutor's house property valued at Rupees 203-15-6. has been sentenced to two years imprisonment with labor and to receive sixty lashes, by the Principal Sudr Ameen, who observes that as the crime charged falls under Section IX Regulation XI of 1825 the judgment is passed under clause 4th Section III Regulation VII of 1822.

4. Section IX Regulation XI of 1825 is applicable only to cases of theft in which the value of the property stolen shall exceed the sum of 300 Rupees; and consequently has no reference to the case under observation in which the estimated amount of stolen property is only Rupees 200 and odd.

5. The Tanjore Adalut on a consideration

P. 116.

3rd February 1844.

consideration of the trial as entered in the Report are not of opinion that any reasons exists for the infliction of the sentence passed by the Principal Sudr Ameen to the Prisoners Ippagoonta Lutchmiah and ascending they direct their remission.

Ordered that Extract from the proceedings be forwarded to the Principal Sudr Ameen of Chittore by Precept returnable in V. days from and after its receipt.

(Sent following Precept No. 105.)

Read the Criminal Report submitted by the Acting Principal Sudr Ameen of Tchapore for the month of December 1843.

(Vide entry No. 202.)

1. It is observed from the above report that during the month of December last only one criminal case reached the Court of the Acting Principal Sudr Ameen which was committed for trial by the Sessions Judge of Chicacole.

2. The Criminal report by, however, which, under the rule laid down in the Adalut Circular Order No. 40, should

have

D. 16.

3rd February 1844.

consideration of the trial as entered in the
Report are not of opinion that any ma
exists for the infliction of the sentence
by the Principal Sudr. Ameen to the
Appagoanta Lutchmiah and accordingly
they direct their remission.

Ordered that Extract from the
proceedings be forwarded to the Principal
Sudr. Ameen of Nellore by Precept returna
in V. days from and after its receipt.

(Sent following Precept No. 105.)

Read the Criminal Report
submitted by the Acting Principal Sudr
Ameen of Nellapore for the month of Decem
1843.

(No entry No. 282.)

1. It is observed from the above
reports that during the month of December
last only one criminal case reached the
Court of the Acting Principal Sudr. Ameen
which was committed for trial by the
Sessions Judge of Chicacole.

2. The Criminal property however
which, under the rule laid down in Sir
Udalut Circular Order No. 40, should
have

February 1844.

from the
the late Zillah

In the event of the trial in this case
being still pending, the Court of Sunjdaree
Udalut request the Principal Sudr. Ameen
will submit a report showing what has been
done since the Prisoners reached the Criminal
Court on the 6 July 1843, with a view to the charge
of Murder brought against them being finally
disposed of.

Report para 1 V.
Circ. 1822.

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is accused of having stolen from the Prosecutor's
house property valued at Rupees 203-15-6. has
been sentenced to two years imprisonment with
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charged falls under Section IX Regulation
of 1825 the judgment is passed under clause 4th
Section II Regulation VI of 1822.

4. Section IX Regulation of 1825
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the value of the property stolen shall exceed
the sum of 300 Rupees; and consequently
has no reference to the case under observation
in which the estimated amount of stolen
property is only Rupees 200 and odd.

5. The Sunjdaree Udalut on a
consideration

have reached this Court on or before the 15th of the month succeeding that for which they are prepared, were dispatched by the Acting Principal Sudr Ameen only on the 29th Ultimo.-

3 The Court of Foujdaree Adalut accordingly resolve to call upon that Officer to submit an explanation of the causes of the delay above noticed.-

Ordered that Extract from these proceedings be forwarded to the Acting Principal Sudr Ameen of Hahapore by precpt returnable in 5 days from and after its receipt.-

(Sent following Precept No 106.)

Read communications dated the 22nd Ultimo from the Acting Sessions Judge of Honore reporting the arrangements made by him, in consequence of a deficiency of cells in the Jail at Ellicherry for the restraint of two individuals named Chandoo Meiya and Timma alleged to be insane and sent to this Court under Circular Order of the 1st June 1829 by the Acting Joint Magistrate and Head Assistant Magistrate of Canara on the 13th and 22nd December last.-

(Here enter No 291)

The

The Court of Foujdaree Adalut under the explanation afforded by the Acting Sessions Judge, approve the transmission of the individuals in question to the Jail of the Zillah Court of Mangalore.-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judges of Honore and Mangalore for their information.-

(Sent in Nos 107 & 108.)

Read letter dated the 18th Ultimo from the Acting Sessions Judge of Cuddapah submitting copies of Calendars in Cases Nos 22, 23, 24, 25 and 26 of 1843 of the Sessions Court at that station.-

(Here enter No 267)

The Court observe with approbation the clear and satisfactory reasons given for the sentences in each case.-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Cuddapah for his information.-

(Sent in No 109.)

Read letter dated the 22nd Ultimo from

from the Acting Sessions Judge of Trichinopoly forwarding Calendar in Case No 1 on the Supplemental Calendar of 1843.

(Here enter F.16. No 277.)

Case No 1. 1. The Prisoner in this case, Buttamootoo, is charged with assaulting the Prosecutor's Son, and forcibly taking certain articles from his person of the value of Rs 2-3-0.

2. The Mahomedan Law Officer in his Futwah convicted the Prisoner, and declared him liable to Ookoobut, the Acting Sessions Judge concurred in the conviction, but, requests permission to grant the Prisoner his release in consideration of his having on a former occasion been assaulted and deprived of his property by the Prosecutor, and no felonious intention to convert the articles to his own use being apparent in the present instance.

3. The Acting Sessions Judge further states that he considers the distress and confinement already endured sufficient punishment for the offence proved, the Court of Tanjore & Adalut coincide with

with the Acting Sessions Judge and order the release of the Prisoner.

Ordered that Extracts of proceedings be sent to the Acting Sessions Judge of Trichinopoly for his information and guidance.

(Sent in No 110.)

Read Calendar submitted by the Acting Sessions Judge at Cuddalore of Cases No 21 of 1843 and 1 and 2 of 1844.

(Here enter No 289.)

Case No 21 of 1843

In the abstracts of the witness's examination it is not stated, as required by Circular Order 16th May 1822, whether he knew the Prisoners before.

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

(Sent in No 111.)

Read communication dated the 11th Ultimo from the Acting Magistrate of Tanjore submitting the statement exhibiting the number of crimes and misdemeanors committed in the Talook of Mayaveram in the years 18[illegible] and

and 1839 and 1840 and 1841, which was required under the orders of Government conveyed to the Acting Magistrate in the proceedings of this Court dated the 16th October last.

(Here enter No 113 of 1844.)

1 It is observed that in the above communication the Acting Magistrate has omitted to state his opinion whether the results adduced in para 3 of the Extract from the Minutes of Consultation dated 27th January 1843 may not in part arise from the mode in which the Returns of the Salooks under charge of the Head of Police of Mayaveram have been framed by that Officer.

2 The Acting Magistrate is therefore required to furnish the opinion in question without delay.

Ordered that Extract from these proceedings be forwarded to the Acting Magistrate of Tanjore by Precept returnable in one week from and after its receipt.

(Sent following Precept No 112.)

Read Madura Criminal Reports for the Month of December 1843 submitted by the

3rd February 1845.

submitted by the Subordinate Judge.

(Here enter No 201 of 1844.)

Case No 24. The Court of Tanjore Malabar objects to the infliction of stripes in a case of this nature and, according to Law, they may be remitted.

Ordered that Extract of these proceedings be forwarded to the Subordinate Judge of Madura by Precept returnable without delay.

(Sent following Precept No 113.)

22 DDL RJ

Read Criminal Reports for the month of December 1843 submitted by the Principal Sudr Ameen

(Here enter No 130 of 1844.)

Case No 10 1 The Court of Tanjore Malabar considering the remarks by the Principal Sudr Ameen in regard to this case unsatisfactory, resolve to direct the Session Judge to look into it and pass such orders as he may deem requisite, reporting the result of his inquiry for the information of the Court.

No 11 2 The Tanjore Malabar Court

no necessity for the infliction of stripes in this case, and they accordingly direct that they may be remitted.

No 27. 3. The Court observe in the foregoing to this Case, that if (on the remarks heard them to believe) the commitment of the Prisoner was consequent on the Prisoner having been imprisoned for 3 years from an inability to provide satisfactory security, they consider the reason altogether inadequate, since a mere inability to provide security does not subject the party to the infliction of the offender for whose punishment the power to appeal to an extraordinary provision of the Law.

No 26. 4. As the Court of Forjeiture Adalet perceive nothing of an aggravated nature in this case they direct that the stripes may be remitted.

No 26. 5. The Court having resolved to doubt the correctness of an acquittal in this case resolve to direct the Resident Judge to look into it, press such orders as may appear necessary and report the result of

of his enquiry for the information of the Court.

No 27. 6. From the nature of the remarks appended to this case, shewing that the Prisoner was apprehended in the Prosecutor's house with an instrument for forcing an entrance in his hand, the Forjeiture Adalet has no doubt of his guilt, and cannot but consider his acquittal opposed to the evidence on record.

No 28. 7. The Forjeiture Adalet direct that the stripes awarded in this case may be remitted, as they object to their infliction under circumstances where any doubt can possibly exist.

No 32. 8. The Court request to be informed of the result of this trial which seems to have been delayed by an unnecessary transference from one Officer to another.

Ordered that Extract from these proceedings (paras 5 and 8) be sent to the

3rd January 1844.

the Sessions Judge of Tinnevelly by precept returnable in 5 days from and after its receipt.

(Sent following precept to No 4)

Ordered also that Extract from these proceedings be sent to the Principal Sudr Ameen of Tinnevelly by precept returnable in 3 days from and after its receipt.

(Sent following precept to No 5)

No 4

5th February 1844.

Monday

At a Court of the Foujdaree Adawlut

Present

G. L. Cassamajor Esqr Agt &c &c

Malcolm Lewin Esqr Agt 2d Judge

Alex. Maclean Esqr Agt 3d Judge

Read letter dated the 2d January 1844 from the Acting Sessions Judge of Combaconum submitting the record of the trial in Case No 1 on the Calendar of the Session Court for 1844.

No 317 of 1843

Mr A. Watson

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

" Kistnan "

is insufficient to convict him of the crime of wounding, for which according to the Mahommedan law, as declared in Futwas of their Law Officers, a

dissection

5th February 1844

discretionary punishment is awardable,
do convict him thereof, and with
reference to the provisions of Clause third
Section VIII Regulation XV of 1803 and
Section XXXIII Act VII of 1843 sentence
him to be imprisoned and kept to hard
labor in irons on the public roads or
other public works for and during the
period of (10) ten years.

(Last following) letter No. 117.

Read again letter dated the
9th January 1844 from the Acting Session
Judge of Cuttacoomma submitting for
the final sentence of the Punchayet Udalut
the record of the trial in Case No. 13 on
the Calendar of the Sessions Court of
Cuttacoomma for 1843.

(Here enter P. U. No. 80)

Read also return dated the
27th January 1844 from the Acting Session
Judge of Cuttacoomma to the precept
of the Punchayet Udalut of the 24th Ultimo
returning the record of Case No. 13 of 1843
with the Court's observations.

(Here enter P. U. No. 293)

The

5th February 1844

The Court of Punchayet Udalut
Mr. M. Lewin on a deliberate consideration of all the
circumstances of the case as entered
before them, being of opinion that the
proof against the prisoners,

5th Woonyon

and

6th Maree,

is sufficient to Convict them of the
crime of Gang Robbery do convict them
thereof, and with reference to the provisions
of Clause 5th Section IV Regulation XV
of 1803 sentence them to be imprisoned
and kept to hard labor in irons on the public
roads or other public works for & during the period
of (10) ten years: and considering that strong
suspicion, though not amounting to
conviction, attaches to the prisoner,

5th Vadamalay,

the Court, under the provisions of Clause
sixth Section II Regulation XV of 1803,
direct that he be required to find security
in an amount to be determined at the
discretion of the Session Judge for his

good

5th February 1844

good behaviour and appearance when required, within a period which that Officer shall define, or in default thereof that he be detained for a similar period in confinement; and that the prisoners

3d Letchoomanan

and

7th Teeroamoody

be unconditionally released.

(Sent following) letter No. 118.

Read letter dated the 17th Ultimo from the Acting Session Judge of Trichinopoly

(Here enter No. 203)

1 With the above communication the Acting Session Judge has forwarded copy of the Calendar of a case committed by the Principal Sudr Ameen of Trichinopoly in which a Prisoner

Narrain Pillay

was charged with burglary, the property robbed amounting in value to Rupees 295 including ready money and a document for 3½ Rupees.

2 The Court observe that no 2d question should have been put to the Law

5th February 1844

Law Officer; as the first Jurisdiction must proceed upon the ground of there not being full legal evidence of the Crime as specifically provided for by Section II Regulation XII of 1827.

3 The Court would again request Mr Greenway's attention to the necessity of a strict observance of the rules regarding official correspondence which were brought to his notice on the 25th October last.

4 The endorsement entered on the letter which accompanied the Calendar under perusal shows it to be the 7th Calendar of a person tried before the Court of Sessions" no mention being made of the year, whilst, on reference to the body of the Calendar it is observed that it is "No 1 of the Calendar" the number of the year being likewise omitted in the appropriate column.

"Forwarding copy of the 7th Calendar of a person tried before the Court of Sessions"

5 The Acting Session Judge will submit the information necessary to admit of the proper number being specified in the records of the Tanjore Adalat

I desired and make a corresponding
amendment on those of his own office.

The Court further remark
that the Calendar purports to have been
dispatched on the 22d December 1845

Ordered that Extract from
these proceedings be forwarded to the Acting
Session Judge of Tinchinopoly for his
information by precept returnable in
five days from and after its receipt

(Sent following) precept No. 119

Read Miscellaneous Petition
presented on the 3d Ultimo by Ramasamy
alias Appavoo Vannyar and another of
Combaconum

(Here enter P.R. M.P. No. 1 of 1846)

The Petitioners represent that
they were falsely accused by certain parties
in the Zillah of Combaconum
of having stolen a horse and having
been forwarded to the Criminal Court
that they were eventually released, the
charge being considered by that authority
to be the result of a conspiracy
Adverting to the proceedings
which

which the Criminal Court are bound to
adopted for bringing to punishment
the false accusers, the Petitioners state
that they have been subjected to much
expense and loss in their mercantile
transactions in consequence of having
been sent to the Court on the serious
charge referred to and accordingly they
pray that this Court will please order
directing the punishment of the culprits
desired specified in this address and
further that they (Petitioners) may be aided
to institute against them an action for the
recovery of damages.

The Petitioners are informed
that their application for redress for any
false accusation which may have been
brought against them should be preferred
to the local Magistracy

The Court of Tanjore Malabar
declined to pass orders in regard to the
institution of a Civil action for the pur-
pose of recovering damages.

Ordered that the Petition
be dismissed and that Extract from
these

5th February 1844.

these Proceedings be granted to the Petitioner on application.

Read Miscellaneous Petition presented on the 15th January 1844 by C. Ithemmah and Bandalingum of the Zillah of Masulipatam.

(Here enter M. P. No 12 of 1844)

The Petitioners submit translations of certain documents enclosed in their Petition presented on the 2d January 1844, and pray that they may be perused and justice rendered to them.

Translations are never required from the parties presenting Petitions.

Ordered that this Petition be dismissed and that Extract from these proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petition presented on the 26th June 1843 by Pendy Appavoo Naidoo of Combaconum.

(Here enter P. C. M. P. No 47 of 1843)

Adverting to the Proceedings of the Criminal Court of Combaconum in the matter of a charge which came under

P. C.

5th February 1844

under its investigation in which three individuals were accused by Petitioner of having stolen his horse, the Petitioner represents that the three individuals in question having been improperly [illegible] he was himself unjustly brought to trial on a charge of conspiracy, but acquitted eventually by the Judge on Circuit, whilst three of the witnesses by whom the charge of horse stealing was originally supported have been on insufficient grounds punished for perjury.

2. The Petitioner alleges that the Superior servants of the Combaconum Zillah Court, being his enemies, have by their local influence contrived to secure the dismissal of the charge of horse stealing preferred by him - asserting that the accusations in question was a true one; he prays that the record of the case may be called for and the Prisoners concerned in it punished.

3 He further prays that the Court will issue orders directing the Police

5th February 1844

release of the three who gave evidence on behalf of the prosecution in the said Case.

The Court of Foujdaree Udalut are not of opinion that any sufficient grounds are shown by the Petitioner to require that the record of the case in which he was Prosecutor should be brought under their revision.

In respect of the release of the three Prisoners punished for perjury, it is observed that the Court have approved the sentences passed on them.

Ordered therefore that the Petition be dismissed and that Extract from these Proceedings be granted to the Petitioner on application.

C. Atchamah and Baula Lingum of the Zillah of Masulipatam, move the Court to return the enclosures in their Miscellaneous Petitions No. 2 and 12 of 1844.

Ordered accordingly.

Read Letter under date the 16th Ultimo from the Subordinate Judge of Chittoor forwarding the Criminal Reports

5th February 1844

Reports for the Month of December 1843

(Hewnter P. M. No. 139)

Cases No. 2728

In both these Cases the Prisoners are charged with perjury and robbery, before expressing their opinion of the manner in which they have been disposed of the Court of Foujdaree Udalut resolve to consider whether the Acting Sessions Judge considered the alleged robbery proved

No. 50.

With reference to the remarks in this Case the Court of Foujdaree Udalut are of opinion that the fact of the 2d Prisoner's guilty declaration having been "proved correct" was enough to insure his conviction, which might have been considerably facilitated by converting one or more of the Prisoners into Witnesses in the manner laid down in Circular Order Foujdaree Udalut No. 141.

Ordered that Extract of these proceedings (para 1) be sent to the Acting Sessions Judge of Chittoor for precept

5th February 1844.

precept returnable in 3 days from
and after its receipt.

(Sent following) precept No. 120.

Ordered further that
Extract of these proceedings be sent
to the Subordinate Judge of Chittor
for his information and guidance.

(Sent in No. 81.)

H.D.R.

T. M.

Tuesday
6th February 1844.

At a Court of the Foujdaree Adawlut

Present

W. G. L. Casamajor Esqre Acting 1st Judge
Malcolm Lewin Esqre Acting 2d Judge
A. M. Alexr. Maclean Esqre Acting 3d Judge

Read again the Confirmation
Primary Calendar for the 1st Session
of 1843.

(Here enter No. 857 of 1843)

Read return dated the 3
October last from the Special Co
missioners for the Southern Divi
submitting in conformity with
the requisition contained in the Prec
of this Court dated the 7th of the prece
Month, translations of the trials he
by him in his capacity of 1st Judge
of the late Provincial Court in the
Southern Division on Circuit for
5th Sessions of 1843 in Cases 12, 12
14 on the Confidential Calendar f
last Sessions.

(Recorded No. 1721 of 1843.)

I desired and make a corresponding
amendment on those of his own office.

The Court further remark
that the Calendar purports to have been
dispatched on the 22d December 1845

Ordered that Extract from
these proceedings be forwarded to the Acting
Session Judge of Tinchinopoly for his
information by precept returnable in
five days from and after its receipt

(Sent following) precept No. 119

Read Miscellaneous Petition
presented on the 3d Ultimo by Ramasamy
alias Appavoo Vannyar and another of
Combaconum

(Here enter P.R. M.P. No. 1 of 1846)

The Petitioners represent that
they were falsely accused by certain parties
in the Zillah of Combaconum
of having stolen a horse and having
been forwarded to the Criminal Court
that they were eventually released, the
charge being considered by that authority
to be the result of a conspiracy
Adverting to the proceedings
which

which the Criminal Court are bound to
adopted for bringing to punishment
the false accusers, the Petitioners state
that they have been subjected to much
expense and loss in their mercantile
transactions in consequence of having
been sent to the Court on the serious
charge referred to and accordingly they
pray that this Court will please order
directing the punishment of the culprits
desired specified in this address and
further that they (Petitioners) may be aided
to institute against them an action for the
recovery of damages.

The Petitioners are informed
that their application for redress for any
false accusation which may have been
brought against them should be preferred
to the local Magistracy

The Court of Tanjore Malabar
declined to pass orders in regard to the
institution of a Civil action for the pur-
pose of recovering damages.

Ordered that the Petition
be dismissed and that Extract from
these

5th February 1844.

these Proceedings be granted to the Petitioner on application.

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(Here enter M. P. No 12 of 1844)

The Petitioners submit translations of certain documents enclosed in their Petition presented on the 2d January 1844, and pray that they may be perused and justice rendered to them.

Translations are never required from the parties presenting Petitions.

Ordered that this Petition be dismissed and that Extract from these proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petition presented on the 26th June 1843 by Pendy Appavoo Naidoo of Combaconum.

(Here enter P. C. M. P. No 47 of 1843)

Adverting to the Proceedings of the Criminal Court of Combaconum in the matter of a charge which came under

P. C.

5th February 1844

under its investigation in which three individuals were accused by Petitioner of having stolen his horse, the Petitioner represents that the three individuals in question having been improperly [illegible] he was himself unjustly brought to trial on a charge of conspiracy, but acquitted eventually by the Judge on Circuit, whilst three of the witnesses by whom the charge of horse stealing was originally supported have been on insufficient grounds punished for perjury.

2. The Petitioner alleges that the Superior servants of the Combaconum Zillah Court, being his enemies, have by their local influence contrived to secure the dismissal of the charge of horse stealing preferred by him - asserting that the accusations in question was a true one; he prays that the record of the case may be called for and the Prisoners concerned in it punished.

3 He further prays that the Court will issue orders directing the Police

5th February 1844

release of the three who gave evidence on behalf of the prosecution in the said Case.

The Court of Foujdaree Udalut are not of opinion that any sufficient grounds are shown by the Petitioner to require that the record of the case in which he was Prosecutor should be brought under their revision.

In respect of the release of the three Prisoners punished for perjury, it is observed that the Court have approved the sentences passed on them.

Ordered therefore that the Petition be dismissed and that Extract from these Proceedings be granted to the Petitioner on application.

C. Atchamah and Baula Lingum of the Zillah of Masulipatam, move the Court to return the enclosures in their Miscellaneous Petitions No. 2 and 12 of 1844.

Ordered accordingly.

Read Letter under date the 16th Ultimo from the Subordinate Judge of Chittoor forwarding the Criminal Reports

5th February 1844

Reports for the Month of December 1843

(Hewnter P. M. No. 139)

Cases No. 2728

In both these Cases the Prisoners are charged with perjury and robbery, before expressing their opinion of the manner in which they have been disposed of the Court of Foujdaree Udalut resolve to consider whether the Acting Sessions Judge considered the alleged robbery proved

No. 50.

With reference to the remarks in this Case the Court of Foujdaree Udalut are of opinion that the fact of the 2d Prisoner's guilty declaration having been "proved correct" was enough to insure his conviction, which might have been considerably facilitated by converting one or more of the Prisoners into Witnesses in the manner laid down in Circular Order Foujdaree Udalut No. 141.

Ordered that Extract of these proceedings (para 1) be sent to the Acting Sessions Judge of Chittoor for precept

be unconditionally released.-

1. The Court of Foujdaree Udalut observe that the real merits of this extraordinary case are not discernible from the depositions of the witnesses and parties concerned, the whole of the evidence being apparently of the most worthless description, and not to be depended upon in any particular.-

2. It seems very doubtful whether the deceased was murdered, or died a natural death, and her corpse made use of by the Prisoners in the way and for the object alleged.-

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions Judge of Mangalore for his information.-

(Sent following Letter No. 95.)

Read the Criminal Reports submitted by the Acting Subordinate Judge of Cuddapah for the month of December 1863.-

(Here enter No. 170)

Supplemental Report Case No. 218.

1. The Court of Foujdaree Udalut resolve to send to the Magistrate of Cuddapah a copy of the Sudr Ameen's remarks as recorded in this case, with directions to make such inquiries

inquiries as he may deem requisite into the conduct of the Police Officers, reporting direct to this Court the result of his proceedings.-

Report V. Case No. 229.

2. The Court of Foujdaree Udalut do not concur in the sentiments expressed by the Sudr Ameen in this case, as the reasons assigned for inflicting a peculiarly lenient punishment would more naturally seem to aggravate than palliate the offence of which the Prisoner is convicted.-

Case No. 229.

3. The Court observe that the crime of which the Prisoner stands charged in this case is of so grave and savage a complexion that he ought to have been committed for trial before the Sessions Judge.-

Case No. 233.

4. The Court consider the punishment awarded in this case disproportionate to the crime, and they accordingly direct that the Stripes may be remitted and the imprisonment reduced from 1 year to 3 months.-

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

(Sent following Precept No. 96.)

Ordered

1. The three Prisoners, Ranga-
samy Naik, Veeracatasamy Naik and
Ramasamy who were respectively
brought to trial before the 1st Judge
late on Circuit at Combaconum on
the three cases above mentioned, were
charged with the commission of
wilful and corrupt perjury before
the Acting Criminal Judge of that
Zillah, in having deposed on solem
affirmation as witnesses in Criminal
Case No. 10 of 1843 that they had seen
one Appavoo, the 2d Prisoner in that
case, at Combaconum on the morning
of the 9th January 1843 riding on the
horse of the Prosecutor in the said Case.

2 In instituting the Mahome-
dan Law officer convicted the Prisoners
on the grounds of their own confessions
before the Criminal Judge of the offence
with which they stood charged.

3 Concurring with the Maho-
medan Law Officer, the Judge on Circuit
sentenced the Prisoners respectively to
imprisonment with hard labor on roads
on

on the roads, for a period of four years
but in adjudging that punishment
he remarked that it was with diffi-
culty he made up his mind to convict
as he was unconvinced of the prisoners
of the charge of horse stealing as to
Iya Asamy the 1st Prisoner in Criminal
Case No. 10 of 1843; but that he could
not get over the confessions of the
three Prisoners that they had deliber-
ately given false testimony on the
subject of the theft.

Case No. 12. 4 On a deliberate consideration
of the records of the three trials now
before the Court, the Foujdaree Adalut
think that the perjury charged against
the Prisoner Rungasamy Naik in
Case No. 12, is quite clear - and they
see no sufficient cause to disturb
the sentence passed on him by the
Judge late on Circuit.

Case No. 13. 5 Neither do they think that
doubt can exist in regard to the guilt
of the Prisoner Veeracatasamy Naik who
was brought to trial in Case No. 13.

The

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Case No 14

The foregoing opinion is equal-
ly applicable to the Case of the Prisoner
Ramasamy in Case No 14

As respects the truth or
falsity of the circumstance touched
the Prisoners first deposed, the Court of
Poojaree Udalut are of opinion that
it is a point of no importance what-
ever so far as their punishment is
concerned it being clear that perjury
has been committed by them, and that
they have testified to having seen what
they never saw.

In this view of these Cases,
the Court of Poojaree Udalut are satis-
fied that the 1st Judge late on Circuit
at Combaconum has correctly disposed
of the specific charges brought against
the three Prisoners under observation and they
accordingly direct that the Sentences declard
by that Functionary be now carried into effect.

Ordered that Extract from the
proceedings be sent to the Session Judge of
Combaconum by precept returnable in 3
days from and after its receipt.

(Sent following precept No 122.

No 32

Wednesday
7th February 1844

At a Court of the Poojaree Udalut

Present

The Hon'ble G. I. Casamajor Esq. Agt Governor
Malcolm Lewin Esq. Agt 2d Judge
Alexr Maclean Esq. Agt 3d Judge

Mr G. I. Casamajor
and
Mr M. Lewin

Read letter dated the 31st
Ultimo from the Acting Session Judge
of Mangalore submitting Case No 14
of 1844 on the Calendar of the Session
Court at that Station.

(Here enter No 32.8)

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

1st Linga
2d Moodbidray Appoo
3d Bantoo
4th Billa Cantoo,

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

on their own confessions of the crime of Murder, do acquit them thereof, and direct that they be unconditionally released.

1. In the above case the Prisoners
1st Linga
2nd Moodiriya Appuwa and
3rd Bontes
were charged with the wilful Murder of one Ranna by rendering him intoxicated, and when in that state making away with him by throwing him into a pit or some other means, the 4th Prisoner Billa Unnehe was accused of being an accessary to the murder, by supplying the drink, concealing his knowledge of it, and endeavouring to prevent its discovery by hiding the badge and a cloth of the deceased and burning his belt.

2. The Law Officer convicted the Prisoners of the offences respectively charged against them and the Acting Assessor concurring in his verdict, has stated that although it is

that the punishment usually awarded to Murderers, when there are no circumstances of mitigation should be adjudged against any of the Prisoners, the circumstance of the corpse not having been found though it does not shake his conviction of Ranna having been murdered, yet, as there admits of a bare possibility of his being still in existence it indisposes him to suggest a punishment which can in no degree be remedied.

3. He therefore submits his opinion that the four Prisoners should be sentenced to imprisonment for life each with banishment to another Zillah.

4. On an attentive consideration of the above record the Court of Judicature do not think that the Prisoners should be acquitted and discharged.

5. There is no proof that a Murder has been committed at all; the facts in evidence do not amount to murder; and the body has not been found. Conviction is therefore, the Court conceive, out of the question.

February 1844

6 The only question is whether there is evidence enough against the Prisoners, or any of them, to require that security should be demanded.

7 The Court of Fougdare Udalut think that there is not

8 The only evidence of any importance is that of the 2d witness Loobba. After as careful and deliberate a consideration of his depositions, and the whole of the record, as the Court are capable of, the impression left upon their minds is that the deceased died from the effects of intoxication, while drinking and smoking Bang with the three first Prisoners; and that when they found he was really dead, they were alarmed for probable consequences and wound him up in his cloth and sunk him in the river.

9 There is not, throughout the record the slightest trace of any enmity between the deceased and any of the Prisoners, or any ground for such enmity.

10 If the Prisoners had really any

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intention to murder the deceased, it is absurd to suppose that they would have chosen so public a place to do it in; especially while they saw Loobba and most probably the boy Appaya Pillai sitting, the former in the veranda of the room they were in, the latter in that of the house opposite and within a few feet of them, the door of the room in which they all were being open all the time. Such conduct is unaccountable and contrary to every principle of human nature.

Ans. 8. p. 37

11 There is a fact deposed to by Loobba before the Police, about which he was not questioned at the trial, and the Court think he ought to have been but which is very characteristic of the state of the case with which the Court of Fougdare Udalut are impressed and very inconsistent with a design of murder. He says that as soon as deceased fell down insensible from intoxication the Prisoners, rubbed his arms and legs

Police Record p. 44

Now this is indicative of a desire to

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him; and accordingly the same witness
2nd Rec'd Feby 21 1844 when asked what he thought they
intended doing with deceased when they
carried him away, says that he thought
the 3 first Prisoners
they were going to take care of him.
It is true that in another place he says
that he supposed deceased had been
murdered; but he also expressly says
that he drew this conclusion from the 3
first Prisoners, when they returned after
disposing of the body, cautioning him
not to mention what he had seen and
threatening, if he did to serve him in the
same manner. But this is not inconsistent
with the state of things, the Court of
Enquiry should believe; the Prisoners
were in a state of alarm and the uppermost
most thought of their minds was to avoid
unpleasant consequences; also he does not
mention before the Police their threatening
4th Rec'd p 46. him, or that he drew any such conclusion
from their conduct; he there states that
they only cautioned him and that he supposed
they carried deceased away as they were fellow
servants and deceased was intoxicated.

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12

The finding of the deceased's
Badge and Coconut with the 4th Prisoner
proves nothing. It is in evidence that
deceased left them at the 4th Prisoner's
house before he sat down to drink
with the 3 first Prisoners. The 4th Prisoner
concealed these articles from the same
motive as the rest did the body, fear
of consequences.

Ordered that Extract from
these Proceedings be forwarded to the Acting
Session Judge of Mangalore for
his information and guidance.

Sent in No. 107

Read order of Government
dated the 20th Ultimo, No. 41, communicating
6th January 1844 a copy of a communication from the
Acting Adjutant General of the Army
with a view to the submission by this
Court of the opinion thereon requested.

(Here enter S Dr. No. 165 of 1844.)

In the communication of
the Acting Adjutant General the question
is propounded whether a sentence of
Corporal Punishment and Imprisonment
may

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may be awarded for a Criminal offence in cases provided for by the Madras Regulations, in the instance of a Convict Tolbourn when tried by a Military Court at places beyond the Territories of the East India Company.

2. The Judges of the Foujdaree Adalut are of opinion that if the offence is one for which stripes and imprisonment are adjudicable under the Regulations, within the territories of the Company, for the same offence they may be adjudged without the territories, as prescribed by Article 6th of Section XII of Regulation V of 1827. The mode of carrying into effect such sentences as laid down in Regulation V of 1828 and is settled by the Foujdaree Courts proceedings of date 17th October 1839.

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

(Sent following letter No. 128.

Read

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Read communication dated the 24th Ultimo from the Acting Session Judge of Trichinopoly reporting the decission of the Court of Foujdaree Adawlut whether all crimes committed by Convicts are to be tried under Act 24 of 1843 or no, whether, under Section III of the said Act, the attendance of the Law Officer in the Session Court is necessary

(Herewith No. 278.)

The Court think that Act 24 of 1843 does not necessarily apply to all Gang Robbers and Robberies, but only to professional robbers and the robberies committed by them.

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Trichinopoly for his information.

Letter No. 129.

Read letter dated the 25th Ultimo from the Acting Subordinate Judge of Calicut transmitting copy of a warrant issued by the Session Court of Calicut and requesting the orders of Co

1844 February

Court as to the disposal of the prisoners sentenced to banishment in Case No. 2 on the Calendar of the Session Court at Caliaut for 1844.

(Here enter No. 3057)

1844 J. Casamajor and H. Lewin

The Court of Foujdaree Adalut direct that the prisoners,

"Francis D'Araujo"

and

"Thomas Desmier"

be removed to the Jail at Mangalore there to be imprisoned agreeably to the terms of their sentence

Ordered that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Caliaut and to the Acting Session Judge of Mangalore for their information and guidance respectively.

(Sent in No. 130. & 131.)

Read Trichinopoly Criminal Reports for the Month of December 1843

(Here enter F. C. No. 253 of 1844)

Case No. 26.

The Court of Foujdaree Adalut observe that the 1st Prisoner in this case is stated to have been apprehended on the 27th

7th February 1844.

of August and forwarded to the Court on the 8th of December, and they request to be informed of the manner and cause of his detention in the interim.

Ordered that Extract of these proceedings be sent to the Principal Sudr Ameen of Trichinopoly by precept returnable in 5 days from and after its receipt.

(Sent following) precept No. 132.)

Read returns dated the 23d December 1843 and 15th January 44 to the precept of the Foujdaree Adalut of 19th December last calling for a brief abstract of the testimony against the parties punished in the Month of November 1843 by the Joint Magistrate of Dotacamund.

(Here enter F. C. Nos. 11 and 216.)

Case No. 70.

With regard to the sentence in this case the Court of Foujdaree Adalut notice the omission, on the part of the Joint Magistrate, to give the date on which it was passed; and, at the same time, they observe that the woman was not punishable, as she received the

Sd to

1st February 1844.

stolen property from her husband.

2 It has been ruled on various occasions that a confession does not preclude the necessity of evidence being heard, and the Court accordingly direct the Joint Magistrate in future to hear the evidence, altho' the Prisoner makes a voluntary confession.

Ordered, that Extract of these proceedings be sent to the Session Judge of Coimbatore for communication to the Joint Magistrate of Ootacamund.

(Sent in No. 133.

Read the Coimbatore Calendar dated the 25th Ultimo from the Acting Session Judge of Coimbatore of Cases Nos. 6 of 1843 and 1 2 and 3 of 1844.

(Were entered No. 288.)

Case No. 23 of 1844. 1 In this case three Prisoners were charged with having shut up the 4th Prisoner, a girl aged 12 years, in a room of the 5th Prisoner's house for a whole day without food and on the next day tied her to a Pillar and severely burnt her on her back and other parts, with a heated ladle.

The

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2. The Futwa of the Law Officer convicted the accused of the crimes laid to their charge, concurring in which finding the Acting Session Judge sentenced the 1st Prisoner to four years and the 2d to three years imprisonment with hard labor under Clause Seventh Section XV Regulation XV of 1803.

3 On a consideration of the circumstances brought in evidence against the Prisoners, they appear to have been convicted of an aggravated assault, and the Court of Evidence Udalut are of opinion that a sentence of seven years imprisonment with Labour, would not have been more than was required for the ends of justice.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Coimbatore for communication to the late Acting Session Judge.

(Sent in No. 134.)

Read letter dated the 16th Instant from the Acting Magistrate of Salem submitting a Report of

sentences passed by the Magistrate of Salem in December 1843 under the provisions of Section XIV Act VII of 1843.

(Here enter No. 217)

Circ. Ord. No. 3. 1 In proceeding to pass sentence in Case No. 3, in which a party of five individuals appear to have been concerned in the commission of the theft charged, the Acting Magistrate has overlooked the order of the Foujdaree Adawlut noted in the margin.

Circ. Order dated 23rd Feb. 1829. 2 The theft in question is stated to have been committed by night and the value of the property stolen is stated at Rupees 18-4-0; but the manner in which it is supposed the entry into the hut of the Prosecutor was effected, does not, as it should appear either in the column of charge or in the remarks of the Acting Magistrate.

3 Under the circumstances of the case, the Court of Foujdaree Adawlut are clearly of opinion that the transmission of the Prisoner to the Criminal authority was required and that the sentence passed by

Case No. 2. by the Acting Magistrate was irregular.

The Prisoner in this case having been charged with an assault the result of which was the fracture of a limb it was incompetent to the Joint Magistrate under the rule laid down in Foujdaree Adawlut Circular Order No. 124, to proceed to pass sentence.

Ordered that Extract from these Proceedings be forwarded to the Acting Magistrate of Salem by express returnable in 10 days from and after its receipt.

(Sent following) precept No. 135.

Read letter dated the 11th Ultimo from the Governor's Agent at Kurnool forwarding the Criminal Reports for December 1843 and explaining the manner in which Case No. 14 was investigated by the Assistant Agent instead of by himself.

(Here enter F. H. No. 158 of 1844)

Case No. 12. 1 The charge brought against the Prisoner in this case, as it appears in the Report does not set forth any act

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act of Criminality.

2 The Agent to the Governor is accordingly requested to state for the information of the Court what is the nature of the offence charged against the Prisoner.

3 The attention of the Agent to the Governor is further requested to the observance of the rules regarding official correspondence which are noted in the margin the endorsement made on the Communication which accompanied the Reports under review being both imperfect and erroneous as not showing that the Criminal Reports for December 1843 were transmitted with that letter.

Ordered that Extract from these proceedings be forwarded to the Agent to the Governor at Vizagapatam by precept returnable in 5 days from and after its receipt.

(Sent following) precept No 136.

Read the Criminal Reports submitted by the Principal Sub Assistant

Ex. the 9th August 1842 and 10th March 1843.

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of Masulipatam for the Month of December last.

(Hereunto annexed No 233)

Case No 12.

The Court of Sessions Udalut resolve to desire the Session Judge to call for the record and if it appears the evidence is totally insufficient, in case the fine was paid, to order it to be refunded.

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Masulipatam by precept returnable without delay.

(Sent following) precept No 137.

Ordered also that Extract from these proceedings be forwarded to the Principal Sub Assistant at Masulipatam for his information.

Sent in No 138.

Read letter dated the 23d Ultimo from the Session Judge of Nellore acknowledging the receipt of a letter from the Sessions Udalut dated the 17th Ultimo directing him to pass sentence in certain cases left undisposed of by him on quitting

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(quitting) his station under leave of absence.—

(Here enter F U. No. 242)

Read further return dated the 18th Ultimo from the Session Judge of Bellary to the precept of the Fouzdaree Udalut of the 23d December 1843; stating that the sentence passed by the Sudr Ameen in Case No. 14 of the Criminal Reports for November 1843 has been modified to 6 Months imprisonment each equally to the orders of the Court.

(Here enter F U. No. 245)

Read return dated the 18th Ultimo from the Session Judge of Cuttack to the precept of the Fouzdaree Udalut of the 13th Ultimo, forwarding observations on Case No. 14 of the Calendar for 1843.

(Here enter F U. No. 246)

Read letter dated the 17th Ultimo from the Acting Session Judge of Monee submitting the Calendars of Case No. 2 of 1843, together with the translation of the Original Futwah.

(Here enter F U. No. 255)

Read

7th February 1844

Read return dated the 23d Ultimo from the Acting Magistrate of Cuttack in reply to the precept of the Fouzdaree Udalut of the 15th Ultimo, directing him with reference to his letter of the 1st Ultimo in reply to the Proceedings of the Fouzdaree Udalut of the 26th December 1843 referred to case No. 24 of the Criminal Report for the Month of November 1843, to report whether it is the practice in his District for Police Peons of themselves to seize Persons on information by others already apprehended; and if so, under what Regulation, or by what authority it is done.

(Here enter F U. No. 257)

Read Calendar dated the 20th Ultimo submitted by the Session Judge of Tinnevelly of Case No. 1 of 1844.

(Here enter F U No. 264)

Read Calendar dated the 25th Ultimo submitted by the Acting Session Judge of Chittoor of Case No. 9 of 1843.

(Here enter F U. No. 266)

Read

7th February 1844.

Read Calendar dated the 22d Ultimo submitted by the Session Judge of Bellary of Case No 10 of 1843, together with a translation of the Tuhsuk

(Here enter F. H. No 268)

Read return dated the 25th Ultimo from the Acting Session Judge of Trichinopoly to the Receipt of the Fouzdaree Udalut of the 19th Ultimo, calling for an explanation how that any warrants of the late Court of Circuit remain still unreceived

(Here enter No 281)

Read Statement dated the 16th Ultimo from the Acting Session Judge of Mangalore showing the actual produce of the labor of the Prisoners, from 1st October to 31st December 1843

(Here enter F. H. No 284)

Read letter dated the 23d Ultimo from the Acting Session Judge of Mangalore conveying copy of a letter from the Subordinate Judge of Mangalore reporting that no disbursements were made during the last quarter under the Circular orders of the Fouzdaree Udalut No 50 and 65

(Presenter F. H. No 285)

F. H.

Thursday 8th February 1844.

At a Court of the Fouzdaree Udalut.

Present

R. Sh. A. M.

G. L. Casamajor Esqr 1st
Malcolm Lewin Esqr 2d
Alexr. Maclean Esqr 3d

} Sessions Judges

Read letter dated the 10th Ultimo from the Acting Session Judge of Combaconum submitting a Calendar of Cases from No 6 to 15.

(Heretofore No 102)

Case No 7 1

The Prisoners in this case are charged with Kidnapping two boys with the view to their Shipment to the Mauritius, and the Court of Fouzdaree Udalut consider the sentence of 14 years imprisonment for the first and 3 years imprisonment for the 2d and 3d Prisoners too lenient a punishment for so heavy an offence.

Case No 9 2

The Prisoner is charged with administering certain deleterious drugs to the Prosecutrix and robbing her person

7

of jewels valued at 45 Rupees, and the Court of Tongaree Udalut observe that as actual violence in such a case as this is not necessary to constitute a robbery they conceive this offence was to all intents and purposes a robbery, and that it consequently called for a severer punishment than has been inflicted by the Acting Session Judge.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Combaconum for communication to and information of the late Acting Sessions Judge.

(Sent in No. 139.

Read communications dated respectively 20th and 22d Ultimo from the Acting Session Judge of Honore submitting statements of the expenditure incurred on the Jails at Honore and Sirsy in the 4th Quarter of 1843

(Here enter Nos. 265 and 286 of 1844)

It is not found that the above statements have been transmitted by the Acting Session Judge under orders issued from

from this Court.

2 The Judges of the Tongaree Udalut accordingly resolve to request the Acting Session Judge will explain the circumstances under which he has deemed it necessary to prepare and transmit the Reports in question.

Ordered that Extract of these proceedings be forwarded to the Acting Session Judge of Honore by precept returnable in 5 days from and after its receipt.

(Sent following) precept No. 140.

WDN

R

End 7th

Friday
9th February 1844. At a Court of the Fouzdaree Udalut.

Present

G. S. Cadamajor Esqre. Agt.
Malcolm Lewin Esqre. Ag. 2d. } Puisne Judges
A. Maclean Esqre. — Ag. 3d.

Read letter dated the 29th
Ultimo from the Acting Sessions Judge of
Nellore submitting for the final decision of
the Fouzdaree Udalut translations of the
Proceedings held in Case No. 6 on the
Calendar for 1843.—

[Here enter No. 311.]

Mr. Lewin. The Court of Fouzdaree Udalut
on a deliberate consideration of all the
circumstances of the case in evidence before
them being of opinion that the proof
against the Prisoner
"Shaik Ibrahim"
is sufficient to convict him of the crime
of Highway robbery, do convict him there-
of and with reference to the provisions
of Clause 3d. Section III. Regulation I
of 1825 sentence him to be imprisoned
and

and kept to hard labor in irons on the public roads or other public works for and during the period of four years.-

/Sent following letter No. 146/

Read return dated the 22nd January from the Magistrate of Muddenpully to the precept of the Tinjoure Cutchery of the 19th January 1844, calling upon him to state what notice he had taken of the negligence of the Head of Police of Muddenpully in Case No. 207 of the Cuddapah Criminal Reports for November 1843.-

/Here enter Ill. No. 258/

Read again return dated 6th Ultimo from the Acting Sessions Judge of Cuddapah to the precept of the Tinjoure Cutchery of the 23rd December last, directing him to look into the above Criminal Case and pass such orders thereon as may appear necessary.-

/Here enter I. Ill. No. 44/

1. The Acting Sessions Judge remarks on the remissness and negligence of the Head of Police of Muddenpully, and mainly attributes the difficulty of obtaining a conviction to the reprehensible conduct of that Functionary.-

2. The Magistrate in his preceding return states that he had admonished the Head of Police who endeavours to exculpate himself by asserting that the 7th and 8th Witnesses were not in the village at the time he held the first inquiry, but came forward when a second inquiry was called for by the Acting Subordinate Judge.-

3. The Court of Tinjoure Cutchery do not consider the excuse offered by the Head of Police of Muddenpully at all a satisfactory one, and they accordingly resolve to instruct the Acting Sessions Judge of Cuddapah to follow up his inquiry in the case and make such communication to the Magistrate as he may deem proper, suggesting, if he considers it

9th February 1846.-

it desirable, the punishment of the Tahsildar.-

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Cuddapah for his information and guidance.-

(Sent in No. 147.)

Sgd. J.

J. D. R.

Saturday
10th February 1846.

J. U.

At a Court of the Tonjadaru Vaalut

Present

Geo: James, Casamajor Esqre. in Acting 1st Assn. Judge.
Malcolm Lewin Esqre. in Acting 2d Assn. Judge.
Alexander Maclean Esqre. in Acting 3rd Assn. Judge.

Read Calendar of persons tried before the Court of Sessions of the Zillah of Trichinopoly

(Here enter J. U. No. 297)

The Court of Tonjadaru Vaalut desire, with reference to the omission observable in the present occasion that, in future, the Acting Sessions Judge will be careful to record the specific provision of the Law under which he passes sentence.-

Ordered that Extract of these Proceedings be sent to the Acting Sessions Judge of Trichinopoly for his information and future guidance.-

(Sent in No. 150.)

Read

10th February 1846

Read letter dated the 29th Ultimo from the Magistrate of Cuddapah requesting information with reference to this Courts proceedings dated the 23rd Ultimo whether any particular form is to be observed in the preparation of the comparative statement for the year 1842 and also if it is to be annually sent with the 2d Half Yearly statement.

(Here enter No. 312 of 1844)

1. The Judges would draw the attention of the Magistrate of Cuddapah to their Circular instructions, under date the 11th October 1824, communicated through the late Provincial Court of Circuit in the Centre Division - and direct that a transcript of the Form shewing the particulars in question be prepared and forwarded to that Officer.-

2 No particular form has been laid down for observance by the Magistracy in order to their exhibiting the amount of property taken and recovered; but information on the point should invariably accompany the Half Yearly Statement and the form above noticed should on such occasions also be laid before this Court.-

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

(Sent in No. 151.)

Read Calendar dated 25th Ultimo from the Session Judge of Tinnevelly, submitting case No. 2 of 1844 committed by the Principal Sudr Ameen of Tinnevelly

(Here enter F. U. No. 300)

Read copy of the Calendar dated 27th Ultimo from the Acting Session Judge of Mangalore of Case No. 5 of 1843 received from the Subordinate Judge with his remarks thereon.-

(Here enter F. U. No. 301)

Read letter dated 25th Ultimo from the Session Judge of Salem, stating

10th February 1844

Stating with reference to the Circular Order No. 88. that the Acting Subordinate Judge of Caliecut and the Principal Sudr Ameen of Cochin have reported that no amount was realized by the labor of the Prisoners during the last Quarter.—

(Here enter F. U. No. 306)

Read return dated 29th Ultimo from the Session Judge of Coimbatore, to the precept of the Fouzdaree Udalut of the 24th January 1844, directing the removal of the Convict Kopradich. sindiagotha Mamoothoyah to Caliecut to undergo the remainder of his sentence of imprisonment.—

(Here enter F. U. No. 310)

Read Calendar dated 29th Ultimo from the Session Judge of Caliecut, forwarding Translation of the Original Futwa in Case No. VI of 1844. on the Calendar of the Subordinate Court of Caliecut.—

(Here enter F. U. No. 322)—

Ec Pd

F. U.

Monday
12th February 1844

At a Court of the Fouzdaree Udalut

Present

Geo: James Casamajor Esqre Actg 1st Judge
Malcolm Lewin Esqre Actg 2d Judge
Alexander Maclean Esqre Actg 3d Judge

Read communication dated 5th instant from the late 2d Judge of the Provincial Court in the Central Division requesting the attention of the Court of Fouzdaree Udalut to the translated precord of the trial in Case No. 14 of the Cuddalore Calendar for the 1st Sessions 1843. in regard to which no final order has yet been passed.—

(Here enter No. 357 of 1844)

Ordered that a transcript of the proceedings of the Fouzdaree Udalut under date the 11th December last be forwarded to the late 2d Judge and that the suspended sentence passed against the Prisoner Pauly Ramasamy be

carried

12th February 1844.

carried into effect in the usual manner.

It is observed that an extract from the above Proceedings was, through an oversight in the office of the Foujdaree Udalut Court not sent to the late 2nd Judge.

Ordered that Extract from these Proceedings be sent to the late 2nd Judge for his information and guidance.-

(Sent in No. 153)

Read Miscellaneous Petition presented on the 11th December 1843 by Lutchumanarow of the Zillah of Combaconum.

(And refer MP. No. 99 of 1843.)

The Petitioner states that on the 25th October 1837, one Rookmany Ummaul, the widow of his late brother, preferred a false charge of Robbery against him and some others to the Joint Magistrate, who referred the case to the Head of Police for investigation; that the Police Officer

12th February 1844.

Officer tried it and on the 7th January 1838 forwarded the Proceedings and Prisoners to the Magistrate, who detained the Petitioner and another in close confinement; further that Cullayana Ramyen the Joint Magistrate's Jewabnuvees, used his influence in aid of the Prosecutrix in view to his own pecuniary advantages, and by coercion induced the Petitioner to compromise the charge on conditions prejudical to his (Petitioners) interests.-

The Petitioner now complains that his repeated Petitions to the Joint and Principal Magistrates, as also to the Criminal Court and the Board of Revenue against the above acts have not been attended to- He therefore prays the Court of Foujdaree Udalut will call for and peruse the said false Razeenamah and the Magistrate's Takeeds relating to it, and render him justice by annulling the former.-

This

12th February 1846

This Petition is not deserving of the smallest notice. It relates to an alleged grievance suffered by Petitioner 6 Years ago. He has had abundant opportunities of preferring a complaint to successive Judges on Circuit and it does not appear that he has availed himself of any.

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

Read Miscellaneous Petition presented on the 8th January 1844 by Ponnachariar of the Zillah of Trichinopoly

(See enter M.P. No. 6 of 1844)

The Petitioner states that certain Brahmins of the Vadagala sect having commenced to perform Veda Parayanam (or repetitions of the Vedas) behind the idol during the procession in Sreerungum contrary to the prohibition contained in the decrees passed in original Suit Nos. 130 of 1808 and 62 of 1825 on the file of the late Zillah

12th February 1846

Zillah Court of Trichinopoly, by which the right of performance of all ceremonies within the Pagoda of Sreerungum was conferred exclusively on the Brahmins of the Tengala sect, he presented a Petition to the Court of Foujdaree Udalut under date the 12th June 1843, on which they passed an order directing him to represent the matter to the Magistrate of the District, that he accordingly addressed that functionary who declined interference and that on an appeal to the Sessions Judge, he was directed to seek redress by a Civil action notwithstanding the point in dispute has been decided long ago by a Civil Court.

The Petitioner in conclusion prays for the issue of a Precept to the Magistrate, directing the punishment of the Vadagala Brahmins for their illegal acts and prohibiting their future opposition to the Decrees referred to.

If there has been no riotous assemblage of persons for an unlawful

12th February 1846

unlawful purpose, such as would justify the interference of the Magistrate and Police, the only remedy is by a civil action for damages, based on a former decree in Petitioners favour.

But it does not appear that there has been any aggravated case of opposition calling for the aid of the Police, and so far as the statement in this Petition goes, the Magistrate as well as the Sessions Judge seem to have acted wisely.-

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

Read Miscellaneous.-

Petition presented on the 15th January 1846 by A Sashumbooloo alias Pampumnah of the Tillah of Chittoor.-

(See order M.P. No 11 of 1846)

The Petitioner complains against an order of the Magistrate of Chittoor, directing the Aheas of Police of Calastry to enquire into a

12th February 1846

charge of Theft preferred by him against that Police Officer and some others.-

He further complains that the Head of Police had the females of his house taken to the Cutcherry, and there detained after subjecting them to oppression and annoyance, and that he has also been endeavouring to persuade the Petitioners family to call the Petitioner back to the Village or to give a writing to the effect that no theft has ever taken place in their house. The Petitioner prays, therefore, for the interference of the Court in the case.-

It does not appear from the above Statement that the Petitioner has submitted to the Court of the Sessions Judge any representation against the proceeding of the Magistrate of Chittoor of which he now complains.

The Court of Sudder Adalut therefore decline to comply with the request preferred in the

Petition

29th February 1844

Petition which is rejected.—

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

Read Miscellaneous Petition presented on the 29th January 1844 by Coollapah Naick and Sashachella Naick of Zillah Chingleput.—

(Here enter M. P. No. 16 of 1844)

The Petitioners complain against an order passed by the Sessions Judge confirming that of the Magistrate of Chingleput, which directed that they should seek redress in the Civil Court upon a purely false report of the Head of Police regarding a Charge of Gang Robbery preferred by them against one Ramasamy Mookul and others, who they allege, carried away by night property of value from the Vinna Rajah Pagoda in the village of Paramasarajah Poorum.—

The object of the address is

12th February 1844.

is that the Sessions Judge be commanded to institute enquiry and dispose of the matter.—

The Petitioner must file copy of any order passed in the Case by the Sessions Judge before the Foujdarree Adalut can bring their request under consideration.—

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

Read Miscellaneous Petition presented on the 8th Ultimo by Chinkarnallew of the Village of Coimbatore.—

(Here enter M. Petn. No. 8 of 1844)

The Petitioner states that having refused compliance with the request of one Vyapoory to attest a deed which the said Vyapoory had forged, the latter and some others assaulted and having gagged him, cut off his tuft; that he thereon preferred a complaint which was enquired into by the

5th February 1844.

precept returnable in 3 days from
and after its receipt.

(Sent following) precept No. 120.

Ordered further that
Extract of these proceedings be sent
to the Subordinate Judge of Chittor
for his information and guidance.

(Sent in No. 81.)

H.D.R.

T. M.

Tuesday
6th February 1844.

At a Court of the Foujdaree Adawlut

Present

W. G. L. Casamajor Esqre Acting 1st Judge
Malcolm Lewin Esqre Acting 2d Judge
A. M. Alexr. Maclean Esqre Acting 3d Judge

Read again the Confirmation
Primary Calendar for the 1st Session
of 1843.

(Here enter No. 857 of 1843)

Read return dated the 3
October last from the Special Co
missioners for the Southern Divi
submitting in conformity with
the requisition contained in the Prec
of this Court dated the 7th of the prece
Month, translations of the trials he
by him in his capacity of 1st Judge
of the late Provincial Court in the
Southern Division on Circuit for
5th Sessions of 1843 in Cases 12, 12
14 on the Confidential Calendar f
last Sessions.

(Recorded No. 1721 of 1843.)

23d January 1844.

to her sex, the 4th to 2 years' imprisonment with hard labour, and the 5th is ordered to be released.

4. The Court of Foujdary Udalut consider there are no circumstances in this case which call for the infliction of stripes which they accordingly, under the authority vested in them by Section XXXV Act VII of 1843, direct may be remitted, observing that it would have been a better distinction had the Acting Sessions Judge sentenced the 1st Prisoner to 7 and the 2d Prisoner to 5 years' imprisonment which they accordingly order.

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

(Sent following precept No. 51.)

Read letter dated the 16th Instant from the Magistrate of Masulipatam reporting that no cases of the description alluded to in Section LIV Act VII of 1843 have come under his cognizance for last month.

(Here enter No. 238.)

Ent. W.

F. U.

Wednesday, 24th January 1844.

At a Court of the Foujdary Udalut.

Present.

George James Casamajor Esquire 1st Puisne Judge.
Malcolm Lewin Esquire 2d Puisne Judge.
Alexander Maclean Esquire 3d Puisne Judge.

Read letter from the Acting Sessions Judge of Combaconum dated the 9th Instant, submitting case No. 13 on the Sessions Court for the final judgment of the Foujdary Udalut.

(Here enter F. U. No. 80 of 1844.)

1. The Prisoners in this case are charged with Gang Robbery in having gone accompanied by others to the house of the Prosecutor with sticks and torches and having forcibly entered and stolen therefrom property to the value of Rs. 301-10-6.

2. The Mahomedan Law Officer convicts the 5th and 6th Prisoners, considers the 4th liable only to suspicion, and declares the 1st, 2nd, 3d and 7th on the ground of deficiency of evidence entitled to their release; but on a

second

remit question being proposed observes- that if the legal objection to the 1st and 2nd Witnesses, in the score of affinity to the Prosecutor was removed, the Prisoners (with exception of 2nd) would be liable to Abkarbut.-

3. The Acting Sessions Judge differs as to the conviction of the 1st, 2d and 7th Prisoners, stating, with regard to the 1st that he is not satisfied with the proof of his identity, and has no confidence in the evidence adduced against the 2nd and 7th.-

4. The Court of Foujdary Udalut observe that the record of this trial must be returned as it does not appear that the Law Officer's exception is merely a legal exception, but from the last para of the Futwah, an exception to the evidence generally- The second question is improperly put, it ought to have been "would they have been convicted," and not as in the record "to what punishment would they have been liable"-

5. The Acting Sessions Judge should, moreover, state specifically by name what prisoner he thinks guilty, and what punishment he recommends

recommends for each.-

Ordered, that Extract of these proceedings be sent to the Acting Sessions Judge of Combaconum by precept returnable without delay.-

(Vide following precept No. 66.)

Read letter dated the 6th Instant from the Sessions Judge of Coimbatore, recommending in consideration of his total and apparently incurable blindness, that the sentence of a Convict in the Coimbatore Jail should be in part or wholly remitted.-

(Vide Order P. 26 No. 73.)

1. The Prisoner above alluded to, Kapadichinnagatha Iramoo Kaya, was convicted in No. 3 on the Calendar of the 1st Session of 1840 at Calicut, and sentenced to 7 years imprisonment with banishment to the Zillah of Coimbatore, where he appears to have lost his sight.-

2. In consideration of the circumstances above mentioned the Court of Foujdary Udalut resolve to direct that the convict Kapadichinnagatha Iramoo Kaya be

24th January 1844.-

be removed to Calicut to undergo the remainder of his sentence as they see no grounds for sanctioning a remission.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Coimbatore for his information, by precept returnable without delay.-

(Sent following precept No. 56.

Read return dated the 30th Ultimo from the Magistrate of Cuddapah, to the precept of the Sundary Dated of the 27th December 1843, forwarding observations and orders on the Criminal Reports for the Month of November 1843.-

(Here enter No. 13.)

Read return dated the 30th Ultimo from the Agent to the Governor of Fort Saint George at Karnoole the precept of the Sundary Dated of the 18th December 1843, submitting the particulars of a case of Robbery No. 10 of 1843.-

(Here enter No. 22.)

Read letter dated the 5th Instant from the acting Sessions Judge of Tinnevelly

J. M.

24th January 1844.-

Tinnevelly forwarding copy of the 4th Calendar of persons committed by the Principal Sudr Ameen of Tinnevelly together with copy of the Spanstate of the Futwa.-

(Here enter No. 55.)

Read return dated the 6th Instant from the Sessions Judge of Bellary, to the precept of the Sundary Dated of the 23d December 1843, expressing that the entry of the Prisoner into the Prosecutor's house in case No. 79 of the Criminal file for 1843, was burglarious but that the evidence was not sufficient for conviction.-

(Here enter No. 87.)

Read letter dated the 12th Instant from the Principal Sudr Ameen of Chingleput, forwarding Criminal Report for December 1843.-

(Here enter No. 104.)

Read letter dated the 9th Instant from the Magistrate of Bellary informing with reference to the 3d Para of the Extract from the Proceedings of the Sudr Court under date the 21st August 1843, that the

the powers vested by Section XLIV Act VII of 1843 have not been exercised by the Magistracy of this District during the month of December 1843.-

(Here enter No. 112.)

Read letter dated the 12th Instant from the acting Session Judge of Nellore, submitting the Report No. 6, the statement of Extra Peons, &c. and the statement of the labor of Prisoners in the Jail at Nellore for December 1843.-

(Here enter No. 115.)

Read fuil Reports dated the 10th Instant from the acting Session Judge of Masulipatam for December 1843.-

(Here enter No. 126.)

Read letter dated the 15th Ultimo from the Magistrate of Guntoor, reporting that no cases were decided by the Magistrate himself, during the last month under the provisions of Act VII of 1843, and only one by his acting Head Assistant Magistrate as per enclosed Report.-

(Here enter No. 128.)

Read

Read letter dated the 9th Instant from the Sessions Judge of Cuttack, transmitting a statement of Batta paid to the Prosecutors and Witnesses who attended before the Court of Session during November and December 1843.-

(Here enter No. 140.)

Read letter dated the 12th Instant from the acting Sessions Judge of Nellore, submitting the Calendar of Case No. 5 of 1843 tried by the Sessions Court, with remarks thereon, the translation of the Original Futwah, and the Statement of Batta paid to the Witnesses.-

(Here enter No. 204.)

Read letter dated the 17th Instant from the acting Sessions Judge of Cuddapah, forwarding a report of casualties and a statement of the Prisoners labor &c. for December 1843.-

(Here enter No. 206.)

Read letter dated the 17th Instant from the Magistrate of Cuddapah, forwarding copy of a letter from the acting Joint Magistrate replying to the requisitions contained in the Extract of Proceedings under date the 27th December last.-

(Here enter No. 218.)

Read

24th January 1844.

Read letter dated the 11th Instant from the Principal Sudr Ameen of Vizagapatam informing that the Quarterly Statement required by Circular Order No. 88 has not been sent as no other than mere road labor is done by the Prisoners in the Jail under his charge.—

(Here enter No. 228.)

Read letter dated the 16th Instant from the Session Judge of Cuttack, transmitting the statement required by Circular Order dated 5th July 1834, No. 4, of the cases referred to the Foujdary Court as Circuit Judge.—

Here enter No. 229.—

Read return dated the 20th Instant from the Acting Sessions Judge of Nellore, to the precept of the Foujdary Adalut of the 17th Instant, conveying observations on cases 3, 4, and 7 of the Calendar of 1843.—

(Here enter No. 230.)

Read letter dated the 16th Instant from the Sessions Judge of Cuttack transmitting the statement required by Circular Order dated 5th July 1834, No. 4, of the only case referred to the Foujdary Court as Sessions Judge.—

(Here enter No. 231.)—

No. 1.

Thursday 25th January 1844. At a Court of the Foujdaree Adalut

Present

G. J. Casamajor Esqre. Ag. Pt.
Malcolm Lewin Esqre. Ag. 2nd. } Puisne Judges.
A. Maclean Esqre. Ag. 3rd.

Read letter dated the 2nd Instant from the Sessions Judge of Salem, submitting the record of the trial in Case No. 4 of 1843 on the file of this Court.—

(Here enter No. 100)

Mr. 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 Prisoner Andatal is not convicted on presumptive proof, or on the evidence of credible witnesses, or on her own confession of the crime of Murder, do acquit her thereof, and do direct that she be unconditionally released.—

The Court of Foujdaree Adalut are of opinion that the prisoner

Andatal

And altal should be acquitted on the grounds of insanity - it is sufficient in fluence, the Court considers of the state of her mind that, she killed her child without a motive, and adopted a mode of committing the act, abhorrent from a mothers feelings and at utter variance with the ordinary bent of nature - The sentence proposed by the Judge of Sessions, is the Court think illegal - the offence proved (see fatwah) is murder, for which the law adjudges the punishment of death - The act proved (according to the letter of the Sessions Judge) constitutes no offence - as there was no malicious motive - which is a necessary ingredient of murder - The law it is true, in some cases infers malice, but in the present instance there is sufficient proof of its non existence - Under any circumstances the Court of Sessions dare Odalut think they cannot while doubting the state of the womans mind when the act was committed award punishment and accordingly resolve to direct the unconditional

unconditional release of the Prisoner.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Salem for his information.-

/Sent following letter No. 60./

Read letter dated the 30. December 1843 from the Acting Sessions Judge of Mangalore forwarding copy of a Calendar received from the Subordinate Judge in a case of severe wounding, and requesting the opinion of the Sudder Adalut whether under the circumstances of the case he should release the prisoner without proceeding to trial.-

/Here enter F.H. No. 24 of 1844/

1. It appears from the above communication that the wounds which form the subject of the charge in the case in question were inflicted on the Prosecutor by the Prisoner at a time when the former was sleeping with the Prisoners wife, a Criminal intercourse having previously subsisted between the latter and the Prosecutor.-

Assertion

25th January 1844.

25

2. Adverting to two Cases quoted
Vide 1 pages 7th and 151 in the Reports of the Nizamut Adawlut
in which under very similar circumstances
two homicides were ruled to be justifiable
and to this Courts Circular Order dated
9th April 1834, the Acting Sessions Judge
observes that "when a smaller degree of
"injury has been inflicted under circum-
"stances that justify, it was equally compe-
"tent to the Circuit Court to release," and
the doubt the Acting Sessions Judge, Chief Feels "is
"whether the slighter Enquiry made by the
"Subordinate Criminal Court in commit-
"ting under the existing law, may not in
"the opinion of the Judges of the Tanjore
"Adalut render a regular trial necessary."

3. The Court of Tanjore Adalut
are of opinion that the Prisoner should
be brought to trial in the regular Courts
by which means he will have an
opportunity afforded to him of pleading
a justification of the offence of which
he now stands accused, before a tribunal
holding deliberate proceedings of Enquiry.

No. 61.

25th January 1844.

Ordered that Extract from
these proceedings be sent to the Acting
Sessions Judge of Mangalore for his in-
formation and guidance.

Sent in No. 61.

Friday,

26th January 1844.

At a Court of the Fouzdaree Udalut

Present:

Geo: James Casamajor Esqre. Acting 1st Puisne Judge.

Malcolm Lewin Esqre. Acting 2nd Puisne Judge.

Alexander Maclean Esqre. Acting 3rd Puisne Judge.

Read letter dated the 11th Instant from the Magistrate of Trichinopoly

(Here enter No 126 of 1844)

1. In the above address the Magistrate requests the instructions of the Fouzdaree Udalut whether it "is the duty of a Magistrate "to interfere for the purpose of recovering property "illegally detained" under circumstances which by that officer are thus described.-

"A gives B a valuable instrument, or piece of furniture, to repair: on the completion of the repairs A objects to B's charges on the ground that they are exorbitant, that the work has been badly performed, or that in some other respect the implied contract between them, for in the case supposed there is no written agreement- has been violated. B is

compelled

competent to the Magistrate to compel B. to give up the property committed to his charge to A. leaving him to sue the latter in the Civil Courts."

2. The Judges of the Foujdaree Udalut are of opinion that the case adverted to by Mr. Onslow is one in which the Magistrate has no jurisdiction, the point at issue between A. and B. being clearly a question of right depending on certain acknowledged circumstances of a Civil nature, in connection with which there does not appear to have been either fraud or violence which alone could bring the case before a Magistrate and justify his interference.-

Ordered, that Extract from these proceedings be sent to the Magistrate of Trichinopoly for his information.-

(Sent in No. 65.)

Read letter dated the 29th December 1843 from the Sessions Judge of Chicacole &c. transmitting copy of the Calendar in Case No. 2 on the file of that Court.-

(Here enter No. 94 of 1844)

Case No. II. 1. The Prisoners in this case are charged

charged, the first with having murdered his wife, and the 2nd and 3rd with having aided and abetted in the commission of the crime.-

2. The Mahomedan Law Officer acquits the 2nd and 3rd Prisoners but considers the suspicion against the 1st sufficient to demand punishment, in which view the Sessions Judge expresses his entire concurrence.-

3. The Court of Foujdaree Udalut consider this a very unsatisfactory case and resolve to call for a translation of the several depositions of the 1st Witness.-

Ordered, that Extract of these proceedings be sent to the Sessions Judge of Chicacole by precept returnable in V. days from and after its receipt.-

(Sent following precept No. 66.)

Read return dated the 28th December 1843 from the Sessions Judge of Salem, to the Precept of the Foujdaree Udalut of the 21st December 1843, requesting information as to what steps have been taken to secure the apprehension of Eraolan of Tadavoor, it appearing from the record of Case No. 4 of 1843 that

26th January 1844. that the charge of having fractured the skull of the deceased was preferred chiefly against him.-

(Here enter F.16. № 24 of 1844)

Read letter dated the 26th December 1843, from the Acting Sessions Judge of Cuddapah forwarding the Original death warrant in Case № 13 of the Cuddapah Calendar of 1843.-

(Here enter F.16. № 26 of 1844.)

Read letter dated the 8th Instant from the Sessions Judge of Chicacole, submitting the Criminal Reports № V. for the month of December 1843.-

(Here enter F.16. № 134 of 1844.)

Read letter dated the 10th Instant from the Agent to the Governor of Fort St. George at Vizagapatam, submitting Criminal Reports for December 1843.-

(Here enter F.16. № 135 of 1844.)

Read letter dated the 8th Instant, from the Acting Sessions Judge of Honore, submitting the Calendar of Cases № 6 tried by the Sessions Court with remarks thereon, the translation of the original

F.16.

26th January 1844.- original Petition, and the Statement of Batta paid to the Prosecutor and Witnesses.-

(Here enter F.16. № 136 of 1844.)

Read letter dated the 11th Instant from the Subordinate Judge of Bellary, transmitting Statements of Prisoners &c. in the above Jail for the year 1843.-

(Here enter F.16. № 139 of 1844.)

Read letter dated the 12th Instant from the Acting Sessions Judge of Trichinopoly, forwarding Statement of the actual produce of the labour of the Convicts in the Jail at that Station for the 4th Quarter of 1843.-

(Here enter F.16. № 141 of 1844.)

Read Report dated the 12th Instant, from the Acting Sessions Judge of Trichinopoly, shewing the executions and of prisoners released from the Jail at Trichinopoly during the month of December 1843.-

(Here enter F.16. № 142 of 1844.)

Read return and Estimate dated the 12th Instant from the Acting Sessions Judge of Trichinopoly shewing the value of produce of labour of the prisoners in the Jail at Trichinopoly during the month

of

of December 1843.-

(Here enter F.No. & No. 163 of 1844.)

Read return dated the 9th Instant

from the Acting Subordinate Judge of Cuttack

the precept of the Jury placed dated the 3rd

Instant, enclosing observations on Case No. 6 of the

Calendar, & supplemental Criminal Reports for November 1843.-

(Here enter F.No. & No. 146 of 1844.)

Read letter dated the 10th Instant

from the Magistrate of Rajahmundry reporting

that the powers vested by Section IV. Act VII of 1843

have not been exercised in December last.-

(Here enter F.No. & No. 151 of 1844.)

Read letter dated the 10th Instant

from the Acting Sessions Judge of Honore, submitting

the Calendar of Case No. 1 of 1843 tried by the Sessions

Court, with remarks thereon, the translations of the

original Tuhwah and the Statement of Batta

paid to the Prosecutors and Witnesses.-

(Here enter F.No. & No. 163 of 1844.)

Read letter dated the 10th Instant

from the Acting Sessions Judge of Honore, submitting

the Calendar in Case No. 1 of 1844 tried by the Sessions

Court, with remarks thereon, the translation

of

26 January 1844.-

of the original Tuhwah, and the Statement

of Batta paid to the Prosecutors & Witnesses.-

(Here enter F.No. & No. 164 of 1844.)

Read letter dated the 10th

Instant from the Acting Sessions Judge of

Honore stating with reference to Circular

Order No. 88. that no money was realized by

the labor of Prisoners in the Jail at Honore

during the 4th Quarter of 1843.-

(Here enter F.No. & No. 165 of 1844.)

Read letter dated the 10th

Instant from the Acting Sessions Judge of

Honore stating with reference to Circular

Order No. 65. that no charge was incurred

for the maintenance of children of Convicts

in the Jail at Honore during the 4th

Quarter of 1843.-

(Here enter F.No. & No. 166 of 1844.)

Read the Criminal Report

dated 31st December 1843 from the Magis-

trate of Malabar for the month of Decem-

ber 1843.-

(Here enter F.No. & No. 169 of 1844.)

Read letter dated the 15th

Instant

26th January 1844.

Instant, from the Magistrate of Kollaroyen reporting that no Cases cognizable under Section XIV Act VII of 1843 were disposed of by him or the Joint Magistrate and Assistant Magistrate in the Month of December 1843.-

(Here enter F. 11. № 170 of 1844.)

Read communication dated the 15th Instant from the Acting Sessions Judge of Cuddapah forwarding an Original death warrant in Case № 19 on the Sessions Court of Cuddapah for 1843.-

(Here enter F. 11. № 172 of 1844.)

Read letter dated the 13th Instant from the Acting Sessions Judge of Tellicherry transmitting copy of a Calendar and translation of the Putwah.-

(Here enter F. 11. № 176 of 1844.)

Read Statement dated the 1st Instant from the Acting Subordinate Judge of Salem, shewing the amount realized by the Labor of the Prisoners in the 4th quarter of 1843.-

(Here enter F. 11. № 177 of 1844.)

F. 11.

Monday,
29th January 1844. At a Court of the Fouzdaree Adalut

Present.

G. I. Casamajor Esqr. Agt.
Malcolm Lewin Esqr. Agt. 2d } Sessions Judge
Alex: Maclean Esqr. Agt. 3d }

Read Miscellaneous Petition presented on the 8th January 1844 by Thelly Hamud, Jail Peon of Chingleput.

(Here enter M. D. № 7 of 1844.)

1. The object of the foregoing address would appear to be to procure from the Fouzdaree Adalut orders for the restoration of the Petitioner to the situation of Peon.-

2. The circumstances under which the Petitioner lost the situation are however, not clearly stated. The Court of Fouzdaree Adalut accordingly resolve to direct that a copy of the Petition be forwarded to the Session Judge of Chingleput for such notice

as

as he may deem it to require.

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Singleput for his information

(Sent in No. 71.

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

Read Miscellaneous Petition presented on the 8th instant by Autoor Sashnumbotloo alias Parpunnah, of the Zillah of Chittoor.

(Here enter M. P. No. 6 of 1844)

1. The Petitioner complains against an order passed by the Acting Session Judge of Chittoor, confirming a proceeding of the Acting Magistrate of Chittoor, by which the Head of Police of Chumbaty in the Zemindary of Calastry, was directed by endorsement on an address presented to the Magistrate by Petitioner, to enquire into a charge of Robbery preferred by the Petitioner against the said Police Officer and two others.

The

2. The Petitioner further complains of the refusal by the Acting Session Judge to furnish him with a copy of the above order and prays for the issue of a precept, instructing the Magistrate personally to investigate the complaint preferred to him.

3. The Court of Foujdaree Adalut resolved to refer the foregoing address to the Acting Session Judge with directions to state whether, and if so, why he refused Petitioner a copy of his order and for any further explanation necessary.

Ordered that Extract from these proceedings together with copy of the Petitioner's address be forwarded to the Acting Session Judge of Chittoor by precept returnable in 10 days from and after its receipt.

(Sent following precept No. 72

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

Read

29th January 1844.

Road Miscellaneous Petition

presented on 8th January 1844 by Soogoory Ramappah of the Zillah of Cuddapah praying that the sentence of transportation passed upon his Brother, Soogoory Ramappah, 5th Prisoner in Case No. 13 on the Calendar of the Session Court of Cuddapah for 1843, may be cancelled, in consideration of his being innocent of the crime laid to his charge.

(Here enter M. P. No. 5 of 1844)

With reference to the above Petition the Court of Foujdaree Udalut observe that the sentence complained of having been passed by a full and competent Court cannot now be altered.

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

Read report, dated the 16th Instant, of persons tried by the Acting Magistrate of Tanjore from the 2d to the 31st December 1843, under the provisions

F. U.

29th January 1844

provisions of Section XIII of Act VII of 1843.

(Here enter F. U. No. 197 of 1844)

Case No. 3

The Court of Foujdaree Udalut observe, with reference to this case, that the 1st Prisoner being a Servant of the Prosecutor's ought to have been committed for punishment under the provisions of Clause 4th Section III Regulation VII of 1822, and not sentenced by the Magistrate under Section VII Regulation X of 1816, but they will not disturb the sentence as it now stands.

Ordered, that Extract of these proceedings be sent to the Acting Magistrate of Tanjore for his information and future guidance.

Sentence No. 13.

Read letter dated the 15th Instant from the Session Judge of Calicut submitting the record of trial in Case No. 13 of 1843 on the Calendar of the Session Court.

(Here enter No. 199)

The

29th January 1844.

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 Kerakie Vellaat Joyan Nair.

and

2nd Kerakie Vellaat Thungaran Nair

is sufficient to convict them of the crime

of Murder, do convict them thereof;

and under the provisions of Section X

Regulation VIII of 1802, do sentence them

to suffer death, by being hanged at the

usual time and place of execution.

1 The real question is whether

the Prisoners were, or were not inside

the tiled storey of the Store-room in which

the Murders were committed.

2 The dying declaration of

Ramen Nair and the depositions of the

Prosecutor and the 2d and 3d witnesses are

all the proof there is of this. The evidence

of the 4th witness is so contradictory that it

must be discarded altogether. That of

the

29th January 1844.

the 5th 6th 7th and 8th witnesses is in fact evidence

for the Prisoners; for it is express to the effect

that they were not inside the building.

The rest of the witnesses for the Prosecutor

do not speak to the point.

3 The first thing for consideration

is whether the evidence of Ramen, of the

Prosecutor, and of the 2d and 3d witnesses

is sufficient to convict the Prisoners,

if not rebutted. Ramen declares to the

fact, as an eye witness, that both the

Prisoners assisted in murdering Sarang-

koodhan; and the other 3 depose that they

saw the Prisoners come out of the building

where the door was opened with weapons

stained with blood.

4 The declaration of Ramen

Nair is not open to rebuttable.

5 The Prosecutor varies in his

deposition before the Session Court from

his account before the Police as to the

persons present when he first ran up

to the house; as to Pungoo Nair, who

was released being armed; and as to the

time

time at which the Prisoners ran off -

Upon the whole the Prosecutor's evidence appears not fully to be trusted.

6 The 2d Witness expressly contradicts himself as to seeing the Prisoners come out of the storehouse and his evidence must be discarded.

7 The 3d Witness is consistent and he is not related to either party; he is a Mussulman.

8 His evidence therefore and Raneu Nair's dying declaration are all the good evidence against the Prisoners and it is the Court of Foujdaree Adalut think sufficient to convict them if not rebutted.

9 The evidence to rebut it is that of the 5th 6th 7th and 8th witnesses for the prosecution and that of the witnesses for the Prisoners - This is all to the same effect viz: that the Prisoners were never inside the building in which the murders were committed; tho' all depose, and the Prisoners admit that they were present outside -

all

10 All these witnesses depose that they saw the Prisoners come, the 1st Prisoner from the West entrance the 2d Prisoner from the East entrance of the premises; and this minute agreement as to a most unimportant circumstance which it is impossible they should have had leisure to observe in a scene of terror and confusion, destroys the effect of their evidence altogether; for it is an unmistakable mark of fabrication.

The Court of Foujdaree Adalut therefore think that the evidence against the Prisoners is not rebutted.

12 They therefore convict them both of murder and sentence them to death.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Calicut for his information.

Sent following letter No 74.

Read letter dated the 16th Instant from the Session Judge of Chingleput

29th January 1844

Chingleput submitting the record of the trial in Case No 9 on the Calendar for 1843.

(Here enter No 160)

The Court of Zoujdaree Udalut

No 9 of Calendar
Cavanagh
and
Nos M. Levin

on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoners

4th Varadeu

and

5th Rayanen

is sufficient to convict them of the crime of Murder, and that the proof against the

6th Coopoo

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 sentenced the prisoners,

4th Varadeu

and

5th Rayanen

to suffer death by being hanged at the usual time and place of execution, and the

Prisoner

29th January 1844

Prisoner

6th Coopoo

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 Zoujdaree Udalut conceive that much time and pains have been unnecessarily spent upon this Case by the Principal Sudr Ameen; little additional light is thrown upon it by his proceedings and an useless addition is thereby made to the bulk of the record which it is very desirable to avoid.

Ordered that Extract from these proceedings be forwarded to the Judges of Chingleput for communication to the Principal Sudr Ameen for his information and future guidance.

(Sent following) letter No 75

Cuttack

29th January 1844.

Vedlee Mahomed, Sail
Peon of the Zillah of Chingleput, moves
the Court to return the Enclosures in his
Miscellaneous Petition No 7 of 1844

Ordered accordingly.

Read letter dated the 16th
Instant from the Magistrate of Chingleput
reporting that no sentences were passed
in December last under the authority of
Section LIV Act VIII of 1843.

(Here enter P. M. No 185)

Read letter dated the 17th
Instant from the Acting Session Judge
of Nellore submitting Copy of the Calendar
of Case No 10 of 1843 disposed of by him.

(Here enter P. M. No 186)

Read returns dated respectively
the 4th and 15th January 1844 from the
Subordinate Judge of Chittoor, to the precept
of the Tongaree Vadalet of the 11th December
last calling upon him to ascertain and
report whether the Convict Kistnaspa
Moodely did give such information
regarding the escape of certain Prisoners
from

P. M.
29th January 1844.

from the Great Western Road as in the
Petition (No 89) presented by his wife,
he is asserted to have given.

(Hereunto P. M. No 37 and 47 of 1844)

Accompanying the preceding
returns the Subordinate Judge forwards
copies of 2 letters from Captain Sirtius
Deputy Superintendent of Government
Roads, stating that the Convict Kistnaspa
Moodely received a severe blow from
the Prisoners against whom he informed
of an intention to attempt their escape
and that it appears the death of Lieuten
Stack, late Deputy Superintendent of
Government Roads, alone prevented
the laudable conduct of Convict Kistn
naspa Moodely being brought from
strictly to notice.

2 Under the circumstances
mentioned above the Court of Tongaree
Vadalet resolve to order the Subordinate
Judge of Chittoor to make all the inquiries
he can, thro the Superintendent of Roads
or otherwise, and having done so, to

recommend

29th January 1844

recommend such mitigation of the sentence passed on the Convict Kastiraspod Moodely as in his judgment may seem proper, and also to state the term of his sentence still remaining unexpired.

Ordered that Extract of these proceedings be sent to the Subordinate Judge of Chittoor by precept returnable without delay.

(Sent following) precept No. 76.

Extract

Tuesday 30th January 1844.

At a Court of the Fouzdaree Adalut.

Present.

G. I. Casamajor Esqr. Agt. 1st
Malcolm Lewin Esqr. Agt. 2d
Alexr. Maclean Esqr. Agt. 3d
} Prisnl. Judge

Read the Criminal Report dated the 31st Ultimo submitted by the Principal Sudr Ameen of Coimbatore for the Month of December 1843.

(Here enter No. 161.)

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

Ordered therefore, that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Coimbatore for his information.

(Section No. 77.

Read Criminal Calendar for the Month of December 1843 submitted by the Acting Session Judge of Canara.

(Here enter F. A. No. 187.)

The

30th January 1846

Case No 80/29

The Court of Foujdaree Udalut observe that under the provisions of Clause first Section XI Regulation VIII of 1811 the fine for smuggling is not to exceed three times the value of the illicit article, and they accordingly direct that the sentence in the present case may be set aside, and another passed in conformity with the Law.

Ordered that Extract of these proceedings be sent to the Acting Session Judge of Madura by precept returnable in 3 days from and after its receipt (sent following precept No 78.)

Wd.

T. U.

Wednesday 31st January 1846

At a Court of the Foujdaree Udalut

Present,

G. I. Casamajor Esqre Acting 1st
Malcolm Lewin Esqre Acting 2nd
A. M. Alexr. Maclean Esqre Acting 3rd
} Puisne Judges

Read return dated the 5th Instant from the Session Judge of Madura, to the precept of the Foujdaree Udalut of the 4th December 1845, containing observations on certain cases of the Madura Criminal Report for October last.

(New enter T. U. No 93 of 1845)

The Court of Foujdaree Udalut observe that this is an imperfect return as 4 cases were remarked in pargraph 2 of the precept of the above mentioned date, and 2 pargraph returned, only one is answered.

Ordered that Extract from these proceedings be sent to the Session

Jud

31st January 1844.

Judge of Madura for his information and guidance.

(Sentence No. 80.

Read the Criminal Report submitted by the Acting Subordinate Judge of Combaconum for the Month of December 1843.

(Here enter No. 157)

Report & Case No. 28

1. The Prisoner in this case was charged with having "on the night "of the 25th November last feloniously "entered the house of the Prosecutor Samia "in the Kovalaloor Cusbah with intent "to steal."

2 The Court of Zoujdaree Udalut would remark that the term "feloniously" is objectionable, and they desire that in future it be not used. But that all crimes be described as in the Regulations.

Ordered, that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Combaconum for his information.

(Sentence No. 81.

Read

31st January 1844.

Read returns dated the 18th Instant from the Acting Session Judge of Chittoor to the Precept of the Zoujdaree Udalut of 11th December 1843, directing that the sentence on the 2d Prisoner in Case No. 12 of 1843 before the Sessions Court of Chittoor may be suspended and the entire record of the case submitted for their consideration.

(Here enter T. C. No. 186 of 1844.)

Case No. 12 1. The 2d Prisoner in this case is convicted of theft by the Tuhvah of the Mahomedan Law Officer, and the Session Judge, concurring in the conviction, sentences him to 7 years imprisonment with hard labor in irons and 100 lashes at the same time expressing his doubts as to the crime charged having been actually perpetrated.

2 Under these circumstances the Court called upon the Session Judge to submit the record of the case and, having carefully weighed the testimony adduced

31st January 1844.

adduced in support of the prosecution, they see no reason to doubt that a Burglary and theft took place in the manner described, but, as they consider there is nothing to call for further punishment than the 7 years imprisonment they resolve, under the authority vested in them by Section XXXV Act VII of 1843, so far to modify the sentence as to direct the remission of Stripes.

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

Ordered further, that the record of this trial be returned to the Acting Session Judge.

(Entd following precept No. 82.)

Thursday,
1st February 1844.

P. No.

At a Court of the Poujdaree Udalut.

Present.

Geo. James Casamajor Esqre. Acting 1st Puisne Judge.
Malcolm Lewin Esqre. Acting 2d Puisne Judge.
Alexander Maclean Esqre. Acting 3d Puisne Judge.

Read letter dated 20th November 1843 from the Session Judge of Nellore.

(Here enter No. 1871 of 1843.)

1. In the above address the Session Judge has submitted certain observations regarding the delay caused by the preparation in committed cases of the Calendars required to be laid before the Session Judges and observing that "upon the old plan at least, it is a work of time, occasioning more delay between the committal of the case and the signing the Calendar than was perhaps contemplated when it was enacted that a Session Judge should commence with the trial of a case immediately on it's commitment" the Session Judge has suggested

for

1st February 1844.-

resolve to direct the Acting Sessions Judge to look into it and pass such orders as he may deem requisite, reporting the result of his investigation for the information of this Court.-

No 33 3 In explanation of the delay attending the transmission of the case from the Palook it is observed that a reference was made to the Joint Magistrate on the 1st of December and an answer directing its commital received on the 18th the Court direct that the Joint Magistrate may be called upon to state what prevented his making an earlier reply to the requisition of the Police Officer.-

Ordered that Extract of these proceedings be sent to the Subordinate Judge of Mangalore by precept returnable without delay.-

(Sent following precept No 84.)

Ordered also that Extract from these proceedings (Para 2) be forwarded to the Acting Sessions Judge of Mangalore by Precept returnable without delay.-

(Sent following Precept No 85.)

Read letter dated 15th Ultimo from

No 16.

1st February 1844.-

from the Sessions Judge of Coimbatore requesting the opinion of the Court of Foujdaree Udalut whether it is competent in the Criminal Court to sentence a Prisoner detained in the Criminal Jail under the provisions of Regulation V of 1831 in default of paying a fine for a breach of the Tobacco Regulations to light labor.-

(Register No 193 of 1844.)

1. The Sessions Judge remarks that Act XVII of 1840 empowers a Magistrate to award labor to Individuals convicted by him for a breach of the Salt Laws under Regulation V. of 1831, and that in the Court of Canara it is always customary to award labor under that Regulation; that the Principal Sudr Ameen of Coimbatore appears however to doubt the authority of the Criminal Court to do so which has occasioned the present reference.-

2. The Court of Foujdaree Udalut think that Clause first section IV Regulation V of 1831, clearly shows that the confinement therein authorized, in default of the payment

payment of the fine imposed, is discretionary, whether in the Debtors or Criminal jail and the latter being selected according to the conditions and character of the offender, that the power of exacting labour from the parties condemned follows as a matter of course.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Coimbatore for his information.-

(Sent in No. 86)

Read letter dated the 16th Ultimo from the Governor's Agent at Kurnool submitting a report of the proceedings held before him in an investigation into a charge of robbery to the extent of Rupees 523-4-6, and suggesting that a sentence of three years imprisonment with labor, be passed on the Prisoner concerned.-

(Hereunder F.No. 207 of 1844)

1. On a perusal of the statement transmitted by the Agent to the Governor, the Court of Foujdaree Udalut are not by any means satisfied of the guilt of the Prisoner charged, and, under the circumstances of the case, they do not think they would be justified &c

justified in sanctioning the sentence proposed by the Agent without bringing under their consideration the entire record of that functionary's proceedings.-

2. They accordingly resolve to call upon the Agent to the Governor to lay before the Court a translation of the proceedings in question and in the mean while to detain the Prisoner in confinement.-

Ordered that Extract from these proceedings be sent to the Governor's Agent at Kurnool for his information by Receipt returnable in XV days from and after its receipt.-

(Sent following Receipt No. 87.)

Read letter dated the 11th January 1844 from the Sessions Judge of Coimbatore forwarding the Calendar of Cases No. 1 and 2 of 1844 with translation of the Intimah.-

(Hereunder F.No. 137 of 1844)

Case No. 2

1. The Prisoners in this case are severally charged with having severely wounded the Prosecutor and robbed him of property to the value of Rs. 4.-12.-0

&c

P.M.

1st February 1844.

Case No. 22.

The Court of Foujdaree Udalut perceive, with regret, the inflation of Stripes in this case, and they accordingly direct that they may be remitted.

Ordered that Extract of these proceedings be sent to the Acting Subordinate Judge of Salem by precept returnable in 2 days from and after its receipt.

(Sent following Receipt No. 89.)

Read letter dated the 5th Ultimo from the Session Judge of Tinnevelly reporting the recapture of 15 more of the convicts who recently effected their escape and requesting to be informed whether it is the duty of the Principal Sudr Ameen to commit them for Trial.

(Here enter No. 81 of 1844.)

The Court of Foujdaree Udalut do not consider it necessary that a commitment of the above mentioned Convicts by the Principal Sudr Ameen should be a preliminary to their trial in the Sessions Court as now constituted, being of opinion that the Officer in actual charge of a Jail has primary cognizance of all Offences including escape

1st February 1844.

2. The Law Officer convicted the Prisoners and declared them liable to Dakoobut, and the Sessions Judge concurring in the conviction, sentences the 1st and 2nd to 14 years imprisonment with hard labor in irons, but, in consideration of his youth and probable influence of his Father (2nd Prisoner) recommends a mitigated punishment, as regards the 3rd Prisoner, of 8 years imprisonment with hard labor in irons.

3. The Court of Foujdaree Udalut, in concurrence with the views of the Sessions Judge, and under the authority vested in them by Clause third Section III Regulation I of 1825, sanction a mitigated punishment to the 3rd Prisoner of 8 years imprisonment with hard labor in irons.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Coimbatore.

(Sent in No. 88.)

Read Salem Criminal Reports for the month of December 1843 submitted by the Acting Subordinate Judge.

(Here enter F. No. 119.)

The

be unconditionally released.-

1. The Court of Foujdaree Udalut observe that the real merits of this extraordinary case are not discernible from the depositions of the witnesses and parties concerned, the whole of the evidence being apparently of the most worthless description, and not to be depended upon in any particular.-

2. It seems very doubtful whether the deceased was murdered, or died a natural death, and her corpse made use of by the Prisoners in the way and for the object alleged.-

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions Judge of Mangalore for his information.-

(Sent following Letter No. 95.)

Read the Criminal Reports submitted by the Acting Subordinate Judge of Cuddapah for the month of December 1863.-

(Here enter No. 170)

Supplemental Report Case No. 218.

1. The Court of Foujdaree Udalut resolve to send to the Magistrate of Cuddapah a copy of the Sudr Ameen's remarks as recorded in this case, with directions to make such inquiries

inquiries as he may deem requisite into the conduct of the Police Officers, reporting direct to this Court the result of his proceedings.-

Report V. Case No. 229.

2. The Court of Foujdaree Udalut do not concur in the sentiments expressed by the Sudr Ameen in this case, as the reasons assigned for inflicting a peculiarly lenient punishment would more naturally seem to aggravate than palliate the offence of which the Prisoner is convicted.-

Case No. 229.

3. The Court observe that the crime of which the Prisoner stands charged in this case is of so grave and savage a complexion that he ought to have been committed for trial before the Sessions Judge.-

Case No. 233.

4. The Court consider the punishment awarded in this case disproportionate to the crime, and they accordingly direct that the Stripes may be remitted and the imprisonment reduced from 1 year to 3 months.-

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

(Sent following Precept No. 96.)

Ordered

F. 86.

2nd February 1844.

1. In reference to the 4th para: of the preceding letter the Court are of opinion that the Sessions Judge, under the true construction placed upon Section X. Regn. XIII of 1832 by this Courts Circular Order of the 22nd September 1843, had authority to give rewards to those persons who performed meritorious services in Police operations of which this of Sergeants Town and 3 Peons must be considered an instance.

2. In the 2nd para: this observes that the Sessions Judge disapproves of the manner in which the gang was divided, and considers the Peons employed to be physically and morally unequal to their charge. objections which, if founded on observation or experience, it was in the power as it was manifestly the duty of the Sessions Judge himself to rectify.

3. The Court cannot view the "gross cowardice" alluded to in the 2nd para: in any other light than that of "culpable neglect of duty" they desire that the Sessions Judge will consider further of the propriety of proceeding against the Peons who, he

N° 153.

February 1844.

Ordered also, that Extract from these proceedings (para: 1.) be forwarded to the Magistrate of Cuddapah by express Parcel returnable without delay.

(Sent following Receipt N° 97.)

Read letter dated the 15th Ultimo from the Acting Sessions Judge of Honore, submitting Calendar of Cases N°s 8 and 9 of 1843.

(Here enter F. 86. N° 234.)

The above Calendar not requiring any remarks from the Foujdaree Adalut.

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions Judge of Honore for his information.

(Sent in N° 98.)

Read letter dated the 11th December last from the Sessions Judge of Tinnevelly reporting, in obedience to Circular Orders of the 28th March and 19th November 1832, the escape of 19 Convicts, with Strictures on the conduct of the Peons and recommending some precautionary measures for the more effectual protection of Prisoners and the improvement of their guards.

(Here enter N° 2038 of 1843.)

In

states in para: 4 of his letter, took fright and ran away, under Section XI Regulations XIII of 1832; they are surprised at the proposition contained in the 2nd para: for a power to a class of servants who have never been considered by any Native State the fit subjects of such a privilege.

4. The Court perceive nothing further in Mr Douglas's report calling for particular notice.

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Trinevelly for his information.

(Sent in No 99.)

Read letter dated the 5th Ultimo from the Sessions Judge of Salem, reporting the death of the Prisoner Pauper in Case No 3, referred on the 19th December last for the consideration and final sentence of the Court of Sanjidara Udalut.

(Here enter F.Vol. No 207 of 1844.)

Read letter dated the 8th Ultimo from the Subordinate Judge of Bellary, transmitting Monthly Criminal Reports for the Month of December 1843.

(Here enter F.Vol. No 208 of 1844.)

Read letter dated the 1st Ultimo from the Acting Sessions Judge of Masulipatam submitting copy of the Calendar in Case No 3 of 1843 received from the Subordinate Judge

(Here enter F.Vol. No 205 of 1844.)

Read letter dated the 30th Ultimo from the Acting Sessions Judge of Nellore submitting translations of the Reports of Criminal cases disposed of by the Subordinate Amean of Sirsy for the month of December 1843.

(Here enter F.Vol. No 209 of 1844.)

Read letter dated the 15th Ultimo, from the Acting Magistrate of Salem, submitting an explanation, with reference to this Courts proceedings of the 11th December 1843, as to the delay in producing the Prisoner in Case No 10 of the Criminal Report before the Police Officer of Ossoor, on the 23rd September, after having been apprehended on the 20th of that Month.

(Here enter F.Vol. No 206 of 1844.)

Read letter dated the 11th Ultimo from the Principal Sudr Ameen of Vizagapatam, submitting the Monthly Criminal Reports of his Court for the

month of December 1843 as prescribed by Section XXXV Regulation X of 1816 and stating that the Report No VIII and the Statement required by Circular Order No 80 have not been sent, there being no entry to be made in them.-

(Here enter F.M. No 227 of 1844.)

Read letter dated the 15th Ultimo from the Acting Sessions Judge of Honore, submitting the Calendar of Case No 8 of 1843 tried by the Sessions Court with remarks thereon.-

(Here enter F.M. No 235 of 1844.)

Read letter dated the 19th Ultimo from the Sessions Judge of Tinnevelly, submitting Calendar of Case No 12 of 1843 committed by the Principal Sudr Ameen of Tinnevelly.

(Here enter F.M. No 239 of 1844.)

Read letter dated the 19th Ultimo from the Acting Sessions Judge of Mangalore, submitting copies of Calendar and Futwa in Case No 9 of 1844.-

(Here enter F.M. No 240 of 1844.)

Read letter dated the 16th Ultimo from the Acting Sessions Judge of Chingleput, forwarding a Calendar of Criminal Cases disposed of by him.-

(Here enter F.M. No 241 of 1844.)

P.M.

Saturday
3rd February 1844.

P.M.

At a Court of the Foujdaree Adalut.

Present.-

Geo. James Cavanagh Esqr. Acting 1st Judge
Malcolm Lewin Esqr. Acting 2nd Judge
Alexander Maclean Esqr. Acting 3rd Judge

Read letter dated the 1st Ultimo from the Agent to the Governor of Fort Saint George at Rajmundry, forwarding copies and translations of proceedings held in a case of Murder.-

(Here enter F.M. No 262 of 1844.)

Mr Lewin.

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

"Number Ali"

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 X

Regulation

3rd February 1844.

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 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 Agent to the Governor having recommended a sentence of transportation in commutation of that of death, the Court of Foujdaree Adalut resolve to adopt the opinion of that functionary, as it is in favor of the prisoner it is a question, however, with the Court whether any sentence short of death meets the requirements of justice. The Agent supposes that there was no intention to kill had there been but one blow, tho' that were in the side, a vital part, the Court of Foujdaree Adalut would be induced to concur in his opinion and to suppose that the act charged was committed in heat of blood and wholly unpremeditated. but the Court observe that the knife was withdrawn from one wound, and another inflicted with it - which shows evident

3rd February 1844.

evident design, and the second wound was also given in a vital part. It is in favor of the prisoner that he was dared and a beast tho' not to such an extent as to justify the use of any weapon, the case can scarcely in the opinion of the Foujdaree Adalut be regarded in any other light than deliberate murder, and with difficulty they appoint to the minor punishment.-

2. The attention of the Agent is requested on all future occasions of the reference of trials for final determination of this Court, to the necessity, for the convenience of record and reference, of numbers being affixed to the pages of the record as required in Foujdaree Adalut Circular Order dated 12th September 1824.-

3. The Agent should also have affixed to the record of the trial under observation, the number which it bears on the file of the cases referred by him to this Court. The deficiency has been supplied in the Office of the Courts Register by numbering the trial as shown in the margin; the Agent will consequently make a corresponding

entry

3rd February 1846.

entry in the records of the Agency.

Ordered that Extracts from these proceedings be forwarded to the Agent to the Governor of Fort St. George at Kurnool for his information and guidance.

(Sent following letter No. 102.)

Read letter dated the 27th Ultimo from the Sessions Judge of Calicut submitting the record of trial in Case No. 4 of 1846 on the Calendar of the Subordinate Court of Calicut, and recommending for reasons assigned, the transportation for life of the Prisoner.

(Here enter No. 308.)

The Court of Sunjdarce 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 "Arroowatta Kundy Tiem Kangaron" is sufficient to convict him of Manslaughter, 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 with reference to the provisions of Clause second Section XV Regulation VII of 1802 and Section XXXIII Act VII of 1843 do sentence him

2.

No. 16.

3rd February 1846.

him to be imprisoned and kept to labour within the walls of the Jail for and during the period of six months.

The Court of Sunjdarce Udalut consider the fact, which is clearly proved, that deceased without adequate provocation first struck the Prisoner on the face with his hand before the scuffle commenced in which the Prisoner drew the knife which he carried in his girdle and inflicted the wounds of which deceased died, as extenuating the homicide and reducing it to manslaughter. It is also in evidence that there existed no previous enmity between them.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Calicut for his information.

(Sent following Letter No. 103.)

Read return dated the 20th Ultimo from the Acting Sessions Judge of Tellicherry to the precept of the Sunjdarce Udalut of 23rd December 1845 directing him to transmit the entire record of Case No. 4 on the Calendar for 1845, and to suspend

the sentence passed on the prisoner during the reference to this Court.-

(Here enter No 261)

1st Assistant.

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

Immyawee Noottoo Shapoolan

is sufficient to convict him of the crime of having been privy to the receipt and secreting of stolen property knowing it to be such, do convict him thereof and with reference to the provisions of Clause Second Section IV Regulation VII of 1822 sentenced him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of six months.-

The Court having already noticed the irregularity on the part of the Acting Sessions Judge in passing sentence in this case, as well as the inapplicability of the Regulation under which the sentence is awarded, now record after a perusal of the entire record, their concurrence in the

view

view taken by the Acting Sessions Judge of the Prisoner's guilt considering that as the the evidence is not sufficient to convict him of a direct concern in the robbery, it is sufficient to show that he was acquainted with the place where the stolen property was secreted, and that he must have known it to be stolen, although he omitted to give information to the Police tho' called upon to do so.-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Trichinopoly for his information.-

(Sent following Letter No 104.)

Read the Criminal Reports submitted by the Principal Sudr Ameen of Nellore for the month of December 1863.-

(Here enter No 116.)

Supplemental Report Case No 6 of 1863.

The Court of Foujdaree Udalut observe that this case has been under trial since the 11th October last. They desire the Principal Sudr Ameen will lose no time in making arrangements for bringing his proceedings to a close.-

In

February 1844.

2.

In the event of the trial in this case being still pending, the Court of Tanjore Adalut request the Principal Sudr Ameen will submit a report showing what has been done since the Prisoners reached the Criminal Court on the 6 July 1843, with a view to the charge of Murder brought against them being finally disposed of.

Report Ex. V. Ltr. Ex. 32.

3. The 1st Prisoner in this case who is accused of having stolen from the Prosecutor's house property valued at Rupees 203-15-6. has been sentenced to two years imprisonment with labor and to receive sixty lashes, by the Principal Sudr Ameen, who observes that as the crime charged falls under Section IX Regulation XI of 1825 the judgment is passed under clause 4th Section III Regulation VII of 1822.

4. Section IX Regulation XI of 1825 is applicable only to cases of theft in which the value of the property stolen shall exceed the sum of 300 Rupees; and consequently has no reference to the case under observation in which the estimated amount of stolen property is only Rupees 200 and odd.

5. The Tanjore Adalut on a consideration

P. 116.

3rd February 1844.

consideration of the trial as entered in the Report are not of opinion that any reasons exists for the infliction of the sentence passed by the Principal Sudr Ameen to the Prisoners Ippagoonta Lutchmiah and ascending they direct their remission.

Ordered that Extract from the proceedings be forwarded to the Principal Sudr Ameen of Chittore by Precept returnable in V. days from and after its receipt.

(Sent following Precept No. 105.)

Read the Criminal Report submitted by the Acting Principal Sudr Ameen of Tchapore for the month of December 1843.

(Vide entry No. 202.)

1. It is observed from the above report that during the month of December last only one criminal case reached the Court of the Acting Principal Sudr Ameen which was committed for trial by the Sessions Judge of Chicacole.

2. The Criminal report by, however, which, under the rule laid down in the Adalut Circular Order No. 40, should

have

D. 16.

3rd February 1844.

consideration of the trial as entered in the
Report are not of opinion that any ma
exists for the infliction of the sentence
by the Principal Sudr. Ameen to the
Appagoanta Lutchmiah and accordingly
they direct their remission.

Ordered that Extract from the
proceedings be forwarded to the Principal
Sudr. Ameen of Nellore by Precept returna
in V. days from and after its receipt.

(Sent following Precept No. 105.)

Read the Criminal Report
submitted by the Acting Principal Sudr
Ameen of Nellapore for the month of Decem
1843.

(No entry No. 282.)

1. It is observed from the above
reports that during the month of December
last only one criminal case reached the
Court of the Acting Principal Sudr. Ameen
which was committed for trial by the
Sessions Judge of Chicacole.

2. The Criminal property however
which, under the rule laid down in Sir
Udalut Circular Order No. 40, should
have

February 1844.

from the
the late Zillah

In the event of the trial in this case
being still pending, the Court of Sunjdaree
Udalut request the Principal Sudr. Ameen
will submit a report showing what has been
done since the Prisoners reached the Criminal
Court on the 6 July 1843, with a view to the charge
of Murder brought against them being finally
disposed of.

Report para 1 V.
Circ. 1822.

3. The 1st Prisoner in this case who
is accused of having stolen from the Prosecutor's
house property valued at Rupees 203-15-6. has
been sentenced to two years imprisonment with
labor and to receive sixty lashes, by the Principal
Sudr. Ameen, who observes that as the crime
charged falls under Section IX Regulation
of 1825 the judgment is passed under clause 4th
Section II Regulation VI of 1822.

4. Section IX Regulation of 1825
is applicable only to cases of theft in which
the value of the property stolen shall exceed
the sum of 300 Rupees; and consequently
has no reference to the case under observation
in which the estimated amount of stolen
property is only Rupees 200 and odd.

5. The Sunjdaree Udalut on a
consideration

have reached this Court on or before the 15th of the month succeeding that for which they are prepared, were dispatched by the Acting Principal Sudr Ameen only on the 29th Ultimo.-

3 The Court of Foujdaree Adalut accordingly resolve to call upon that Officer to submit an explanation of the causes of the delay above noticed.-

Ordered that Extract from these proceedings be forwarded to the Acting Principal Sudr Ameen of Hahapore by precpt returnable in 5 days from and after its receipt.-

(Sent following Precept No 106.)

Read communications dated the 22nd Ultimo from the Acting Sessions Judge of Honore reporting the arrangements made by him, in consequence of a deficiency of cells in the Jail at Ellicherry for the restraint of two individuals named Chandoo Meiya and Timma alleged to be insane and sent to this Court under Circular Order of the 1st June 1829 by the Acting Joint Magistrate and Head Assistant Magistrate of Canara on the 13th and 22nd December last.-

(Here enter No 291)

The

The Court of Foujdaree Adalut under the explanation afforded by the Acting Sessions Judge, approve the transmission of the individuals in question to the Jail of the Zillah Court of Mangalore.-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judges of Honore and Mangalore for their information.-

(Sent in Nos 107 & 108.)

Read letter dated the 18th Ultimo from the Acting Sessions Judge of Cuddapah submitting copies of Calendars in Cases Nos 22, 23, 24, 25 and 26 of 1843 of the Sessions Court at that station.-

(Here enter No 267)

The Court observe with approbation the clear and satisfactory reasons given for the sentences in each case.-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Cuddapah for his information.-

(Sent in No 109.)

Read letter dated the 22nd Ultimo from

from the Acting Sessions Judge of Trichinopoly forwarding Calendar in Case No 1 on the Supplemental Calendar of 1843.

(Here enter F.16. No 277.)

Case No 1. 1. The Prisoner in this case, Buttamootoo, is charged with assaulting the Prosecutor's Son, and forcibly taking certain articles from his person of the value of Rs 2-3-0.

2. The Mahomedan Law Officer in his Futwah convicted the Prisoner, and declared him liable to Ookoobut, the Acting Sessions Judge concurred in the conviction, but, requests permission to grant the Prisoner his release in consideration of his having on a former occasion been assaulted and deprived of his property by the Prosecutor, and no felonious intention to convert the articles to his own use being apparent in the present instance.

3. The Acting Sessions Judge further states that he considers the distress and confinement already endured sufficient punishment for the offence proved, the Court of Tanjore & Adalut coincide with

with the Acting Sessions Judge and order the release of the Prisoner.

Ordered that Extracts of proceedings be sent to the Acting Sessions Judge of Trichinopoly for his information and guidance.

(Sent in No 110.)

Read Calendar submitted by the Acting Sessions Judge at Cuddalore of Cases No 21 of 1843 and 1 and 2 of 1844.

(Here enter No 289.)

Case No 21 of 1843

In the abstracts of the witness's examination it is not stated, as required by Circular Order 16th May 1822, whether he knew the Prisoners before.

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

(Sent in No 111.)

Read communication dated the 11th Ultimo from the Acting Magistrate of Tanjore submitting the statement exhibiting the number of crimes and misdemeanors committed in the Talook of Mayaveram in the years 18[illegible] and

and 1839 and 1840 and 1841, which was required under the orders of Government conveyed to the Acting Magistrate in the proceedings of this Court dated the 16th October last.

(Here enter No 113 of 1844.)

1 It is observed that in the above communication the Acting Magistrate has omitted to state his opinion whether the results adduced in para 3 of the Extract from the Minutes of Consultation dated 27th January 1843 may not in part arise from the mode in which the Returns of the Salooks under charge of the Head of Police of Mayaveram have been framed by that Officer.

2 The Acting Magistrate is therefore required to furnish the opinion in question without delay.

Ordered that Extract from these proceedings be forwarded to the Acting Magistrate of Tanjore by Precept returnable in one week from and after its receipt.

(Sent following Precept No 112.)

Read Madura Criminal Reports for the Month of December 1843 submitted by the

3rd February 1845.

submitted by the Subordinate Judge.

(Here enter No 201 of 1844.)

Case No 24. The Court of Tanjore Malabar objects to the infliction of stripes in a case of this nature and, according to Law, they may be remitted.

Ordered that Extract of these proceedings be forwarded to the Subordinate Judge of Madura by Precept returnable without delay.

(Sent following Precept No 113.)

22 DDL RJ

Read Criminal Reports for the month of December 1843 submitted by the Principal Sudr Ameen

(Here enter No 130 of 1844.)

Case No 10 1 The Court of Tanjore Malabar considering the remarks by the Principal Sudr Ameen in regard to this case unsatisfactory, resolve to direct the Session Judge to look into it and pass such orders as he may deem requisite, reporting the result of his inquiry for the information of the Court.

No 11 2 The Tanjore Malabar Court

no necessity for the infliction of stripes in this case, and they accordingly direct that they may be remitted.

No 27. 3. The Court observe in the foregoing to this Case, that if (on the remarks heard them to believe) the commitment of the Prisoner was consequent on the Prisoner having been imprisoned for 3 years from an inability to provide satisfactory security, they consider the reason altogether inadequate, since a mere inability to provide security does not subject the party to the infliction of the offender for whose punishment the power to appeal to an extraordinary provision of the Law.

No 26. 4. As the Court of Forjeiture Adalet perceive nothing of an aggravated nature in this case they direct that the stripes may be remitted.

No 26. 5. The Court having resolved to doubt the correctness of an acquittal in this case resolve to direct the Resident Judge to look into it, press such orders as may appear necessary and report the result of

of his enquiry for the information of the Court.

No 27. 6. From the nature of the remarks appended to this case, shewing that the Prisoner was apprehended in the Prosecutor's house with an instrument for forcing an entrance in his hand, the Forjeiture Adalet has no doubt of his guilt, and cannot but consider his acquittal opposed to the evidence on record.

No 28. 7. The Forjeiture Adalet direct that the stripes awarded in this case may be remitted, as they object to their infliction under circumstances where any doubt can possibly exist.

No 32. 8. The Court request to be informed of the result of this trial which seems to have been delayed by an unnecessary transference from one Officer to another.

Ordered that Extract from these proceedings (paras 5 and 8) be sent to the

3rd January 1844.

the Sessions Judge of Tinnevelly by precept returnable in 5 days from and after its receipt.

(Sent following precept to No 4)

Ordered also that Extract from these proceedings be sent to the Principal Sudr Ameen of Tinnevelly by precept returnable in 3 days from and after its receipt.

(Sent following precept to No 5)

No 4

5th February 1844.

Monday

At a Court of the Foujdaree Adawlut

Present

G. L. Cassamajor Esqr Agt &c &c

Malcolm Lewin Esqr Agt 2d Judge

Alex. Maclean Esqr Agt 3d Judge

Read letter dated the 2d January 1844 from the Acting Sessions Judge of Combaconum submitting the record of the trial in Case No 1 on the Calendar of the Session Court for 1844.

No 317 of 1843

Mr A. Watson

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

" Kistnan "

is insufficient to convict him of the crime of wounding, for which according to the Mahommedan law, as declared in Futwas of their Law Officers, a

dissection

5th February 1844

discretionary punishment is awardable,
do convict him thereof, and with
reference to the provisions of Clause third
Section VIII Regulation XV of 1803 and
Section XXXIII Act VII of 1843 sentence
him to be imprisoned and kept to hard
labor in irons on the public roads or
other public works for and during the
period of (10) ten years.

(Last following) letter No. 117.

Read again letter dated the
9th January 1844 from the Acting Session
Judge of Cuttacoomma submitting for
the final sentence of the Punchayet Udalut
the record of the trial in Case No. 13 on
the Calendar of the Sessions Court of
Cuttacoomma for 1843.

(Here enter P. U. No. 80)

Read also return dated the
27th January 1844 from the Acting Session
Judge of Cuttacoomma to the precept
of the Punchayet Udalut of the 24th Ultimo
returning the record of Case No. 13 of 1843
with the Court's observations.

(Here enter P. U. No. 293)

The

5th February 1844

The Court of Punchayet Udalut
Mr. M. Lewin on a deliberate consideration of all the
circumstances of the case as entered
before them, being of opinion that the
proof against the prisoners,

5th Woonyon

and

6th Maree,

is sufficient to Convict them of the
crime of Gang Robbery do convict them
thereof, and with reference to the provisions
of Clause 5th Section IV Regulation XV
of 1803 sentence them to be imprisoned
and kept to hard labor in irons on the public
roads or other public works for & during the period
of (10) ten years: and considering that strong
suspicion, though not amounting to
conviction, attaches to the prisoner,

5th Vadamalay,

the Court, under the provisions of Clause
sixth Section II Regulation XV of 1803,
direct that he be required to find security
in an amount to be determined at the
discretion of the Session Judge for his

good

5th February 1844

good behaviour and appearance when required, within a period which that Officer shall define, or in default thereof that he be detained for a similar period in confinement; and that the prisoners

3d Letchoomanan

and

7th Teeroomooty

be unconditionally released.

(Sent following) letter No. 118.

Read letter dated the 17th Ultimo from the Acting Session Judge of Trichinopoly

(Here enter No. 203)

1 With the above communication the Acting Session Judge has forwarded copy of the Calendar of a case committed by the Principal Sudr Ameen of Trichinopoly in which a Prisoner

Narrain Pillay

was charged with burglary, the property robbed amounting in value to Rupees 295 including ready money and a document for 3½ Rupees.

2 The Court observe that no 2d question should have been put to the Law

5th February 1844

Law Officer; as the first Jurisdiction must proceed upon the ground of there not being full legal evidence of the Crime as specifically provided for by Section II Regulation XII of 1827.

3 The Court would again request Mr Greenway's attention to the necessity of a strict observance of the rules regarding official correspondence which were brought to his notice on the 25th October last.

4 The endorsement entered on the letter which accompanied the Calendar under perusal shows it to be the 7th Calendar of a person tried before the Court of Sessions" no mention being made of the year, whilst, on reference to the body of the Calendar it is observed that it is "No 1 of the Calendar" the number of the year being likewise omitted in the appropriate column.

"Forwarding copy of the 7th Calendar of a person tried before the Court of Sessions"

5 The Acting Session Judge will submit the information necessary to admit of the proper number being specified in the records of the Tanjore Adalat

I desired and make a corresponding
amendment on those of his own office.

The Court further remark
that the Calendar purports to have been
dispatched on the 22d December 1845

Ordered that Extract from
these proceedings be forwarded to the Acting
Session Judge of Tinchinopoly for his
information by precept returnable in
five days from and after its receipt

(Sent following) precept No. 119

Read Miscellaneous Petition
presented on the 3d Ultimo by Ramasamy
alias Appavoo Vannyar and another of
Combaconum

(Here enter P.M.M.P. No. 1 of 1846)

The Petitioners represent that
they were falsely accused by certain parties
in the Zillah of Combaconum
of having stolen a horse and having
been forwarded to the Criminal Court
that they were eventually released, the
charge being considered by that authority
to be the result of a conspiracy

Adverting to the proceedings
which

which the Criminal Court are bound to
adopted for bringing to punishment
the false accusers, the Petitioners state
that they have been subjected to much
expense and loss in their mercantile
transactions in consequence of having
been sent to the Court on the unfounded
charge referred to and accordingly they
pray that this Court will please order
directing the punishment of the individuals
specified in this address and
further that they (Petitioners) may be aided
to institute against them an action for the
recovery of damages.

The Petitioners are informed
that their application for redress for any
false accusation which may have been
brought against them should be preferred
to the local Magistracy

The Court of Tanjore Malabar
declined to pass orders in regard to the
institution of a Civil action for the pur-
pose of recovering damages.

Ordered that the Petition
be dismissed and that Extract from
these

5th February 1844.

these Proceedings be granted to the Petitioner on application.

Read Miscellaneous Petition presented on the 15th January 1844 by C. Atchunnah and Bandalingum of the Zillah of Masulipatam.

(Here enter P. M. P. No 12 of 1844)

The Petitioners submit translations of certain documents enclosed in their Petition presented on the 2d January 1844, and pray that they may be perused and justice rendered to them.

Translations are never required from the parties presenting Petitions.

Ordered that this Petition be dismissed and that Extract from these proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petition presented on the 26th June 1843 by Pendy Appavoo Ravidee of Combaconum.

(Here enter P. U. M. P. No 47 of 1843)

Adverting to the Proceedings of the Criminal Court of Combaconum in the matter of a charge which came under

P. U.

5th February 1844

under its investigation in which three individuals were accused by Petitioner of having stolen his horse, the Petitioner represents that the three individuals in question having been improperly [illegible] he was himself unjustly brought to trial on a charge of conspiracy, but acquitted eventually by the Judge on Circuit, whilst three of the witnesses by whom the charge of horse stealing was originally supported have been on insufficient grounds punished for perjury.

2. The Petitioner alleges that the Superior servants of the Combaconum Zillah Court, being his enemies, have by their local influence contrived to secure the dismissal of the charge of horse stealing preferred by him - asserting that the accusations in question was a true one; he prays that the record of the case may be called for and the Prisoners concerned in it punished.

3 He further prays that the Court will issue orders directing the Police

5th February 1844

release of the three who gave evidence on behalf of the prosecution in the said Case.

The Court of Foujdaree Udalut are not of opinion that any sufficient grounds are shown by the Petitioner to require that the record of the case in which he was Prosecutor should be brought under their revision.

In respect of the release of the three Prisoners punished for perjury, it is observed that the Court have approved the sentences passed on them.

Ordered therefore that the Petition be dismissed and that Extract from these Proceedings be granted to the Petitioner on application.

C. Atchamah and Baula Lingum of the Zillah of Masulipatam, move the Court to return the enclosures in their Miscellaneous Petitions No. 2 and 12 of 1844.

Ordered accordingly.

Read Letter under date the 16th Ultimo from the Subordinate Judge of Chittoor forwarding the Criminal Reports

5th February 1844

Reports for the Month of December 1843

(Hewnter P. M. No. 139)

Cases No. 2728

In both these Cases the Prisoners are charged with perjury and robbery, before expressing their opinion of the manner in which they have been disposed of the Court of Foujdaree Udalut resolve to consider whether the Acting Sessions Judge considered the alleged robbery proved

No. 50.

With reference to the remarks in this Case the Court of Foujdaree Udalut are of opinion that the fact of the 2d Prisoner's guilty declaration having been "proved correct" was enough to insure his conviction, which might have been considerably facilitated by converting one or more of the Prisoners into Witnesses in the manner laid down in Circular Order Foujdaree Udalut No. 141.

Ordered that Extract of these proceedings (para 1) be sent to the Acting Sessions Judge of Chittoor for precept

5th February 1844.

precept returnable in 3 days from
and after its receipt.

(Sent following) precept No. 120.

Ordered further that
Extract of these proceedings be sent
to the Subordinate Judge of Chittor
for his information and guidance.

(Sent in No. 81.)

H.D.R.

T. M.

Tuesday
6th February 1844.

At a Court of the Foujdaree Adawlut

Present

W. G. L. Casamajor Esqre Acting 1st Judge
Malcolm Lewin Esqre Acting 2d Judge
A. M. Alexr. Maclean Esqre Acting 3d Judge

Read again the Confirmation
Primary Calendar for the 1st Session
of 1843.

(Here enter No. 857 of 1843)

Read return dated the 3
October last from the Special Co
missioners for the Southern Divi
submitting in conformity with
the requisition contained in the Prec
of this Court dated the 7th of the prece
Month, translations of the trials he
by him in his capacity of 1st Judge
of the late Provincial Court in the
Southern Division on Circuit for
5th Sessions of 1843 in Cases 12, 12
14 on the Confidential Calendar f
last Sessions.

(Recorded No. 1721 of 1843.)

1st February 1844.

escape, committed against its discipline.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Demerara for his information.

(Sent in No 90.)

Minute of the acting 1st Judge.

I can't put my name to this draft, it appears to me wrong in principle.

The cognizance of escape by convicts is by Section V. Regulation VI of 1822 vested in the Criminal Judge, as such; and not because he has charge of the jail: this is evident from Regulation X of 1832 and Regulation I of 1833; in which cognizance of certain offences by convicts is given to the Officers having charge of them, as such; and escape is not one of those offences; and accordingly convicts in charge of any other Officer than the Criminal Judge are (I believe) always sent to the Criminal Court to be tried and punished.

As the Principal Undersheriff has succeeded to all the powers of the Criminal Judge, he of course succeeds to this among the rest. He may punish escapes himself or which

1st February 1844.

which are not attended with aggravated circumstances and commit those which are for trial by the Sessions Judges. Cognizance of escapes has not necessary any thing to do with the charge of the jail.

(Signed) G. J. Castamajor.

25th January.

Read letter dated the 9th Instant from the Principal Undersheriff of Berbice submitting the Criminal Reports for the month of December 1843.

(Herewith No 33 of 1844.)

Case No 20.

With reference to this case the Court of Sessions Demerara resolve to enquire whether the removing the plantain of the Granary was proved; and if so, why Clause 6th Section III Regulation VI of 1832 was not quoted for the sentence: at the same time the Court order imprisonment to be substituted for stripes.

Ordered that Extract of these proceedings be sent to the Principal Undersheriff of Berbice by Receipt returnable in 3 days from and after Receipt.

(Sent following Receipt No 91.)

Read

1st February 1844.

Read Letter dated the 1st December 1843 from the Chief Magistrate and Superintendent of Police at Madras transmitting the Report of cases tried under Act XXII of 1837 in the month of November 1843.

(Here enter Plt. No 153 of 1844.)

Friday 2nd February 1844.

P. No.

At a Court of the Sessions Holden

Present

Geo: James Casamajor Esqre Acg 1st Puisne Judge

Malcolm Lewin Esqre Acg 2nd Puisne Judge

Alexander Maclean Esqre Acg 3rd Puisne Judge

Read Letter dated the 17th Ultimo from the Acting Sessions Judge of Mangalore, submitting Case No 3 of 1843 on the Calendar of the Sessions Court at that Station.

(Here enter No 198)

Mr Lewin and Mr Maclean. The Court of Sessions Holden on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoners

1st Malingoo Shetty

and

2nd Venkata

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 direct that they

be

on their own confessions of the crime of Murder, do acquit them thereof, and direct that they be unconditionally released.

1. In the above case the Prisoners
1st Linga
2nd Moodiriya Appuwa and
3rd Bontes
were charged with the wilful Murder of one Ranna by rendering him intoxicated, and when in that state making away with him by throwing him into a pit or some other means, the 4th Prisoner Billa Unnehe was accused of being an accessary to the murder, by supplying the drink, concealing his knowledge of it, and endeavouring to prevent its discovery by hiding the badge and a cloth of the deceased and burning his belt.

2. The Law Officer convicted the Prisoners of the offences respectively charged against them and the Acting Assessor concurring in his verdict, has stated that although it is

that the punishment usually awarded to Murderers, when there are no circumstances of mitigation should be adjudged against any of the Prisoners, the circumstance of the corpse not having been found though it does not shake his conviction of Ranna having been murdered, yet, as there admits of a bare possibility of his being still in existence it indisposes him to suggest a punishment which can in no degree be remedied.

3. He therefore submits his opinion that the four Prisoners should be sentenced to imprisonment for life each with banishment to another Zillah.

4. On an attentive consideration of the above record the Court of Judicature do not think that the Prisoners should be acquitted and discharged.

5. There is no proof that a Murder has been committed at all; the facts in evidence do not amount to murder; and the body has not been found. Conviction is therefore, the Court conceive, out of the question.

February 1844

6 The only question is whether there is evidence enough against the Prisoners, or any of them, to require that security should be demanded.

7 The Court of Fougdare Udalut think that there is not

8 The only evidence of any importance is that of the 2d witness Loobba. After as careful and deliberate a consideration of his depositions, and the whole of the record, as the Court are capable of, the impression left upon their minds is that the deceased died from the effects of intoxication, while drinking and smoking Bang with the three first Prisoners; and that when they found he was really dead, they were alarmed for probable consequences and wound him up in his cloth and sunk him in the river.

9 There is not, throughout the record the slightest trace of any enmity between the deceased and any of the Prisoners, or any ground for such enmity.

10 If the Prisoners had really any

7th February 1844

intention to murder the deceased, it is absurd to suppose that they would have chosen so public a place to do it in; especially while they saw Loobba and most probably the boy Appaya Pillai sitting, the former in the veranda of the room they were in, the latter in that of the house opposite and within a few feet of them, the door of the room in which they all were being open all the time. Such conduct is unaccountable and contrary to every principle of human nature.

Ans. 8. p. 37

11 There is a fact deposed to by Loobba before the Police, about which he was not questioned at the trial, and the Court think he ought to have been but which is very characteristic of the state of the case with which the Court of Fougdare Udalut are impressed and very inconsistent with a design of murder. He says that as soon as deceased fell down insensible from intoxication the Prisoners, rubbed his arms and legs

Police Record p. 44

Now this is indicative of a desire to

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him; and accordingly the same witness
2nd Rec'd Feby 21 1844 when asked what he thought they
intended doing with deceased when they
carried him away, says that he thought
the 3 first Prisoners
they were going to take care of him.
It is true that in another place he says
that he supposed deceased had been
murdered; but he also expressly says
that he drew this conclusion from the 3
first Prisoners, when they returned after
disposing of the body, cautioning him
not to mention what he had seen and
threatening, if he did to serve him in the
same manner. But this is not inconsistent
with the state of things, the Court of
Enquiry should believe; the Prisoners
were in a state of alarm and the uppermost
most thought of their minds was to avoid
unpleasant consequences; also he does not
mention before the Police their threatening
4th Rec'd p 46. him, or that he drew any such conclusion
from their conduct; he there states that
they only cautioned him and that he supposed
they carried deceased away as they were fellow
servants and deceased was intoxicated.

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12

The finding of the deceased's
Badge and Coconut with the 4th Prisoner
proves nothing. It is in evidence that
deceased left them at the 4th Prisoner's
house before he sat down to drink
with the 3 first Prisoners. The 4th Prisoner
concealed these articles from the same
motive as the rest did the body, fear
of consequences.

Ordered that Extract from
these Proceedings be forwarded to the Acting
Session Judge of Mangalore for
his information and guidance.

Sent in No. 107

Read order of Government
dated the 20th Ultimo, No. 41, communicating
6th January 1844 a copy of a communication from the
Acting Adjutant General of the Army
with a view to the submission by this
Court of the opinion thereon requested.

(Here enter S Dr. No. 165 of 1844.)

In the communication of
the Acting Adjutant General the question
is propounded whether a sentence of
Corporal Punishment and Imprisonment
may

7th February 1844

may be awarded for a Criminal offence in cases provided for by the Madras Regulations, in the instance of a Convict Tolbourn when tried by a Military Court at places beyond the Territories of the East India Company.

2. The Judges of the Foujdaree Adalut are of opinion that if the offence is one for which stripes and imprisonment are adjudicable under the Regulations, within the territories of the Company, for the same offence they may be adjudged without the territories, as prescribed by Article 6th of Section XII of Regulation V of 1827. The mode of carrying into effect such sentences as laid down in Regulation V of 1828 and is settled by the Foujdaree Courts proceedings of date 17th October 1839.

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

(Sent following letter No. 128.

Read

7th February 1844

Read communication dated the 24th Ultimo from the Acting Session Judge of Trichinopoly reporting the decission of the Court of Foujdaree Adawlut whether all crimes committed by Convicts are to be tried under Act 24 of 1843 or no, whether, under Section III of the said Act, the attendance of the Law Officer in the Session Court is necessary

(Herewith No. 278.)

The Court think that Act 24 of 1843 does not necessarily apply to all Gang Robbers and Robberies, but only to professional robbers and the robberies committed by them.

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Trichinopoly for his information.

Letter No. 129.

Read letter dated the 25th Ultimo from the Acting Subordinate Judge of Calicut transmitting copy of a warrant issued by the Session Court of Calicut and requesting the orders of Co

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Court as to the disposal of the prisoners sentenced to banishment in Case No. 2 on the Calendar of the Session Court at Caliaut for 1844.

(Here enter No. 3057)

1844 J. Casamajor and H. Lewin

The Court of Foujdaree Adalut direct that the prisoners,

"Francis D'Araujo"

and

"Thomas Desmier"

be removed to the Jail at Mangalore there to be imprisoned agreeably to the terms of their sentence

Ordered that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Caliaut and to the Acting Session Judge of Mangalore for their information and guidance respectively.

(Sent in No. 130. & 131.)

Read Trichinopoly Criminal Reports for the Month of December 1843

(Here enter F. C. No. 253 of 1844)

Case No. 26.

The Court of Foujdaree Adalut observe that the 1st Prisoner in this case is stated to have been apprehended on the 27th

7th February 1844.

of August and forwarded to the Court on the 8th of December, and they request to be informed of the manner and cause of his detention in the interim.

Ordered that Extract of these proceedings be sent to the Principal Sudr Ameen of Trichinopoly by precept returnable in 5 days from and after its receipt.

(Sent following) precept No. 132.)

Read returns dated the 23d December 1843 and 15th January 44 to the precept of the Foujdaree Adalut of 19th December last calling for a brief abstract of the testimony against the parties punished in the Month of November 1843 by the Joint Magistrate of Dotacamund.

(Here enter F. C. Nos. 11 and 216.)

Case No. 70.

With regard to the sentence in this case the Court of Foujdaree Adalut notice the omission, on the part of the Joint Magistrate, to give the date on which it was passed; and, at the same time, they observe that the woman was not punishable, as she received the

Sd to

1st February 1844.

stolen property from her husband.

2 It has been ruled on various occasions that a confession does not preclude the necessity of evidence being heard, and the Court accordingly direct the Joint Magistrate in future to hear the evidence, altho' the Prisoner makes a voluntary confession.

Ordered, that Extract of these proceedings be sent to the Session Judge of Coimbatore for communication to the Joint Magistrate of Ootacamund.

(Sent in No. 133.

Read the Coimbatore Calendar dated the 25th Ultimo from the Acting Session Judge of Coimbatore of Cases Nos. 6 of 1843 and 1 2 and 3 of 1844.

(Were entered No. 288.)

Case No. 23 of 1844. 1 In this case three Prisoners were charged with having shut up the 4th Prisoner, a girl aged 12 years, in a room of the 5th Prisoner's house for a whole day without food and on the next day tied her to a Pillar and severely burnt her on her back and other parts, with a heated ladle.

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7th February 1844.

2. The Futwa of the Law Officer convicted the accused of the crimes laid to their charge, concurring in which finding the Acting Session Judge sentenced the 1st Prisoner to four years and the 2d to three years imprisonment with hard labor under Clause Seventh Section XV Regulation XV of 1803.

3 On a consideration of the circumstances brought in evidence against the Prisoners, they appear to have been convicted of an aggravated assault, and the Court of Evidence Udalut are of opinion that a sentence of seven years imprisonment with Labour, would not have been more than was required for the ends of justice.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Coimbatore for communication to the late Acting Session Judge.

(Sent in No. 134.)

Read letter dated the 16th Instant from the Acting Magistrate of Salem submitting a Report of

sentences passed by the Magistrate of Salem in December 1843 under the provisions of Section XIV Act VII of 1843.

(Here enter No. 217)

Circ. Ord. No. 3. 1 In proceeding to pass sentence in Case No. 3, in which a party of five individuals appear to have been concerned in the commission of the theft charged, the Acting Magistrate has overlooked the order of the Foujdaree Adawlut noted in the margin.

Circ. Order dated 23rd Feb. 1829. 2 The theft in question is stated to have been committed by night and the value of the property stolen is stated at Rupees 18-4-0; but the manner in which it is supposed the entry into the hut of the Prosecutor was effected, does not, as it should appear either in the column of charge or in the remarks of the Acting Magistrate.

3 Under the circumstances of the case, the Court of Foujdaree Adawlut are clearly of opinion that the transmission of the Prisoner to the Criminal authority was required and that the sentence passed by

Case No. 2. by the Acting Magistrate was irregular.

The Prisoner in this case having been charged with an assault the result of which was the fracture of a limb it was incompetent to the Joint Magistrate under the rule laid down in Foujdaree Adawlut Circular Order No. 124, to proceed to pass sentence.

Ordered that Extract from these Proceedings be forwarded to the Acting Magistrate of Salem by express returnable in 10 days from and after its receipt.

(Sent following) precept No. 135.

Read letter dated the 11th Ultimo from the Governor's Agent at Kurnool forwarding the Criminal Reports for December 1843 and explaining the manner in which Case No. 14 was investigated by the Assistant Agent instead of by himself.

(Here enter F. H. No. 158 of 1844)

Case No. 12. 1 The charge brought against the Prisoner in this case, as it appears in the Report does not set forth any act

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act of Criminality.

2 The Agent to the Governor is accordingly requested to state for the information of the Court what is the nature of the offence charged against the Prisoner.

3 The attention of the Agent to the Governor is further requested to the observance of the rules regarding official correspondence which are noted in the margin the endorsement made on the Communication which accompanied the Reports under review being both imperfect and erroneous as not showing that the Criminal Reports for December 1843 were transmitted with that letter.

Ordered that Extract from these proceedings be forwarded to the Agent to the Governor at Vizagapatam by precept returnable in 5 days from and after its receipt.

(Sent following) precept No 136.

Read the Criminal Reports submitted by the Principal Sub Assistant

Ex. the 9th August 1842 and 10th March 1843.

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of Masulipatam for the Month of December last.

(Hereunto annexed No 233)

Case No 12.

The Court of Sessions Udalut resolve to desire the Session Judge to call for the record and if it appears the evidence is totally insufficient, in case the fine was paid, to order it to be refunded.

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Masulipatam by precept returnable without delay.

(Sent following) precept No 137.

Ordered also that Extract from these proceedings be forwarded to the Principal Sub Assistant at Masulipatam for his information.

Sent in No 138.

Read letter dated the 23d Ultimo from the Session Judge of Nellore acknowledging the receipt of a letter from the Sessions Udalut dated the 17th Ultimo directing him to pass sentence in certain cases left undisposed of by him on quitting

7th February 1844.

(quitting) his station under leave of absence.—

(Here enter F U. No. 242)

Read further return dated the 18th Ultimo from the Session Judge of Bellary to the precept of the Fouzdaree Udalut of the 23d December 1843; stating that the sentence passed by the Sudr Ameen in Case No. 14 of the Criminal Reports for November 1843 has been modified to 6 Months imprisonment each equally to the orders of the Court.

(Here enter F U. No. 245)

Read return dated the 18th Ultimo from the Session Judge of Cuttack to the precept of the Fouzdaree Udalut of the 13th Ultimo, forwarding observations on Case No. 14 of the Calendar for 1843.

(Here enter F U. No. 246)

Read letter dated the 17th Ultimo from the Acting Session Judge of Monee submitting the Calendars of Case No. 2 of 1843, together with the translation of the Original Futwah.

(Here enter F U. No. 255)

Read

7th February 1844

Read return dated the 23d Ultimo from the Acting Magistrate of Cuttack in reply to the precept of the Fouzdaree Udalut of the 15th Ultimo, directing him with reference to his letter of the 1st Ultimo in reply to the Proceedings of the Fouzdaree Udalut of the 26th December 1843 referred to case No. 24 of the Criminal Report for the Month of November 1843, to report whether it is the practice in his District for Police Peons of themselves to seize Persons on information by others already apprehended; and if so, under what Regulation, or by what authority it is done.

(Here enter F U. No. 257)

Read Calendar dated the 20th Ultimo submitted by the Session Judge of Tinnevelly of Case No. 1 of 1844.

(Here enter F U No. 264)

Read Calendar dated the 25th Ultimo submitted by the Acting Session Judge of Chittoor of Case No. 9 of 1843.

(Here enter F U. No. 266)

Read

7th February 1844.

Read Calendar dated the 22d Ultimo submitted by the Session Judge of Bellary of Case No 10 of 1843, together with a translation of the Tuhsuk

(Here enter F. H. No 268)

Read return dated the 25th Ultimo from the Acting Session Judge of Trichinopoly to the Receipt of the Fouzdaree Udalut of the 19th Ultimo, calling for an explanation how that any warrants of the late Court of Circuit remain still unreceived

(Here enter No 281)

Read Statement dated the 16th Ultimo from the Acting Session Judge of Mangalore showing the actual produce of the labor of the Prisoners, from 1st October to 31st December 1843

(Here enter F. H. No 284)

Read letter dated the 23d Ultimo from the Acting Session Judge of Mangalore conveying copy of a letter from the Subordinate Judge of Mangalore reporting that no disbursements were made during the last quarter under the Circular orders of the Fouzdaree Udalut No 50 and 65

(Presenter F. H. No 285)

F. H.

Thursday 8th February 1844.

At a Court of the Fouzdaree Udalut.

Present

R. Sh. A. M.

G. L. Casamajor Esqr 1st
Malcolm Lewin Esqr 2d
Alexr. Maclean Esqr 3d

} Sessions Judges

Read letter dated the 10th Ultimo from the Acting Session Judge of Combaconum submitting a Calendar of Cases from No 6 to 15.

(Heretofore No 102)

Case No 7 1

The Prisoners in this case are charged with Kidnapping two boys with the view to their Shipment to the Mauritius, and the Court of Fouzdaree Udalut consider the sentence of 14 years imprisonment for the first and 3 years imprisonment for the 2d and 3d Prisoners too lenient a punishment for so heavy an offence.

Case No 9 2

The Prisoner is charged with administering certain deleterious drugs to the Prosecutrix and robbing her person

7

of jewels valued at 45 Rupees, and the Court of Tongaree Udalut observe that as actual violence in such a case as this is not necessary to constitute a robbery they conceive this offence was to all intents and purposes a robbery, and that it consequently called for a severer punishment than has been inflicted by the Acting Session Judge.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Combaconum for communication to and information of the late Acting Sessions Judge.

(Sent in No. 139.

Read communications dated respectively 20th and 22d Ultimo from the Acting Session Judge of Honore submitting statements of the expenditure incurred on the Jails at Honore and Sirsy in the 4th Quarter of 1843

(Here enter Nos. 265 and 286 of 1844)

It is not found that the above statements have been transmitted by the Acting Session Judge under orders issued from

from this Court.

2 The Judges of the Tongaree Udalut accordingly resolve to request the Acting Session Judge will explain the circumstances under which he has deemed it necessary to prepare and transmit the Reports in question.

Ordered that Extract of these proceedings be forwarded to the Acting Session Judge of Honore by precept returnable in 5 days from and after its receipt.

(Sent following) precept No. 140.

WDN

R

End 7th

Friday
9th February 1844. At a Court of the Fouzdaree Udalut.

Present

G. S. Cadamajor Esqre. Agt.
Malcolm Lewin Esqre. Ag. 2d. } Puisne Judges
A. Maclean Esqre. — Ag. 3d.

Read letter dated the 29th
Ultimo from the Acting Sessions Judge of
Nellore submitting for the final decision of
the Fouzdaree Udalut translations of the
Proceedings held in Case No. 6 on the
Calendar for 1843.—

[Here enter No. 311.]

Mr. Lewin. The Court of Fouzdaree Udalut
on a deliberate consideration of all the
circumstances of the case in evidence before
them being of opinion that the proof
against the Prisoner
"Shaik Ibrahim"
is sufficient to convict him of the crime
of Highway robbery, do convict him there-
of and with reference to the provisions
of Clause 3d. Section III. Regulation I
of 1825 sentence him to be imprisoned
and

and kept to hard labor in irons on the public roads or other public works for and during the period of four years.-

/Sent following letter No. 146/

Read return dated the 22nd January from the Magistrate of Muddenpully to the precept of the Tinjoure Cutchery of the 19th January 1844, calling upon him to state what notice he had taken of the negligence of the Head of Police of Muddenpully in Case No. 207 of the Cuddapah Criminal Reports for November 1843.-

/Here enter Ill. No. 258/

Read again return dated 6th Ultimo from the Acting Sessions Judge of Cuddapah to the precept of the Tinjoure Cutchery of the 23rd December last, directing him to look into the above Criminal Case and pass such orders thereon as may appear necessary.-

/Here enter I. Ill. No. 44/

1. The Acting Sessions Judge remarks on the remissness and negligence of the Head of Police of Muddenpully, and mainly attributes the difficulty of obtaining a conviction to the reprehensible conduct of that Functionary.-

2. The Magistrate in his preceding return states that he had admonished the Head of Police who endeavours to exculpate himself by asserting that the 7th and 8th Witnesses were not in the village at the time he held the first inquiry, but came forward when a second inquiry was called for by the Acting Subordinate Judge.-

3. The Court of Tinjoure Cutchery do not consider the excuse offered by the Head of Police of Muddenpully at all a satisfactory one, and they accordingly resolve to instruct the Acting Sessions Judge of Cuddapah to follow up his inquiry in the case and make such communication to the Magistrate as he may deem proper, suggesting, if he considers it

9th February 1846.-

it desirable, the punishment of the Tahsildar.-

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Cuddapah for his information and guidance.-

(Sent in No. 147.)

Sgd. J.

J. D. R.

Saturday
10th February 1846.

J. U.

At a Court of the Tonjadaru Vaalut

Present

Geo: James, Casamajor Esqre. in Acting 1st Assn. Judge.
Malcolm Lewin Esqre. in Acting 2d Assn. Judge.
Alexander Maclean Esqre. in Acting 3rd Assn. Judge.

Read Calendar of persons tried before the Court of Sessions of the Zillah of Trichinopoly

(Here enter J. U. No. 297)

The Court of Tonjadaru Vaalut desire, with reference to the omission observable in the present occasion that, in future, the Acting Sessions Judge will be careful to record the specific provision of the Law under which he passes sentence.-

Ordered that Extract of these Proceedings be sent to the Acting Sessions Judge of Trichinopoly for his information and future guidance.-

(Sent in No. 150.)

Read

10th February 1846

Read letter dated the 29th Ultimo from the Magistrate of Cuddapah requesting information with reference to this Courts proceedings dated the 23rd Ultimo whether any particular form is to be observed in the preparation of the comparative statement for the year 1842 and also if it is to be annually sent with the 2d Half Yearly statement.

(Here enter No. 312 of 1844)

1. The Judges would draw the attention of the Magistrate of Cuddapah to their Circular instructions, under date the 11th October 1824, communicated through the late Provincial Court of Circuit in the Centre Division - and direct that a transcript of the Form shewing the particulars in question be prepared and forwarded to that Officer.-

2 No particular form has been laid down for observance by the Magistracy in order to their exhibiting the amount of property taken and recovered; but information on the point should invariably accompany the Half Yearly Statement and the form above noticed should on such occasions also be laid before this Court.-

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

(Sent in No. 151.)

Read Calendar dated 25th Ultimo from the Session Judge of Tinnevelly, submitting case No. 2 of 1844 committed by the Principal Sudr Ameen of Tinnevelly

(Here enter F. U. No. 300)

Read copy of the Calendar dated 27th Ultimo from the Acting Session Judge of Mangalore of Case No. 5 of 1843 received from the Subordinate Judge with his remarks thereon.-

(Here enter F. U. No. 301)

Read letter dated 25th Ultimo from the Session Judge of Salem, stating

10th February 1844

Stating with reference to the Circular Order No. 88. that the Acting Subordinate Judge of Caliecut and the Principal Sudr Ameen of Cochin have reported that no amount was realized by the labor of the Prisoners during the last Quarter.—

(Here enter F. U. No. 306)

Read return dated 29th Ultimo from the Session Judge of Coimbatore, to the precept of the Fouzdaree Udalut of the 24th January 1844, directing the removal of the Convict Kopradich. sindiagotha Mamoothoyah to Caliecut to undergo the remainder of his sentence of imprisonment.—

(Here enter F. U. No. 310)

Read Calendar dated 29th Ultimo from the Session Judge of Caliecut, forwarding Translation of the Original Futwa in Case No. VI of 1844. on the Calendar of the Subordinate Court of Caliecut.—

(Here enter F. U. No. 322)—

Ec Pd

F. U.

Monday
12th February 1844

At a Court of the Fouzdaree Udalut

Present

Geo: James Casamajor Esqre Actg 1st Judge
Malcolm Lewin Esqre Actg 2d Judge
Alexander Maclean Esqre Actg 3d Judge

Read communication dated 5th instant from the late 2d Judge of the Provincial Court in the Central Division requesting the attention of the Court of Fouzdaree Udalut to the translated precord of the trial in Case No. 14 of the Cuddalore Calendar for the 1st Sessions 1843. in regard to which no final order has yet been passed.—

(Here enter No. 357 of 1844)

Ordered that a transcript of the proceedings of the Fouzdaree Udalut under date the 11th December last be forwarded to the late 2d Judge and that the suspended sentence passed against the Prisoner Pauly Ramasamy be

carried

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carried into effect in the usual manner.

It is observed that an extract from the above Proceedings was, through an oversight in the office of the Foujdaree Udalut Court not sent to the late 2nd Judge.

Ordered that Extract from these Proceedings be sent to the late 2nd Judge for his information and guidance.-

(Sent in No. 153)

Read Miscellaneous Petition presented on the 11th December 1843 by Lutchumanarow of the Zillah of Combaconum.

(And refer MP. No. 99 of 1843.)

The Petitioner states that on the 25th October 1837, one Rookmany Ummaul, the widow of his late brother, preferred a false charge of Robbery against him and some others to the Joint Magistrate, who referred the case to the Head of Police for investigation; that the Police Officer

12th February 1844.

Officer tried it and on the 7th January 1838 forwarded the Proceedings and Prisoners to the Magistrate, who detained the Petitioner and another in close confinement; further that Cullayana Ramyen the Joint Magistrate's Jewabnuvees, used his influence in aid of the Prosecutrix in view to his own pecuniary advantages, and by coercion induced the Petitioner to compromise the charge on conditions prejudical to his (Petitioners) interests.-

The Petitioner now complains that his repeated Petitions to the Joint and Principal Magistrates, as also to the Criminal Court and the Board of Revenue against the above acts have not been attended to- He therefore prays the Court of Foujdaree Udalut will call for and peruse the said false Razeenamah and the Magistrate's Takeeds relating to it, and render him justice by annulling the former.-

This

12th February 1846

This Petition is not deserving of the smallest notice. It relates to an alleged grievance suffered by Petitioner 6 Years ago. He has had abundant opportunities of preferring a complaint to successive Judges on Circuit and it does not appear that he has availed himself of any.

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

Read Miscellaneous Petition presented on the 8th January 1844 by Ponnachariar of the Zillah of Trichinopoly

(See enter M.P. No. 6 of 1844)

The Petitioner states that certain Brahmins of the Vadagala sect having commenced to perform Veda Parayanam (or repetitions of the Vedas) behind the idol during the procession in Sreerungum contrary to the prohibition contained in the decrees passed in original Suit Nos. 130 of 1808 and 62 of 1825 on the file of the late Zillah

12th February 1846

Zillah Court of Trichinopoly, by which the right of performance of all ceremonies within the Pagoda of Sreerungum was conferred exclusively on the Brahmins of the Tengala sect, he presented a Petition to the Court of Foujdaree Udalut under date the 12th June 1843, on which they passed an order directing him to represent the matter to the Magistrate of the District, that he accordingly addressed that functionary who declined interference and that on an appeal to the Sessions Judge, he was directed to seek redress by a Civil action notwithstanding the point in dispute has been decided long ago by a Civil Court.

The Petitioner in conclusion prays for the issue of a Precept to the Magistrate, directing the punishment of the Vadagala Brahmins for their illegal acts and prohibiting their future opposition to the Decrees referred to.

If there has been no riotous assemblage of persons for an unlawful

12th February 1846

unlawful purpose, such as would justify the interference of the Magistrate and Police, the only remedy is by a civil action for damages, based on a former decree in Petitioners favour.

But it does not appear that there has been any aggravated case of opposition calling for the aid of the Police, and so far as the statement in this Petition goes, the Magistrate as well as the Sessions Judge seem to have acted wisely.-

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

Read Miscellaneous.-

Petition presented on the 15th January 1846 by A Sashumbooloo alias Pampumnah of the Tillah of Chittoor.-

(See order M.P. No 11 of 1846)

The Petitioner complains against an order of the Magistrate of Chittoor, directing the Aheas of Police of Calastry to enquire into a

12th February 1846

charge of Theft preferred by him against that Police Officer and some others.-

He further complains that the Head of Police had the females of his house taken to the Cutcherry, and there detained after subjecting them to oppression and annoyance, and that he has also been endeavouring to persuade the Petitioners family to call the Petitioner back to the Village or to give a writing to the effect that no theft has ever taken place in their house. The Petitioner prays, therefore, for the interference of the Court in the case.-

It does not appear from the above Statement that the Petitioner has submitted to the Court of the Sessions Judge any representation against the proceeding of the Magistrate of Chittoor of which he now complains.

The Court of Sudder Adalut therefore decline to comply with the request preferred in the

Petition

29th February 1844

Petition which is rejected.—

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

Read Miscellaneous Petition presented on the 29th January 1844 by Coollapah Naick and Sashachella Naick of Zillah Chingleput.—

(Here enter M. P. No. 16 of 1844)

The Petitioners complain against an order passed by the Sessions Judge confirming that of the Magistrate of Chingleput, which directed that they should seek redress in the Civil Court upon a purely false report of the Head of Police regarding a Charge of Gang Robbery preferred by them against one Ramasamy Mookul and others, who they allege, carried away by night property of value from the Vinna Rajah Pagoda in the village of Paramasarajah Poorum.—

The object of the address is

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is that the Sessions Judge be commanded to institute enquiry and dispose of the matter.—

The Petitioner must file copy of any order passed in the Case by the Sessions Judge before the Foujdarree Adalut can bring their request under consideration.—

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

Read Miscellaneous Petition presented on the 8th Ultimo by Chinkarnallew of the Village of Coimbatore.—

(Here enter M. Petn. No. 8 of 1844)

The Petitioner states that having refused compliance with the request of one Vyapoory to attest a deed which the said Vyapoory had forged, the latter and some others assaulted and having gagged him, cut off his tuft; that he thereon preferred a complaint which was enquired into by the

1. The three Prisoners, Ranga-
samy Naik, Veeracatasamy Naik and
Ramasamy who were respectively
brought to trial before the 1st Judge
late on Circuit at Combaconum on
the three cases above mentioned, were
charged with the commission of
wilful and corrupt perjury before
the Acting Criminal Judge of that
Zillah, in having deposed on solem
affirmation as witnesses in Criminal
Case No. 10 of 1843 that they had seen
one Appavoo, the 2d Prisoner in that
case, at Combaconum on the morning
of the 9th January 1843 riding on the
horse of the Prosecutor in the said Case.

2 In instituting the Mahome-
dan Law officer convicted the Prisoners
on the grounds of their own confessions
before the Criminal Judge of the offence
with which they stood charged.

3 Concurring with the Maho-
medan Law Officer, the Judge on Circuit
sentenced the Prisoners respectively to
imprisonment with hard labor on roads
on

on the roads, for a period of four years
but in adjudging that punishment
he remarked that it was with diffi-
culty he made up his mind to convict
as he was unconvinced of the prisoners
of the charge of horse stealing as to
Iya Asamy the 1st Prisoner in Criminal
Case No. 10 of 1843; but that he could
not get over the confessions of the
three Prisoners that they had deliber-
ately given false testimony on the
subject of the theft.

Case No. 12. 4 On a deliberate consideration
of the records of the three trials now
before the Court, the Foujdaree Adalut
think that the perjury charged against
the Prisoner Rungasamy Naik in
Case No. 12, is quite clear - and they
see no sufficient cause to disturb
the sentence passed on him by the
Judge late on Circuit.

Case No. 13. 5 Neither do they think that
doubt can exist in regard to the guilt
of the Prisoner Veeracatasamy Naik who
was brought to trial in Case No. 13.

The

7th February 1844

Case No 14

The foregoing opinion is equal-
ly applicable to the Case of the Prisoner
Ramasamy in Case No 14

As respects the truth or
falsity of the circumstance touched
the Prisoners first deposed, the Court of
Poojaree Udalut are of opinion that
it is a point of no importance what-
ever so far as their punishment is
concerned it being clear that perjury
has been committed by them, and that
they have testified to having seen what
they never saw.

In this view of these Cases,
the Court of Poojaree Udalut are satis-
fied that the 1st Judge late on Circuit
at Combaconum has correctly disposed
of the specific charges brought against
the three Prisoners under observation and they
accordingly direct that the Sentences declard
by that Functionary be now carried into effect.

Ordered that Extract from the
proceedings be sent to the Session Judge of
Combaconum by precept returnable in 3
days from and after its receipt.

(Sent following precept No 122.

No 32

Wednesday
7th February 1844

At a Court of the Poojaree Udalut

Present

The Hon'ble G. I. Casamajor Esq. Agt Governor
Malcolm Lewin Esq. Agt 2d Judge
Alexr Maclean Esq. Agt 3d Judge

Mr G. I. Casamajor
and
Mr M. Lewin

Read letter dated the 31st
Ultimo from the Acting Session Judge
of Mangalore submitting Case No 14
of 1844 on the Calendar of the Session
Court at that Station.

(Here enter No 32.8)

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

1st Linga
2d Moodbidray Appoo
3d Bantoo
4th Billa Cantoo,

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

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No. 46

Tuesday 2nd January 1844.

At a Court of the Zoujdaree Udalut

Present

W. G. I. Casamajor Esq.re Act.g 1st Puisne Judge

A. Mc Alex.r Maclean Esq.re Act.g 3rd Puisne Judge

Read letter dated 4th Ult.o

December 1843. from the Sessions Judge of Mangalore, submitting for the consideration of the Zoujdaree Udalut the expediency of issuing a Circular Order directing the Subordinate and Principal Sudr Ameens in cases to cause the depositions taken before the Police from the Prisoners, to be read over to them and questioned previously to their attesting thereto and whether they had any thing else to state; and the like Interrogatories should also be asked by the Judge on the trial before the Court.

Here enter A. C. No. 2035 of 1844.

The Court of Zoujdaree

2nd January 1844.

Udaliur Consider the Suggestions offered by the Sessions Judge of Trangabar to bringing of adoption, and resolve to forward thereon Circular instructions to the Criminal authorities in the Provinces.

Ordered that Extract from these proceedings be Sent to the Sessions Judge of Trangabar for his information

/Sent in No. 3./

Read letter dated the 19th Ultimo from the Magistrate of C[illegible] intimating that no Cases were disposed of under Section LIV Act VII of 1843 during the month of November last.

/Here enter F.C. No. 2056 of 1843/

Read letter dated the 20th Ultimo from the Acting Sessions Judge of Cuddalore, forwarding a Return of Cases tried, and a statement of the Prisoners' labour for the months of November 18[illegible]

/Here enter F.C. No. 2058 of 1843/

Read

2d January 1844.

Read letter dated the 18th Ultimo from the Acting Magistrate of Tangore, stating that the proceedings of the Tangorine Udaliurs under date the 3d October 1843 are not forthcoming that the witnesses went away from want of sufficient water, that they were despatched to Nethapore on the 1st September 1843.

/Here enter F.C. No. 2064 of 1843/

Read letter dated the 2[illegible] Ultimo from the Sessions Judge of Coimbatore, forwarding the Calendar Case No. 6 of 1843 with the remarks of the Sessions Judge.

/Here enter F.C. No. 2062 of 1844/

Read letter dated the 20th Ultimo from the Acting Agent to the Governor of Fort St. George at Tanjore, transmitting the returns of Criminal Cases disposed of before him and before the

3d January 1844

Acting Principal Assistant Agent during
the month of November 1843.-

/Here enter J.M. No. 2070 of 1843/

Read return dated the 26th
Ultimo from the Acting Sessions Judge of
Madurapatnam, to the precept of the Fougdaree
Adalut of the 21st Ultimo, directing the can-
cellment of the Bail bonds and the uncon-
ditional release of the Prisoner in Case No. 3.
of 1843.-

/Here enter J.M. No. 2078 of 1843/

Read letter dated the 26th
Ultimo from the Sessions Judge of
Combatore; forwarding the Calendar of Case
No. 7 of 1843 with the remarks of the Sessions
Judge.-

/Here enter J.M. No. 3 of 1844/

End. M.

J. M.

Wednesday
3d January 1844.

At a Court of the Fougdaree Adalut

—Present—

A. M. Alexander Maclean Esqre. A.P.J. Principal Judge

Fred: Mortimer Irwin Esqre. A.S.J. Sessions Judge

Read letter dated the 15th
December 1843 from the Acting Subordinate
Judge of Coilcut transmitting the Crimi-
nal Reports for the Month of November
1843.-

/Here Enter No. 2046 of 1843/

Supplemental Report Case No. 16

1 It has been frequently
ruled by the Court of Fougdaree Adalut
that the offence of escape is an
offence to be treated as distinct
from all others which may be brought
against a Prisoner.-

2 In this Case, therefore,
the Acting Subordinate Judge should
have made the escape imputed to the
Prisoner the subject of a distinct and
Separate trial.-

3. Although mentioned in the
Charge in Case No. 16 pts, however, observed

that

3d January 1844.

Sessions Judge of Cahiente for his information and guidance

Sent in No 9.

Circular Order

No 155.

1 The inconveniences liable to result from the commitment of Prisoners for trial by the Sessions Courts who have just in the Courts of the Subordinate Judges or Principal Sudr Ameens had an opportunity of acknowledging or denying the correctness of the depositions given by them before the Police authorities having been brought to the notice of the Foujdaree Adalut, they resolved to direct by a Circular Order that in all committable cases the statements made before the Police by Prisoners be read over to them and that they be questioned whether they assented thereto and whether they have any additional statements to make, it being, of course, the duty of the committing functionary to record what ever statements they may be desirous of making.

2 And in view more completely

3d January 1844

completely to carry out the intention and object of Sections XXIX and XXX Act VII of 1843. it is resolved that previous to commitment, Prisoners shall be asked whether they wish to call witnesses for their defence on the trial before the Sessions Court, and if any be named, that the committing officer do make immediate arrangements for getting the individuals whose evidence may be required.

3 It is to be understood that the mode of proceeding thus indicated shall not be allowed to interfere with the privilege possessed by every prisoner of urging, and supporting by additional testimony, any supplemental defence he may consider advisable whenever, in the exercise of the powers vested in them by Section XXX of the Act above quoted, Sessions Judges think it necessary after the commencement of a trial, to call for further evidence.

Sent in No 10.

Read.

Read Miscellaneous Petition
presented on the 11th December 1843 by Nauto
nunnack of Cuddapah.

(Here enter Miscellaneous Pet. No. 100)

1 The Petitioner states that her
brother Chinnoo Nungaroo, the prisoner in
case No 2 on the Cuddapah Supplemental
Calendar for the 2d Sessions of 1843 having
been arrested on suspicion of being
concerned in a robbery, which took
place on the 26th June 1843 was examined
before the Head of Police and Criminal
Judge by whom he was committed for
trial before the Court of Circuit. That
the peons, whilst searching the house
took away some jewels belonging to the
family but could find no stolen property
that the prosecutor disclaimed the jewels
when they were shewn to him, but, that
nevertheless, her brother was sentenced
to labour in irons for a period of 14 years.

2 Under these circumstances
she prays the Court to call for and peruse
the record, release her brother and thus
enable her to recover the jewels of which
she

she has been dispossessed.

3 The Court of Foujdaree Udalut
on reference to the Calendar, do not
consider there are any sufficient reasons
for disturbing the sentence passed
on the prisoner, but resolve to call
on the Acting Sessions Judge of Cudda-
pah to inquire into, and report, for
the information of this Court, on
the allegations of the petitioner concern-
ing the jewels.

Ordered, that Extract from
these proceedings, and a copy of the
above petition, be forwarded to the
Acting Session Judge of Cuddapah
by precept returnable in XV days, from
and after its receipt.

Sent for following precept No 14.

Ordered also that extract
from these proceedings be furnished
to petitioner on her application.

Read Miscellaneous
petition presented on the 27 November
1843 by G. Narraidoo of the Zillah
of Chicacole and Prisoner in Case No 2
on

3d January 1844

in the Vizagapatam Calendar for the
2d Sessions of 1844—

/Note under M.P.R. 94—/

1 The Petitioner states that certain Bonds and Documents were taken from his house by the Officers of Police that having been tried by the Circuit Court he was acquitted of the charge preferred against him but that the Documents which he requires to present in evidence before the Moonsiffs were refused him—He therefore prays that the lower Court may be instructed to return the Documents, and to grant an attested copy of the Sentence of the Court of Circuit, as well as of the Precept of the Sudr Adalut directing his release—

2 The Court of Tonjadore Adalut consider that the Petitioner has a manifest right to the documents he requires, and they resolve to direct the Session Judge to return them to him, and, at the same time to grant him copies of such further papers as the Session Judge may think the defence of his claims before the Moonsiffs

S. A.

Saturday 6th January 1844.

At a Court of the Tonjadore Adalut

Present:

G. J. Casamajor Esqr. Act. 1st Puisne Judge
Malcolm Lewin Esqr. Act. 2d Puisne Judge
Alex. Maclean Esqr. Act. 3d Puisne Judge

Read letter dated the 29 Ultimo from the Acting Sessions Judge of Cuddapah forwarding translations of the Records of the trial No. 19 on the Calendar of the Session Court of Cuddapah for 1843—

/Here enter S. A. No. 10 of 1844/

Mr. Casamajor and Mr. Maclean

The Court of Tonjadore Adalut on a deliberate consideration of all the circumstances of the case as evidenced before them, being of opinion that the proof against the prisoner

"Bauba Sahib"

is

4th January 1864

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, do sentence him to suffer death, by being hanged at the usual time and place of execution. —

1 The Court observe an irregularity in the attestation of one of the Prisoners' depositions before the Subordinate Officer of Police of Chitwail Jalook by the 1st witness Lutchmee Ram / see answer 8 / page 6 Sessions Court's proceedings / which they trust was duly noticed to the Magistrate; if not, it should be so now.

2. The Court also observe that the 4th question put to the Prisoner by the Court of Sessions in page 50 of the record was an improper question

4th January 1864

question; the answer to it must have been irrelevant to the trial and had a tendency to draw from the Prisoner a criminations of himself. —

3. The Court remark that part of the Court of Sessions proceedings in this case is copied in so faintly colored Ink as to render the perusal of them difficult. —

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

/ Sent following letter No 18. /

Read return dated the 28th Ultimo from the Subordinate Judge of Chittoor, to the precept of the Foujdaree Adalut under date the 26th Ultimo, conveying their observations and orders on the Criminal Reports

6th January 1844.

Reports for the month of November last.-

/Here enter F.C. No. 11 of 1844./

Read return dated the 30th Ultimo, from the Principal Sudr Ameens of Mangalapatam, to the precept of the Honjdaree Adalut dated 22d Ultimo, calling for explanation of the excessive delay which appeared to have occurred in Cases Nos 4 and 5 Mangalapatam Criminal List for the month of November 1843.

Reports for the month of November 1843.

/Here enter F.C. No. 17 of 1844./

Read return dated the 30th Ultimo from the Sessions Judge of Canara in answer to the precept of the Honjdaree Adalut of the 26th Ultimo, requesting explanation regarding the entertainment at Cuntoor of 7 Peons &c., in 24 cases of the prescribed number.-

/Here enter F.C. No. 18 of 1844./

End.

12 D 11
Re

F. 26.

Monday 8th January, 1844.-

At a Court of the Honjdary Adalut.-

Present;

Geo. James Casamajor Esquire 1st Principal Judge,
Malcolm Lewin Esquire — 2d Principal Judge.
Alexander Maclean Esquire — 3d Principal Judge.

Read Miscellaneous Petition presented on 11th December 1843 by Ghoolam Ruzak, Vakeel on behalf of A. G. Mascarenhas of Mangalore, complaining of a decision of the Sessions Judge of Canara on the 28th October last, confirming a judgment of the Joint Magistrate, by which this applicant was directed to give personal security in 100 Rupees for his good behaviour during the period of one year; and praying that he may be relieved from a sentence which is not supported by evidence, and is derogatory to his character.-

(Here enter M. P. No. 97 of 1843.)

The charge preferred against this

1. Petitioner seems to have been for an illegal attempt to force a certain laborer into his employ as a woodcutter.-

The

2

The Sessions Judge, on a review of the Joint Magistrates' order directing security to be given by this appellant, considers the grounds assigned an ample justification of the Magistrates' decision; and the Court of Foujdary Adalut on a careful perusal of the papers before them see reason to think that the Sessions Judge has given the case full investigation, and, since from his position he must have greater facilities of estimating the Petitioner's character than this Court have, they decline interfering with his order.

Ordered that copy of these proceedings be granted to Petitioner's Vakeel on application.

Ent W.

Read letter dated the 28th Ultimo from the Magistrate of Masulipatam reporting that no cases of the description alluded to in Section LIV Act VII of 1843 have come under his cognizance during the month of November last.

(Here enter No 26.)

Read letter dated the 30th Ultimo from the Sessions Judge of Calicut transmitting copy of the Calicut Calendar No XV of 1843 and translation

translation of the original Fatwa.

(Here enter No 31.)

Read letter dated the 30th Ultimo from the Sessions Judge of Rajahmundry forwarding copies of the Warrant, and of the letter from the Subordinate Court showing the final sentence upon the Prisoner in Case No 5 of 1843 has been executed.

(Here enter No 32.)

Read return dated the 2nd Instant from the acting Sessions Judge of Combaconum to the precept of the Foujdary Adalut dated 29th December 1843 revising the sentence of the 2nd and 3d prisoners in Case No 170 of the Calendar for 1843.

(Here enter No 34.)

Read letter dated the 4th Instant from the acting Magistrate of North Arcot informing that during the month of December 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 36.)

Read return dated the 2nd Instant

8th January 1844.-

Instant from the Acting Subordinate Judge of Cuddapah to the precept of the Foujdary Udalut dated 23d December 1843 conveying their observations on the Criminal Reports for November 1843.-

(Here enter No. 38.)

Read letter dated the 1st Instant from the Session Judge of Guntoor forwarding the Monthly Criminal Reports for the Month of December 1843.-

(Here enter No. 41.)

Read letter dated the 2nd Instant from the Session Judge of Tinnevelly submitting Calendar of Case No. 11 of 1843 committed by the Principal Sudr Ameen of Tinnevelly.-

(Here enter No. 42.)

Read return dated the 2nd Instant from the Acting Sessions Judge of Mangalore to the precept of the Foujdary Udalut of the 26th December last conveying the observations of the Court on Case No. 19 of the Calendar for 1843.-

(Here enter No. 45.)

Ent'd.

J. U.

Wednesday,
10th January, 1844.-

At a Court of the Foujdary Udalut.-

Present;

Geo: James Casamajor Esquire — 1st Puisne Judge,
Malcolm Lewin Esquire — 2d Puisne Judge,
Alexander Maclean Esquire — 3d Puisne Judge,

Read communication dated the 20th Ultimo, from the Acting Magistrate of Tanjore, requesting instructions whether a Magistrate can fine a complainant for a "litigious vexatious — or groundless complaint" when the nature of the charge if proved, would be punishable under Section VII Regulation X of 1816 by Section LIV Act VII of 1843.-

(Here enter No. 2052 of 1843.)

1. The Court of Foujdary Udalut have no hesitation in replying in the negative to the question propounded by the Acting Magistrate.-

2. A Magistrate is empowered to punish for a false complaint only in event of the offence charged being embraced in Sections XXXII and XXXIII Regulation IX of 1816 as clearly

10th January 1844.

clarly shown in Section XXXV of that enactment.-

3. If the result of the investigation by a Magistrate, of an offence punishable under Section VIII Regulation X of 1816 should show that the charge has been falsely and maliciously preferred, the case should necessarily be dealt with by the Magistrate as, under similar circumstances, it would be by a Criminal Judge.-

4. It is obvious that in the case referred, the charge and evidence must have been so preferred and given that the Prosecutor and Witnesses would be punishable for Perjury.-

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

(Sent in No. 21.)

End 1st.

Read letter dated the 2nd. Instant from the acting Sessions Judge of Tellicherry reporting that no amount was realized by the labour of the Prisoners in the Jail, nor any disbursement of the nature described in the Zoojdary Adalut Circular Order No. 88 of 1837. made during the last quarter.-

(Here enter No. 47.-)

Read.

10th January 1844.-

Read letter dated the 30th Ultimo from the Acting Sessions Judge of Canara - submitting the Calendar of Case No. III tried by the Sessions Court, with remarks thereon, the translation of the original Futwah, and the statement of Batta paid to the Prosecutor and witnesses.-

(Here enter No. 49.)

Read letter dated the 2nd Instant from the acting Sessions Judge of Tellicherry - reporting that no disbursement of the nature described in the Zoojdary Adalut's Circular Orders Nos. 50 and 65 was made during the last quarter.-

(Here enter No. 50.)

Read letter dated the 3rd Instant from the Magistrate of Pychinopoly stating that he did not exercise the powers vested in him by Section LIV Act No. VII of 1843 during the month of December last.-

(Here enter No. 53.)

Read letter dated the 5th Instant from the Magistrate of Madura reporting

18th January 1844.-

reporting the powers vested in Magistrates by Section LIV Act VII of 1843 have not been exercised in last month.-

(Here enter No. 60)

Read return dated the 19th Ultimo from the Acting Session Judge of Chittoor to the precept of the Foujdaree Adalut of the 8th Ultimo - submitting a report of the circumstances under which the Acting Joint Magistrate has acted in Criminal Case No 18 of 1843 together with the explanation furnished by that officer and other papers connected with the case in question.-

(Here enter No. 2045 of 1843)

Read letter dated 19th Ultimo from the Sessions Judge of Salem - submitting a trial for the final judgment of the Court of Foujdaree Adalut.-

(Here enter No. 2069 of 1843)

Ent WH

WDM

JL

J. No.

Saturday, 13th January 1844.

At a Court of the Foujdaree Adalut.

Present;

G. J. Casamajor Esqre — Actg 1st Puisne Judge,
Malcolm Lewin Esqre Actg 2d Puisne Judge,
Alex. Maclean Esqre Actg 3d Puisne Judge.

Read the Criminal Reports submitted by the Principal Sudr Ameen of Nellore for the month of November 1843.

(Here enter J. No. 1974 of 1843)

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

Ordered therefore that an Extract from these proceedings be forwarded to the Principal Sudr Ameen of Nellore for his information.-

(Sent in No. 24)

Read the Criminal Reports submitted by the Acting Subordinate Judge of Rajahmundry for the month of

Oct

13th January 1844.

October 1843.

/Here enter S.C. No. 1786 of 1843/

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

Ordered therefore that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Rajahmundry for his information.

/Sent in No. 25./

Read letter dated the 28th Ultimo from the Sessions Judge of Calicut transmitting copy of Case No. 15 of 1843 on the Calendar of the Session Court at that Station.

/Here enter S.C. No. 23 of 1844/

Case No. 15

The Prisoner in this case is charged with having inflicted a severe wound on the Prosecutrix, and the Sessions Judge under a conviction that the offence demands exemplary punishment

13th January 1844

punishment awards a sentence of 100 Stripes and 3 years imprisonment with hard labor in irons.

2. As the Court of Sonydaree Adalut do not concur with the Sessions Judge in thinking the present a case that calls for corporal punishment they resolve to direct, under the authority vested in them by Section XXXV Act VII of 1843, that the infliction of Stripes may be remitted.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Calicut by precept returnable in 5 days from and after its receipt.

/Sent following precept No. 20./

End

Read letter dated the 8th Instant from the Acting Sessions Judge

13th January 1844.

J. Chittoor, transmitting the Calendars
Nos. 15 and 16 of 1843, together with the
translations of the Putwahs —

(Here enter F.R. No. 66 of 1844)

Read letter dated the 6th
Instant from the Sessions Judge of Bellary
transmitting the Calendar in committed Case
No. 11 of 1843 together with a Translation
of the Putwah of the Mahomedan Law Officer.

(Here enter F.R. No. 67 of 1844)

Read letter dated the 2d
Instant from the Acting Sessions Judge of
Honore, reporting the removal of Prisoner
Soonagy alias Bawbee in Case No. 4
on the Sirsy Calendar 1st Sessions of 1843,
to the Jail at Sirsy, on account of illness
under Circular Order No. 144, the Zillah
Surgeon having certified that his removal
from Honore was urgently necessary —

(Here enter F.R. No. 68 of 1844)

Entd

F.R.

F.R.

Monday, 15th January, 1844.

At a Court of the Foujdaree Adalut.

Present:

G. J. Casamajor Esqre Actg 1st Puisne Judge,
Malcolm Lewin Esqre Actg 2d Puisne Judge,
Alex. Maclean Esqre Actg 3d Puisne Judge,

Read letter dated the 1st
Instant from the Acting Magistrate of
North Arcot in reply to the proceedings
of the Foujdaree Adalut of the 26th
Ultimo directing, with reference to Case
No. 24 of the Criminal Reports of
the Subordinate Judge of Chittoor
for the month of November 1843, that
the Acting Magistrate should be request-
-ed to report what steps he had taken
for punishing the Peon, Abdool Kader,
who seems to have detained one of the
Prisoners in this charge for a period
of 13 days —

(Here enter F.R. No. 19 of 1844)

F.R.

13 15th January 1846.

1. The Acting Magistrate in this communication considers the conduct of the Peon Abdool Kader was not reprehensible or deserving of punishment; the detention being, under the circumstances of the case unavoidable.

2. These circumstances are stated to be a criminations by the 1st Prisoner "Chengadoo" of three other persons, whose identity and place of retreat were not known to the Peons, and for whose apprehension the Peon Abdool Kawder carried "Chengadoo" along with him, and by whose means they were apprehended on the 15th October; the party thus apprehended criminated another person whom they succeeded in capturing on the 21st of October.

3. The Court of Foujdaree Adaulut observe that these several apprehensions were illegal, unless supported by regular warrants, or conducted by the Village Police under Sections XI and XXI Regulation XI of 1816.

As

15th January 1846

4. As the Magistrate treats these cases as of ordinary occurrence, the Court direct that he will report whether it is the practice in his district for Police Peons of themselves to seize persons on information by others already apprehended; and, if so, under what Regulation, or by what authority it is done.

Ordered that Extract from these proceedings be forwarded to the Acting Magistrate of North Arcot by precept returnable in 5 days from and after its receipt.

/ Sent following precept No. 25 /

Read Miscellaneous Petition presented on 18th December 1845 by Chedum Sarum of the Zillah of Cuddapah complaining with reference to the fine imposed upon him by the late 2d Judge of the Provincial Court, that

he

15th January 1844

he has been removed from his Office of Curnum and his Enam lands placed under attachment, and praying that his Office may be restored to him and his lands released from attachment.—

(Here enter J.M. M.P. No 104 of 1843)

The Petitioner is referred to the orders passed by the Tanjore Adalut on the 10th of July 1843 on his petition No 42, together with the Tanjore Adalut Proceedings of 12th June, which orders and proceedings are final in the case.—

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

Read letter dated the 8th Instant, from the Acting Magistrate of South Arcot, stating that no cases had been tried by him and his Subordinates under Section XIV Act VII of 1843 for December 1843.—

(Here enter J.M. No 76 of 1844)

J. M.

Wednesday 17th January 1844.

At a Court of the Tanjore Adalut.

Present;

G. L. Casamajor Esqre — Mg. 1st
M. Lewin Esqre — Mg. 2d
Alexr. Maclean Esqre — Mg. 3d

} Present 1 to 3

Read letter dated the 13th Ultimo from the Acting Magistrate of South Arcot affording the explanation requested by this Court on their proceedings of the 8th Ultimo on a review of Case No 12 of the Cuddalore Criminal Report for October last.

(Here enter No 2001 of 1843)

The Court of Tanjore Adalut observed in their proceedings of the abovementioned date that the "many irregularities observable in the "preliminary enquiries call for their "severe animadversion," and in reference to this remark the Acting Magistrate, in his letter now under perusal, states

such

such circumstances as, in his opinion, refute the Prisoners assertions of illtreatment, and fully justify the course pursued for the purpose of obtaining a conviction.-

2 In the 3d para. of this communication an important omission is attributed to the writer of the deposition which ought to have been rectified by the Magistrate and in the 4th para. the extraordinary omission on the Magistrate's part to authenticate the confessions is noticed.-

3 In the 7th para. Mr. Davis assigns as a reason for his personally investigating the charge that the complainant was his Cutcherry dresser, and in the 9th para. it is stated that "had the Principal Sudr Ameen taken the same pains to convict the Prisoners that he has to release them a very different result would have ensued," an opinion which, from the evidence before them, the Sessions Judge does not think Mr. Davis

Davis was warranted in entertaining, as the investigation of the Principal Sudr Ameen has apparently been conducted in every respect with propriety and judgment.-

4 On the whole the Court observe with regret that the Magistrate's explanation is very unsatisfactory and discloses a negligence in the examination of the case which is highly discreditable.

Ordered, that Extract from these proceedings be forwarded to the Acting Magistrate of South Arcot for his information.-

(Sent in No. 29.

Read letter dated the 30th Ultimo from the Acting Session Judge of Nellore submitting copies of the Calendars in Nos. 3 4 and 7 of 1843 and requesting instructions as to the propriety of deciding the four other Nos. of which the examination has been closed by the Session Judge.-

(Here enter No. 7.)

In reference to the remarks

Case No. 7- 1.

of the Session Judge on this case the Court of Tonjore Udalut observe that as directed by Circular Order 16th May 1822 it should have been stated whether the witness who recognized the Prisoner was previously acquainted with him.

2. The Court trust that the circumstances noticed by the Zillah Judge on the part of the Committing Officer were duly brought to the notice of the latter.—

3. In regard to the other Criminal Cases yet pending decision Mr. Walther has this day been called upon to pass sentence upon them without delay.—

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

(Sent following) precept No. 30.

Read Letter dated the 26th Ultimo from the Acting Magistrate of Salem bringing

bringing to notice the misconduct of the Acting Head of Police of Razepore.

(Here enter F. U. No. 15)

1. In the preceding communication the Acting Magistrate alludes to the numerous charges brought against the Tahsildar, of delay in the transaction of business, of endeavours to suppress evidence, of withholding public documents until it suited his purpose to produce them, of confining people without cause, of altering dates and refusing to listen to complaints because he disrelished them.— these and other charges the Acting Magistrate, as well as his Head Assistant, considers sufficiently proved to call for the exemplary punishment of dismissal from office and a declaration of incompetence to hold henceforward any situation under Government.

2. Without entering into an investigation of the charges preferred against the Head of Police of Razepore the

the Courts of Foujdaree Udalut would merely observe that they have not authority to order the dismissal of a Talukdars peon in cases coming before them under the provisions of Section XXXIX Act VIII of 1843, and that before they could pass a condemnatory sentence, they would require to be provided with the defence of the accused.

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

(Section No. 31)

Read letter dated the 11th Ultimo from the Acting Magistrate of North Arcot, reporting that the powers vested in the Magistracy by Section LIII of Act VIII of 1843 have not been exercised during the month of November last.

(Here enter F. H. No. 1977)

Read the Criminal Reports dated 12th Ultimo from the Magistrate of Chingleput for the Month of November last.

(Here enter F. H. No. 1976)

Read

Read letter dated the 13th December 1843 from the Acting Session Judge of Chittoor, transmitting the Calendar in Case No. 11 of 1843 together with the translation of the Futwah.

(Here enter F. H. No. 1979)

Read the Criminal Reports dated 30th November 1843 from the Acting Subordinate Judge of Salem for the Month of November last.

(Here enter F. H. No. 1982)

Read letter dated the 12th Ultimo from the Principal Sudr Ameen in charge of the Zillah Court of Nellore, submitting the Criminal Reports for the Month of November last.

(Here enter F. H. No. 1985)

Read letter dated the 1st Ultimo from the Chief Magistrate and Superintendent of Police at Madras, submitting the Report of cases tried under Act XXII of 1837 in the Month of October 1843.

(Here enter F. H. No. 1987)

Read

17th January 1844.

Read letter dated the 11th Ultimo from the Session Judge of Madura submitting copys of the Calendar of three Prisoners together with the translation of the Fictwahs—

(Here enter F. R. No. 1992)

Read letter dated the 11th Ultimo from the Session Judge of Mangalore submitting Copy of the Calendar in Case No. 2 of 1843 with his remarks thereon—

(Here enter F. R. No. 1994)

Read letter dated the 5th Ultimo from the Acting Session Judge of Honore submitting the Calendar of Case No. 1 of 1843, together with the translation of the original Fictwahs, and the Statement of Batta paid to the Prosecutors and Witnesses—

(Here enter F. R. No. 1995)

Encl.

PDM
M

F. R.

Thursday 18th January 1844.

At a Court of the Foujdary Adawlut—

Present—

George James Casamajor Esquire 1st Puisne Judge—
Malcolm Lewin Esquire — 2d Puisne Judge—
Alexander Maclean Esquire — 3d Puisne Judge—

Read letter dated the 2nd Instant from the Session Judge of Tinnevelly submitting the record of the Trial in Case No. 11 on the Calendar of the Sessions Court at Tinnevelly for 1843—

(Here enter No. 101.)

The Court of Foujdary Adawlut

Mr. G. J. Casamajor.

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 Pauthalamoottoo,

and

2d Poattynandan,

is sufficient to convict the former of the crime of Culpable Homicide, for which the punishment of Death is awardable under the Mahomedan Law,

Law, as declared in futwas of their Law Officers, and the latter of having been an accessary after the fact to the said crime, do convict them of those crimes respectively and under the provisions of Clause Second Section XV Regulation VII of 1802 and Section XXXIII Act VII of 1843 sentence the prisoner,

1st Panthalamoottoo.

to be imprisoned and kept to labor within the walls of the Jail for and during the period of six months - and the prisoner

2d Poattiyandan.

to be imprisoned and kept to labor within the walls of the Jail, for and during the period of two months.

1. There does not appear to have been any Criminal intentions on the part of either of the prisoners in inflicting, or causing to be inflicted, the beating which occasioned the death of deceased, and to which it distinctly appears that deceased submitted voluntarily, as to a process of exorcism, and made no endeavour to escape from it though he was not bound or otherwise under restraint. Nor was the slipper with

with which the beating was inflicted likely to occasion death or serious injury. On the contrary it is in evidence that it was the instrument customarily used on such occasions and that similar beatings were customarily without injurious result. The criminality of the 1st Prisoner consists solely in a culpable negligence in the mode of administering the beating.

2. The 2nd Prisoner cannot be said to be partaker in this part of the 1st Prisoner's guilt; all the criminality that appears to the Court, to attach to the 2nd Prisoner is his having assisted in burying the body of deceased, and thus knowingly concealing a homicide; which is of the nature of misprision.

3. The case differs widely from No. 5 of 1843 by the sentence in which the Sessions Judge has been guided in proposing the sentence in this case. In that case the Prisoner assaulted the deceased under provocations of abusive language and one of them kicked him on a part of the body on which a kick was likely to be attended with serious injury.

6th January 1844

Sundry Vakils received in the above said Case

Nos.-

(Here enter No. 1996.)

Read letter dated the 13th December 1843 from the Acting Magistrate of South Arcot referring to the Courts proceedings of the 8th Ultimo and forwarding copy of a letter from the Joint Magistrate of South Arcot conveying the explanation required in Case No. 11.-

(Here enter No. 2004)

Read letter dated the 12th December 1843 from the Acting Subordinate Judge of Rajahmundry forwarding Criminal Reports for November last.-

(Here enter No. 2003.)

Read letter dated the 13th December 1843 from the Principal Sudr Ameen at Cuddalore forwarding Criminal Report No. for the Month of November last.-

(Here enter No. 2005.)

Read letter dated the 12th December 1843 from the Subordinate Judge of Bangalore, transmitting the required Reports in the Criminal Department of this Court for the Month of November 1843.-

(Here enter No. 2006.)

8th January 1844

Read letter dated the 11th December 1843 from the Acting Principal Sudr Ameen of Guntoor, forwarding the Criminal Reports for the Month of November 1843.-

(Here enter No. 2007.)

Read letter dated the 12th December 1843 from the Sessions Judge of Guntoor, sending copy of the 5th Calendar of persons committed by the Acting Principal Sudr Ameen of Guntoor for trial before the Sessions Judge.-

(Here enter No. 2008.)

Read letter from the Sessions Judge of Calicut dated the 11th December 1843 transmitting copy of the Calicut Calendar No. X of 1843 and translation of the original Tuliva.-

(Here enter No. 2014.)

Read letter dated the 8th Instant from the Subordinate Judge of Chittoor forwarding the statement required by this Court under date the 11th December 1840.-

(Here enter No. 820 of 44.)

Friday
19th January 1844.

At a Court of the Foujdary Adalut.

Present.

George James Casamajor Esquire Offg. 1st Puisne Judge
Malcolm Lewin Esquire ——— Offg. 2d Puisne Judge
Alexander Maclean Esquire Offg. 3d Puisne Judge

Read return dated the 6th Instant from the Acting Session Judge of Cuttack to the precept of the Foujdary Adalut of 23d December last directing him to look into case No. 207 of the Cuttack Criminal Depot for the month of November 1843, and pass such orders as may seem necessary.—

(Herd enter F. D. No. 44 of 1844).—

1. In the 5th para of the preceding return the Acting Session Judge notices the "discreditable" conduct of the Head of Police of Muddenpully in having forwarded the above case to the Criminal Court without the slightest inquiry, and without evidence which might have been obtained in the first instance in the case of the 8th and 9th Witnesses, who was forthcoming on the requisition of the

9th January 1844

3

of persons apprehended in the District and delivered to the Magistrate, Joint and Assistant Magistrates, of Tanjore from the 15th to the 30th November 1843.

(Here enter F.A. No 2 of 1844.)

Abstract 3, Hand 5.

The same individual being charged in the three cases noted in the margin it was necessary, with reference to the rule laid down in Judiciary Adalut Circular Order dated 8th December 1831 that the name of the accused should in the second and other case be inserted in the Report in red ink.

Ordered that Extract of these proceedings be sent to the Acting Magistrate of Tanjore for his information.

(Sent in Ltr No 41.)

Ltr No.

F.A.

Saturday, 20th January 1844.

At a Court of the Foujdaree Adalut

Present

G. I. Casamajor Esqr 1st Ag.t
Malcolm Lewin Esqr Ag.t 2d
Alex.r Maclean Esqr Ag.t 3d
} Puisne Judges

Read letter dated the 27th Ultimo from the Acting Session Judge of Combaconum.

(Here enter No 8 of 1844.)

In this communication the Acting Session Judge requests instructions as to the course he ought to pursue with reference to the disposal of a certain Criminal Case on appeal from the Magistrate, and on the merits of which he differs from his predecessor Mr. Prendergast who, by his proceedings entered in the Diary of the 8th November last, appears to have credited the accusation, and proposed returning the record of the

to the Magistrate, with a request that he would explain the grounds on which he rejected the appeal of the Petitioner against the order preceded by his Head Assistants previous, however, to adopting this course, he called upon the Magistrate for further information, which information was not received until Mr Rawlings's departure.

2. The original charge was for assault and preferred before Mr Cook the Head Assistant Magistrate who not only doubted its truth but in his Takeed of the 4th September last to the Police Officer of Cadawaple directed that in the event of either party complaining, security should be demanded from the supposed principal.

3 Under existing circumstances the Court are clearly of opinion that it is the duty of the Acting Session Judge to pass the final orders.

4 At the same time the Court resolve, that the Magistrates, to call upon Mr

Mr Cook the late Head Assistant Magistrate of Tangore, to explain under what authority he issued the order to demand security on preferring a complaint referred to at the end of his Takeed to the Head of Police of Cadawaple Talook dated 4th September.

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

(Sent Nº 144.)

Ordered also that Extract from these proceedings be forwarded to the Acting Magistrate of Tangore by precept returnable without delay.

(Sent following) precept Nº 45.

Read letter dated the 5th Instant from the Subordinate Judge of Mangal[illegible] applying for permission to offer a conditional pardon to a Prisoner [illegible] Nº 36 of the Criminal file of that C[illegible]

(Here enter F 11 Nº 70)

The circumstances [illegible]

which the Subordinate Judge applies for permission to offer a conditional pardon to Ober Ayeta the 3rd Prisoner in the above Criminal Case, and his confessions before the Police and Court to the effect that he was in the company of the 1st and 2d Prisoners when the house of a female named Amaty was broken into and she robbed and murdered.

2. With the exception of this confession there is stated to be no material evidence beyond what may be derived from the fact of previous intimacy and enmity existing between the deceased and the 1st and 2d Prisoners.

3. The Court of Foujdaree Adalut observe that unless corroborative evidence can be adduced the offer of a pardon to the 3d Prisoner would be useless, and they would suggest to the Subordinate Judge to cause inquiry to be made as to the exact manner in which the door of the deceased Amaty's house was fastened.

4. From the evidence of the 3d

3d Witness it would appear that the door was more than merely shut; if it was fastened inside and was obliged to be broken to be entered it seems possible that the deceased hanged herself.

Ordered that Extract from these proceedings be forwarded to the Subordinate Judge of Mangalore by precept returnable without delay.

(Seal following) precept No. 26

J. U.

Monday, 22d January 1844.

At a Court of the Sungdaree Udalut.

Present,

G. S. Casamajor Esq.re Act.g 1st Puisne Judge,

Malcolm Lewin Esq.re Act.g 2d Puisne Judge,

Alex: Maclean Esq.re Act.g 3d Puisne Judge.

Read Miscellaneous Petition presented on 18th December 1843 by Ramoo vyngar of Zillah Combaconum.

/ Here enter J. U. M. P. No. 103 of 1843 /

Adverting to his previous memorials / No.s 64 and 83 / and the orders passed upon them by this Court the Petitioner states that, in the Sungdaree Udaluts proceedings of 20th November last, he is advised to apply to the Magisterial authorities and thereupon [illegible] that being unable to understand the nature of that order he now prays for specific directions as to the authority from whom he is to

22nd January 1844

No 66 of 1843

From the language adopted in the first Petition in which it is stated that he had addressed the Higher Court on the 10th June last, the Court of Foujdaree Udalut were led to conclude that the Petitioner had addressed the late Provincial Court against the proceedings of the Magistrate, and, as from the return of the late Provincial Court in the Southern Division dated 4th of last September — no such application seems to have been made to them on this Subject, the Court of Foujdaree Udalut, in their order of 20th November last, pointed out the Magistrate as the proper channel for any Appeal from the proceedings of the Subordinate Police.—

To this order the Petitioner is again referred and, at the same time, informed that an Appeal from the Magistrate's decision will lie to the Sessions Judge.—

Ordered

22nd January 1844.

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

Read Miscellaneous Petition presented on the 18th December 1843 by Lingumunk and Lauteepeah of the Zillah of Bellary.—

/Here enter F.C. M.P. No. 102 of 1843/

The Subject matter of this Petition is the same as that of Original Petition No. 66 of 1843, in which this Court by their proceedings dated 4th October last, declined all interference.—

The Petitioners now pray some Standard may be fixed by which their proceedings may be conducted with the limits assigned by Mr. Bruce in a certain proclamation, and which, they allege the late Provincial Court in the Centre Division in an Extract from their proceedings

Submitted

22nd January 1844.

Submitted with the Petition No. 66 of 1843.

declared to be correct and proper.

The Petitioners should apply to the Magistrate of the District for such orders as they may think necessary, matters of the nature of those referred to in their addresses are best in the hands of the local authorities.

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

Read return dated the 30th ult. ultimo from the Magistrate of Malabar, to the precept of the Sanjoined Adalut of the 22nd ultimo, ordering him to supply the information omitted in the Criminal Reports for November 1843.

/Here enter J.Mc. No. 71 of 1844/

Read Statements dated the 31st ultimo from the Sessions Judge of Coimbatore, of the labor of Convicts in the Jail

J.Mc

22nd January 1844.

Jail of Coimbatore and Dotacammund for the Months of December 1843.

/Here enter J.Mc. No. 74 of 1844/

Read Statement dated the 6th Instant from the Acting Sessions Judge of Tellicherry, of Batta paid to the Prosecutors and witnesses attending before the Court of Session for the 4th quarter of 1843.

/Here enter J.Mc. No. 75 of 1844/

Read letter dated the 4th Instant from the Agent to the Governor of Fort St. George at Vizagapatam forwarding Calendar of Cases for the quarter ending on the 31st December 1843.

/Here enter J.Mc. No. 78 of 1844/

Read letter dated the 9th Instant from the Magistrate of Cuddapah informing that no cases have been tried either by himself, the Joint Magistrate or the Head Assistant Magistrate

under Section XLIX Act VII of 1843 during the
months of December last.-

/Here enter F.C. No. 79 of 1844/

Read letter dated the 4th
Instant from the Sessions Judge of
Tinnevelly, submitting Calendar of
Case No. 8 of 1843 committed by the
Principal Sudr Ameen of Tinnevelly

/Here enter F.C. No. 85 of 1844/

Read letter dated the 10th
Instant from the Sessions Judge of
Chingleput, forwarding Statements of labor
of Prisoners &c. for December 1843.-

/Here enter F.C. No. 89 of 1844/

Read letter dated the 10th
Instant from the Acting Sessions Judge
of Nellore, submitting Copy of the Calendar
of Case No. 11 of 1843. disposed of by
him.-

/Here enter F.C. No. 103 of 1844/

Read

Read letter dated the 8th
Instant from the Acting Subordinate
Judge of Rajahmundry, forwarding the
Criminal Reports for the months of December
1843.-

/Here enter F.C. No. 105 of 1844/

Read letter dated the 10th
Instant from the Acting Principal Sudr
Ameen of Guntoor, reporting that
Criminal Reports of December last
are "blank" in consequence of no case
having been received during that months

/Here enter F.C. No. 114 of 1844/

Read letter dated the 9th
Instant from the Acting Sessions Judge
of Salem, forwarding the Criminal
Reports for December 1843, and stating
that the Supplemental Report, Report
No. 7, 8 and 9 and the Statement of
punishment are not transmitted as there
have been no entries to be made therein
during the said months.-

/Here enter F.C. No. 121 of 1844/

R

22nd January 1844

Read letter dated the 10th Instant from the Magistrate of Tinnevelly reporting that no cases were decided by him or his Assistants during the last Month under the powers vested by Act VIII of 1843.—

/Here enter F.M. No. 127 of 1844/

Read Report dated the 1st Instant from the Sessions Judge of Tinnevelly of cavaliers and of Prisoners released in the Zillah Courts at Tinnevelly in the Months of December 1843.

/Here enter F.M. No. 132 of 1844/

Read return dated the 16th Instant from the Acting Sessions Judge of Coddapah to the precept of the 30th dated the 3rd January calling for a report on the allegations of the Petitioner in Miscellaneous petition No. 100 concerning certain Jewels withheld from the Prisoner in case No. 2 on the Coddapah Supplemental Calendar for

F.M.

22nd January 1844

for the 2nd Sessions of 1843.

/Here enter F.M. No. 181 of 1844/

Read again Miscellaneous Petition presented on 11th December 1843 by Saurummah Sister of Christoo Naugadoo, prisoner in the above mentioned case, complaining of the family Jewels having been seized by the Peons who search the house, and praying, since the Prosecutor could not identify the Jewels that they may be restored and her Brother released from prison.—

/Here enter F.M. M.P. No. 100 of 1843/

In the preceding return the Acting Sessions Judge attributes the non identifying of the Jewels to bribery on the part of the Prisoner's Friends, and states that they have been detained during his imprisonment but any on his expressing a wish to that effect, be delivered to the Petitioner.—

2. Under these circumstances the Court

Court of Zeyedaree Adalut declare interfering leaving the restoration of the Jewels to the Petitioner or his relatives, to the discretion of the Acting Sessions Judge—

Ordered that Extract of these proceedings be sent to the Acting Sessions Judge of Cuddapah for his information and guidance—

/Sent in Ack 47./

Order further that copy of these proceedings be granted to Petitioner on application—

Read Miscellaneous Petition presented on the 3d January 1844 by Chinnah and Bantalingum of the Zillah of Masulipatam complaining of the sentences passed in Case No 1 of the Supplemental Calendar of Masulipatam for the 2d Quarterly Sessions of 1843, and praying that the Court of Zeyedaree Adalut will be pleased to call for the record and reverse the Sentence—

/Here enter Fl & Mr P. No 2 of 1844/ The

The Petitioners state that in the above case 13 persons, charged with riotously assembling in the Village of Condapelly during a certain car festival, having been tried were variously punished, altho' it was clearly proved that the parties acted in conformity to Mamool and not in opposition to any Regulation.

This case cannot now be gone into again and Petitioners are referred to the former order passed by this Court on the 21st August 1843 on Miscellaneous Petition No 57—

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

End H.

WDM
Dy

Tuesday
23d January 1844.-

At a Court of the Foujdary Udalut.-

Present-

George James Casamajor Esquire Offg. 1st Puisne Judge.
Malcolm Lewin Esquire — Offg. 2d Puisne Judge.
Alexander Maclean Esquire - Offg. 3d Puisne Judge.

Read letter dated the 26th Ultimo from the Session Judge of Tinnevelly submitting copy of the Calendar in Case No. 4 of 1843.-

(Vide entry No. 1.)

In reference to the remarks of the Session Judge in this case the Court of Foujdary Udalut observe that as directed by Circular Order 16th January 1822, it should have been stated whether the witnesses who recognized the prisoners were previously acquainted with them.-

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

(Sentence No. 49.

Read

23d January 1844.

to her sex, the 4th to 2 years' imprisonment with hard labour, and the 5th is ordered to be released.

4. The Court of Foujdary Udalut consider there are no circumstances in this case which call for the infliction of stripes which they accordingly, under the authority vested in them by Section XXXV Act VII of 1843, direct may be remitted, observing that it would have been a better distinction had the Acting Sessions Judge sentenced the 1st Prisoner to 7 and the 2d Prisoner to 5 years' imprisonment which they accordingly order.

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

(Sent following precept No. 51.)

Read letter dated the 16th Instant from the Magistrate of Masulipatam reporting that no cases of the description alluded to in Section LIV Act VII of 1843 have come under his cognizance for last month.

(Here enter No. 238.)

Ent. W.

F. U.

Wednesday, 24th January 1844.

At a Court of the Foujdary Udalut.

Present.

George James Casamajor Esquire 1st Puisne Judge.
Malcolm Lewin Esquire 2d Puisne Judge.
Alexander Maclean Esquire 3d Puisne Judge.

Read letter from the Acting Sessions Judge of Combaconum dated the 9th Instant, submitting case No. 13 on the Sessions Court for the final judgment of the Foujdary Udalut.

(Here enter F. U. No. 80 of 1844.)

1. The Prisoners in this case are charged with Gang Robbery in having gone accompanied by others to the house of the Prosecutor with sticks and torches and having forcibly entered and stolen therefrom property to the value of Rs. 301-10-6.

2. The Mahomedan Law Officer convicts the 5th and 6th Prisoners, considers the 4th liable only to suspicion, and declares the 1st, 2nd, 3d and 7th on the ground of deficiency of evidence entitled to their release; but on a

second

remit question being proposed observes- that if the legal objection to the 1st and 2nd Witnesses, in the score of affinity to the Prosecutor was removed, the Prisoners (with exception of 2nd) would be liable to Asheerbut.-

3. The Acting Sessions Judge differs as to the conviction of the 1st, 2d and 7th Prisoners, stating, with regard to the 1st that he is not satisfied with the proof of his identity, and has no confidence in the evidence adduced against the 2nd and 7th.-

4. The Court of Foujdary Udalut observe that the record of this trial must be returned as it does not appear that the Law Officer's exception is merely a legal exception, but from the last para of the Futwah, an exception to the evidence generally- The second question is improperly put, it ought to have been "would they have been convicted," and not as in the record "to what punishment would they have been liable"-

5. The Acting Sessions Judge should, moreover, state specifically by name what prisoner he thinks guilty, and what punishment he recommends

recommends for each.-

Ordered, that Extract of these proceedings be sent to the Acting Sessions Judge of Combaconum by precept returnable without delay.-

(Vide following precept No. 66.)

Read letter dated the 6th Instant from the Sessions Judge of Coimbatore, recommending in consideration of his total and apparently incurable blindness, that the sentence of a Convict in the Coimbatore Jail should be in part or wholly remitted.-

(Vide Order P. 26 No. 73.)

1. The Prisoner above alluded to, Kapadichinnagatha Iramoo Kaya, was convicted in No. 3 on the Calendar of the 1st Session of 1840 at Calicut, and sentenced to 7 years imprisonment with banishment to the Zillah of Coimbatore, where he appears to have lost his sight.-

2. In consideration of the circumstances above mentioned the Court of Foujdary Udalut resolve to direct that the convict Kapadichinnagatha Iramoo Kaya be

24th January 1844.-

be removed to Calicut to undergo the remainder of his sentence as they see no grounds for sanctioning a remission.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Coimbatore for his information, by precept returnable without delay.-

(Sent following precept No. 56.

Read return dated the 30th Ultimo from the Magistrate of Cuddapah, to the precept of the Sundary Dated of the 27th December 1843, forwarding observations and orders on the Criminal Reports for the Month of November 1843.-

(Here enter No. 13.)

Read return dated the 30th Ultimo from the Agent to the Governor of Fort Saint George at Karnoole the precept of the Sundary Dated of the 18th December 1843, submitting the particulars of a case of Robbery No. 10 of 1843.-

(Here enter No. 22.)

Read letter dated the 5th Instant from the acting Sessions Judge of Tinnevelly

J. M.

24th January 1844.-

Tinnevelly forwarding copy of the 4th Calendar of persons committed by the Principal Sudr Ameen of Tinnevelly together with copy of the Spanstate of the Futwa.-

(Here enter No. 55.)

Read return dated the 6th Instant from the Sessions Judge of Bellary, to the precept of the Sundary Dated of the 23d December 1843, expressing that the entry of the Prisoner into the Prosecutor's house in case No. 79 of the Criminal file for 1843, was burglarious but that the evidence was not sufficient for conviction.-

(Here enter No. 87.)

Read letter dated the 12th Instant from the Principal Sudr Ameen of Chingleput, forwarding Criminal Report for December 1843.-

(Here enter No. 104.)

Read letter dated the 9th Instant from the Magistrate of Bellary informing with reference to the 3d Para of the Extract from the Proceedings of the Sudr Court under date the 21st August 1843, that the

the powers vested by Section XLIV Act VII of 1843 have not been exercised by the Magistracy of this District during the month of December 1843.-

(Here enter No. 112.)

Read letter dated the 12th Instant from the acting Session Judge of Nellore, submitting the Report No. 6, the statement of Extra Peons, &c. and the statement of the labor of Prisoners in the Jail at Nellore for December 1843.-

(Here enter No. 115.)

Read fuil Reports dated the 10th Instant from the acting Session Judge of Masulipatam for December 1843.-

(Here enter No. 126.)

Read letter dated the 15th Ultimo from the Magistrate of Guntoor, reporting that no cases were decided by the Magistrate himself, during the last month under the provisions of Act VII of 1843, and only one by his acting Head Assistant Magistrate as per enclosed Report.-

(Here enter No. 128.)

Read

Read letter dated the 9th Instant from the Sessions Judge of Cuttack, transmitting a statement of Batta paid to the Prosecutors and Witnesses who attended before the Court of Session during November and December 1843.-

(Here enter No. 140.)

Read letter dated the 12th Instant from the acting Sessions Judge of Nellore, submitting the Calendar of Case No. 5 of 1843 tried by the Sessions Court, with remarks thereon, the translation of the Original Futwah, and the Statement of Batta paid to the Witnesses.-

(Here enter No. 204.)

Read letter dated the 17th Instant from the acting Sessions Judge of Cuddapah, forwarding a report of casualties and a statement of the Prisoners labor &c. for December 1843.-

(Here enter No. 206.)

Read letter dated the 17th Instant from the Magistrate of Cuddapah, forwarding copy of a letter from the acting Joint Magistrate replying to the requisitions contained in the Extract of Proceedings under date the 27th December last.-

(Here enter No. 218.)

Read

24th January 1844.

Read letter dated the 11th Instant from the Principal Sudr Ameen of Vizagapatam informing that the Quarterly Statement required by Circular Order No. 88 has not been sent as no other than mere road labor is done by the Prisoners in the Jail under his charge.—

(Here enter No. 228.)

Read letter dated the 16th Instant from the Session Judge of Cuttack, transmitting the statement required by Circular Order dated 5th July 1834, No. 4, of the cases referred to the Foujdary Court as Circuit Judge.—

Here enter No. 229.—

Read return dated the 20th Instant from the Acting Sessions Judge of Nellore, to the precept of the Foujdary Adalut of the 17th Instant, conveying observations on cases 3, 4, and 7 of the Calendar of 1843.—

(Here enter No. 230.)

Read letter dated the 16th Instant from the Sessions Judge of Cuttack transmitting the statement required by Circular Order dated 5th July 1834, No. 4, of the only case referred to the Foujdary Court as Sessions Judge.—

(Here enter No. 231.)—

No. 1.

Thursday 25th January 1844. At a Court of the Foujdaree Adalut

Present

G. J. Casamajor Esqre. Ag. Pt.
Malcolm Lewin Esqre. Ag. 2nd. } Puisne Judges.
A. Maclean Esqre. Ag. 3rd.

Read letter dated the 2nd Instant from the Sessions Judge of Salem, submitting the record of the trial in Case No. 4 of 1843 on the file of this Court.—

(Here enter No. 100)

Mr. 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 Prisoner Andatal is not convicted on presumptive proof, or on the evidence of credible witnesses, or on her own confession of the crime of Murder, do acquit her thereof, and do direct that she be unconditionally released.—

The Court of Foujdaree Adalut are of opinion that the prisoner

Andatal

And altal should be acquitted on the grounds of insanity - it is sufficient in fluence, the Court considers of the state of her mind that, she killed her child without a motive, and adopted a mode of committing the act, abhorrent from a mothers feelings and at utter variance with the ordinary bent of nature - The sentence proposed by the Judge of Sessions, is the Court think illegal - the offence proved (see fatwah) is murder, for which the law adjudges the punishment of death - The act proved (according to the letter of the Sessions Judge) constitutes no offence - as there was no malicious motive - which is a necessary ingredient of murder - The law it is true, in some cases infers malice, but in the present instance there is sufficient proof of its non existence - Under any circumstances the Court of Sessions dare Odalut think they cannot while doubting the state of the womans mind when the act was committed award punishment and accordingly resolve to direct the unconditional

unconditional release of the Prisoner.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Salem for his information.-

/Sent following letter No. 60./

Read letter dated the 30. December 1843 from the Acting Sessions Judge of Mangalore forwarding copy of a Calendar received from the Subordinate Judge in a case of severe wounding, and requesting the opinion of the Sudder Adalut whether under the circumstances of the case he should release the prisoner without proceeding to trial.-

/Here enter F.H. No. 24 of 1844/

1. It appears from the above communication that the wounds which form the subject of the charge in the case in question were inflicted on the Prosecutor by the Prisoner at a time when the former was sleeping with the Prisoners wife, a Criminal intercourse having previously subsisted between the latter and the Prosecutor.-

Assertion

25th January 1844.

25

2. Adverting to two Cases quoted
Vide 1 pages 7th and 151 in the Reports of the Nizamut Adawlut
in which under very similar circumstances
two homicides were ruled to be justifiable
and to this Courts Circular Order dated
9th April 1834, the Acting Sessions Judge
observes that "when a smaller degree of
"injury has been inflicted under circum-
"stances that justify, it was equally compe-
"tent to the Circuit Court to release," and
the doubt the Acting Sessions Judge, Chief Feels "is
"whether the slighter Enquiry made by the
"Subordinate Criminal Court in commit-
"ting under the existing law, may not in
"the opinion of the Judges of the Tanjore
"Adalut render a regular trial necessary."

3. The Court of Tanjore Adalut
are of opinion that the Prisoner should
be brought to trial in the regular Courts
by which means he will have an
opportunity afforded to him of pleading
a justification of the offence of which
he now stands accused, before a tribunal
holding deliberate proceedings of Enquiry.

No. 61.

25th January 1844.

Ordered that Extract from
these proceedings be sent to the Acting
Sessions Judge of Mangalore for his in-
formation and guidance.

Sent in No. 61.

Friday,

26th January 1844.

At a Court of the Fouzdaree Udalut

Present:

Geo: James Casamajor Esqre. Acting 1st Puisne Judge.

Malcolm Lewin Esqre. Acting 2nd Puisne Judge.

Alexander Maclean Esqre. Acting 3rd Puisne Judge.

Read letter dated the 11th Instant from the Magistrate of Trichinopoly

(Here enter No 126 of 1844)

1. In the above address the Magistrate requests the instructions of the Fouzdaree Udalut whether it "is the duty of a Magistrate "to interfere for the purpose of recovering property "illegally detained" under circumstances which by that officer are thus described.-

"A gives B a valuable instrument, or piece of furniture, to repair: on the completion of the repairs A objects to B's charges on the ground that they are exorbitant, that the work has been badly performed, or that in some other respect the implied contract between them, for in the case supposed there is no written agreement- has been violated. B is

compelled

competent to the Magistrate to compel B. to give up the property committed to his charge to A. leaving him to sue the latter in the Civil Courts."

2. The Judges of the Foujdaree Udalut are of opinion that the case adverted to by Mr. Onslow is one in which the Magistrate has no jurisdiction, the point at issue between A. and B. being clearly a question of right depending on certain acknowledged circumstances of a Civil nature, in connection with which there does not appear to have been either fraud or violence which alone could bring the case before a Magistrate and justify his interference.-

Ordered, that Extract from these proceedings be sent to the Magistrate of Trichinopoly for his information.-

(Sent in No. 65.)

Read letter dated the 29th December 1843 from the Sessions Judge of Chicacole &c. transmitting copy of the Calendar in Case No. 2 on the file of that Court.-

(Here enter No. 94 of 1844)

Case No. II. 1. The Prisoners in this case are charged

charged, the first with having murdered his wife, and the 2nd and 3rd with having aided and abetted in the commission of the crime.-

2. The Mahomedan Law Officer acquits the 2nd and 3rd Prisoners but considers the suspicion against the 1st sufficient to demand punishment, in which view the Sessions Judge expresses his entire concurrence.-

3. The Court of Foujdaree Udalut consider this a very unsatisfactory case and resolve to call for a translation of the several depositions of the 1st Witness.-

Ordered, that Extract of these proceedings be sent to the Sessions Judge of Chicacole by precept returnable in V. days from and after its receipt.-

(Sent following precept No. 66.)

Read return dated the 28th December 1843 from the Sessions Judge of Salem, to the Precept of the Foujdaree Udalut of the 21st December 1843, requesting information as to what steps have been taken to secure the apprehension of Eraolan of Tadavoor, it appearing from the record of Case No. 4 of 1843 that

26th January 1844. that the charge of having fractured the skull of the deceased was preferred chiefly against him.-

(Here enter F.16. № 24 of 1844)

Read letter dated the 26th December 1843, from the Acting Sessions Judge of Cuddapah forwarding the Original death warrant in Case № 13 of the Cuddapah Calendar of 1843.-

(Here enter F.16. № 26 of 1844.)

Read letter dated the 8th Instant from the Sessions Judge of Chicacole, submitting the Criminal Reports № V. for the month of December 1843.-

(Here enter F.16. № 134 of 1844.)

Read letter dated the 10th Instant from the Agent to the Governor of Fort St. George at Vizagapatam, submitting Criminal Reports for December 1843.-

(Here enter F.16. № 135 of 1844.)

Read letter dated the 8th Instant, from the Acting Sessions Judge of Honore, submitting the Calendar of Cases № 6 tried by the Sessions Court with remarks thereon, the translation of the original

F.16.

26th January 1844.- original Petition, and the Statement of Batta paid to the Prosecutor and Witnesses.-

(Here enter F.16. № 136 of 1844.)

Read letter dated the 11th Instant from the Subordinate Judge of Bellary, transmitting Statements of Prisoners &c. in the above Jail for the year 1843.-

(Here enter F.16. № 139 of 1844.)

Read letter dated the 12th Instant from the Acting Sessions Judge of Trichinopoly, forwarding Statement of the actual produce of the labour of the Convicts in the Jail at that Station for the 4th Quarter of 1843.-

(Here enter F.16. № 141 of 1844.)

Read Report dated the 12th Instant, from the Acting Sessions Judge of Trichinopoly, shewing the executions and of prisoners released from the Jail at Trichinopoly during the month of December 1843.-

(Here enter F.16. № 142 of 1844.)

Read return and Estimate dated the 12th Instant from the Acting Sessions Judge of Trichinopoly shewing the value of produce of labour of the prisoners in the Jail at Trichinopoly during the month

of

of December 1843.-

(Here enter F.No. & No. 163 of 1844.)

Read return dated the 9th Instant

from the Acting Subordinate Judge of Cuttack

the precept of the Jury placed dated the 3rd

Instant, enclosing observations on Case No. 6 of the

Calendar, & supplemental Criminal Reports for November 1843.-

(Here enter F.No. & No. 146 of 1844.)

Read letter dated the 10th Instant

from the Magistrate of Rajahmundry reporting

that the powers vested by Section IV. Act VII of 1843

have not been exercised in December last.-

(Here enter F.No. & No. 151 of 1844.)

Read letter dated the 10th Instant

from the Acting Sessions Judge of Honore, submitting

the Calendar of Case No. 1 of 1843 tried by the Sessions

Court, with remarks thereon, the translations of the

original Tuhwah and the Statement of Batta

paid to the Prosecutors and Witnesses.-

(Here enter F.No. & No. 163 of 1844.)

Read letter dated the 10th Instant

from the Acting Sessions Judge of Honore, submitting

the Calendar in Case No. 1 of 1844 tried by the Sessions

Court, with remarks thereon, the translation

of

26 January 1844.-

of the original Tuhwah, and the Statement

of Batta paid to the Prosecutors & Witnesses.-

(Here enter F.No. & No. 164 of 1844.)

Read letter dated the 10th

Instant from the Acting Sessions Judge of

Honore stating with reference to Circular

Order No. 88. that no money was realized by

the labor of Prisoners in the Jail at Honore

during the 4th Quarter of 1843.-

(Here enter F.No. & No. 165 of 1844.)

Read letter dated the 10th

Instant from the Acting Sessions Judge of

Honore stating with reference to Circular

Order No. 65. that no charge was incurred

for the maintenance of children of Convicts

in the Jail at Honore during the 4th

Quarter of 1843.-

(Here enter F.No. & No. 166 of 1844.)

Read the Criminal Report

dated 31st December 1843 from the Magis-

trate of Malabar for the month of Decem-

ber 1843.-

(Here enter F.No. & No. 169 of 1844.)

Read letter dated the 15th

Instant

26th January 1844.

Instant, from the Magistrate of Kollaroyen reporting that no Cases cognizable under Section XIV Act VII of 1843 were disposed of by him or the Joint Magistrate and Assistant Magistrate in the Month of December 1843.-

(Here enter F. 11. № 170 of 1844.)

Read communication dated the 15th Instant from the Acting Sessions Judge of Cuddapah forwarding an Original death warrant in Case № 19 on the Sessions Court of Cuddapah for 1843.-

(Here enter F. 11. № 172 of 1844.)

Read letter dated the 13th Instant from the Acting Sessions Judge of Tellicherry transmitting copy of a Calendar and translation of the Putwah.-

(Here enter F. 11. № 176 of 1844.)

Read Statement dated the 1st Instant from the Acting Subordinate Judge of Salem, shewing the amount realized by the Labor of the Prisoners in the 4th quarter of 1843.-

(Here enter F. 11. № 177 of 1844.)

F. 11.

Monday,
29th January 1844. At a Court of the Fouzdaree Adalut

Present.

G. I. Casamajor Esqr. Agt.
Malcolm Lewin Esqr. Agt. 2d } Sessions Judge
Alex: Maclean Esqr. Agt. 3d }

Read Miscellaneous Petition presented on the 8th January 1844 by Thelly Hamud, Jail Peon of Chingleput.

(Here enter M. D. № 7 of 1844.)

1. The object of the foregoing address would appear to be to procure from the Fouzdaree Adalut orders for the restoration of the Petitioner to the situation of Peon.-

2. The circumstances under which the Petitioner lost the situation are however, not clearly stated. The Court of Fouzdaree Adalut accordingly resolve to direct that a copy of the Petition be forwarded to the Session Judge of Chingleput for such notice

as

as he may deem it to require.

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Singleput for his information

(Sent in No. 71.

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

Read Miscellaneous Petition presented on the 8th instant by Autoor Sashnumbotloo alias Parpunnah, of the Zillah of Chittoor.

(Here enter M. P. No. 6 of 1844)

1. The Petitioner complains against an order passed by the Acting Session Judge of Chittoor, confirming a proceeding of the Acting Magistrate of Chittoor, by which the Head of Police of Chumbaty in the Zemindary of Calastry, was directed by endorsement on an address presented to the Magistrate by Petitioner, to enquire into a charge of Robbery preferred by the Petitioner against the said Police Officer and two others.

The

2. The Petitioner further complains of the refusal by the Acting Session Judge to furnish him with a copy of the above order and prays for the issue of a precept, instructing the Magistrate personally to investigate the complaint preferred to him.

3. The Court of Foujdaree Adalut resolved to refer the foregoing address to the Acting Session Judge with directions to state whether, and if so, why he refused Petitioner a copy of his order and for any further explanation necessary.

Ordered that Extract from these proceedings together with copy of the Petitioner's address be forwarded to the Acting Session Judge of Chittoor by precept returnable in 10 days from and after its receipt.

(Sent following precept No. 72

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

Read

29th January 1844.

Road Miscellaneous Petition

presented on 8th January 1844 by Soogoory Ramappah of the Zillah of Cuddapah praying that the sentence of transportation passed upon his Brother, Soogoory Ramappah, 5th Prisoner in Case No. 13 on the Calendar of the Session Court of Cuddapah for 1843, may be cancelled, in consideration of his being innocent of the crime laid to his charge.

(Here enter M. P. No. 5 of 1844)

With reference to the above Petition the Court of Foujdaree Udalut observe that the sentence complained of having been passed by a full and competent Court cannot now be altered.

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

Read report, dated the 16th Instant, of persons tried by the Acting Magistrate of Tanjore from the 2d to the 31st December 1843, under the provisions

F. U.

29th January 1844

provisions of Section XIII of Act VII of 1843.

(Here enter F. U. No. 197 of 1844)

Case No. 3

The Court of Foujdaree Udalut observe, with reference to this case, that the 1st Prisoner being a Servant of the Prosecutor's ought to have been committed for punishment under the provisions of Clause 4th Section III Regulation VII of 1822, and not sentenced by the Magistrate under Section VII Regulation X of 1816, but they will not disturb the sentence as it now stands.

Ordered, that Extract of these proceedings be sent to the Acting Magistrate of Tanjore for his information and future guidance.

Sentence No. 13.

Read letter dated the 15th Instant from the Session Judge of Calicut submitting the record of trial in Case No. 13 of 1843 on the Calendar of the Session Court.

(Here enter No. 199)

The

29th January 1844.

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 Kerakie Vellaat Joyan Nair.

and

2nd Kerakie Vellaat Thungaran Nair

is sufficient to convict them of the crime

of Murder, do convict them thereof;

and under the provisions of Section X

Regulation VIII of 1802, do sentence them

to suffer death, by being hanged at the

usual time and place of execution.

1 The real question is whether

the Prisoners were, or were not inside

the tiled storey of the Store-room in which

the Murders were committed.

2 The dying declaration of

Ramen Nair and the depositions of the

Prosecutor and the 2d and 3d witnesses are

all the proof there is of this. The evidence

of the 4th witness is so contradictory that it

must be discarded altogether. That of

the

29th January 1844.

the 5th 6th 7th and 8th witnesses is in fact evidence

for the Prisoners; for it is express to the effect

that they were not inside the building.

The rest of the witnesses for the Prosecutor

do not speak to the point.

3 The first thing for consideration

is whether the evidence of Ramen, of the

Prosecutor, and of the 2d and 3d witnesses

is sufficient to convict the Prisoners,

if not rebutted. Ramen declares to the

fact, as an eye witness, that both the

Prisoners assisted in murdering Sarang-

koodhan; and the other 3 depose that they

saw the Prisoners come out of the building

where the door was opened with weapons

stained with blood.

4 The declaration of Ramen

Nair is not open to rebuttable.

5 The Prosecutor varies in his

deposition before the Session Court from

his account before the Police as to the

persons present when he first ran up

to the house; as to Pungoo Nair, who

was released being armed; and as to the

time

time at which the Prisoners ran off -

Upon the whole the Prosecutor's evidence appears not fully to be trusted.

6 The 2d Witness expressly contradicts himself as to seeing the Prisoners come out of the Store house and his evidence must be discarded.

7 The 3d Witness is consistent and he is not related to either party; he is a Mussulman.

8 His evidence therefore and Raneu Nair's dying declaration are all the good evidence against the Prisoners and it is the Court of Foujdaree Adalut think sufficient to convict them if not rebutted.

9 The evidence to rebut it is that of the 5th 6th 7th and 8th witnesses for the prosecution and that of the witnesses for the Prisoners - This is all to the same effect viz: that the Prisoners were never inside the building in which the murders were committed; tho' all depose, and the Prisoners admit that they were present outside -

all

10 All these witnesses depose that they saw the Prisoners come, the 1st Prisoner from the West entrance the 2d Prisoner from the East entrance of the premises; and this minute agreement as to a most unimportant circumstance which it is impossible they should have had leisure to observe in a scene of terror and confusion, destroys the effect of their evidence altogether; for it is an unmistakable mark of fabrication.

The Court of Foujdaree Adalut therefore think that the evidence against the Prisoners is not rebutted.

12 They therefore convict them both of murder and sentence them to death.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Calicut for his information.

Sent following letter No 74.

Read letter dated the 16th Instant from the Session Judge of Chingleput

29th January 1844

Chingleput submitting the record of the trial in Case No 9 on the Calendar for 1843.

(Here enter No 160)

The Court of Zoujdaree Udalut

No 9 of Calendar
Cavanagh
and
Nos M. Levin

on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoners

4th Varadeu

and

5th Rayanen

is sufficient to convict them of the crime of Murder, and that the proof against the

6th Coopoo

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 sentenced the prisoners,

4th Varadeu

and

5th Rayanen

to suffer death by being hanged at the usual time and place of execution, and the

Prisoner

29th January 1844

Prisoner

6th Coopoo

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 Zoujdaree Udalut conceive that much time and pains have been unnecessarily spent upon this Case by the Principal Sudr Ameen; little additional light is thrown upon it by his proceedings and an useless addition is thereby made to the bulk of the record which it is very desirable to avoid.

Ordered that Extract from these proceedings be forwarded to the Judges of Chingleput for communication to the Principal Sudr Ameen for his information and future guidance.

(Sent following) letter No 75

Cuttack

29th January 1844.

Vedlee Mahomed, Sail
Peon of the Zillah of Chingleput, moves
the Court to return the Enclosures in his
Miscellaneous Petition No 7 of 1844

Ordered accordingly.

Read letter dated the 16th
Instant from the Magistrate of Chingleput
reporting that no sentences were passed
in December last under the authority of
Section LIV Act VIII of 1843.

(Here enter P. M. No 185)

Read letter dated the 17th
Instant from the Acting Session Judge
of Nellore submitting Copy of the Calendar
of Case No 10 of 1843 disposed of by him.

(Here enter P. M. No 186)

Read returns dated respectively
the 4th and 15th January 1844 from the
Subordinate Judge of Chittoor, to the precept
of the Tongaree Vadalet of the 11th December
last calling upon him to ascertain and
report whether the Convict Kistnaspa
Moodely did give such information
regarding the escape of certain Prisoners
from

P. M.
29th January 1844.

from the Great Western Road as in the
Petition (No 89) presented by his wife,
he is asserted to have given.

(Hereunto P. M. No 37 and 47 of 1844)

Accompanying the preceding
returns the Subordinate Judge forwards
copies of 2 letters from Captain Sirtius
Deputy Superintendent of Government
Roads, stating that the Convict Kistnaspa
Moodely received a severe blow from
the Prisoners against whom he informed
of an intention to attempt their escape
and that it appears the death of Lieuten
Stack, late Deputy Superintendent of
Government Roads, alone prevented
the laudable conduct of Convict Kistn
naspa Moodely being brought from
strictly to notice.

2 Under the circumstances
mentioned above the Court of Tongaree
Vadalet resolve to order the Subordinate
Judge of Chittoor to make all the inquiries
he can, thro the Superintendent of Roads
or otherwise, and having done so, to

recommend

29th January 1844

recommend such mitigation of the sentence passed on the Convict Kastiraspod Moodely as in his judgment may seem proper, and also to state the term of his sentence still remaining unexpired.

Ordered that Extract of these proceedings be sent to the Subordinate Judge of Chittoor by precept returnable without delay.

(Sent following) precept No. 76.

Extract

Tuesday 30th January 1844.

At a Court of the Fouzdaree Adalut.

Present.

G. I. Casamajor Esqr. Agt. 1st
Malcolm Lewin Esqr. Agt. 2d
Alexr. Maclean Esqr. Agt. 3d
} Prisnl. Judge

Read the Criminal Report dated the 31st Ultimo submitted by the Principal Sudr Ameen of Coimbatore for the Month of December 1843.

(Here enter No. 161.)

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

Ordered therefore, that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Coimbatore for his information.

(Section No. 77.

Read Criminal Calendar for the Month of December 1843 submitted by the Acting Session Judge of Canara.

(Here enter F. A. No. 187.)

The

30th January 1846

Case No 80/29

The Court of Foujdaree Udalut observe that under the provisions of Clause first Section XI Regulation VIII of 1811 the fine for smuggling is not to exceed three times the value of the illicit article, and they accordingly direct that the sentence in the present case may be set aside, and another passed in conformity with the Law.

Ordered that Extract of these proceedings be sent to the Acting Session Judge of Madura by precept returnable in 3 days from and after its receipt (sent following precept No 78.)

Wd.

T. U.

Wednesday 31st January 1846

At a Court of the Foujdaree Udalut

Present,

G. I. Casamajor Esqre Acting 1st
Malcolm Lewin Esqre Acting 2nd
A. M. Alexr. Maclean Esqre Acting 3rd
} Puisne Judges

Read return dated the 5th Instant from the Session Judge of Madura, to the precept of the Foujdaree Udalut of the 4th December 1845, containing observations on certain cases of the Madura Criminal Report for October last.

(New enter T. U. No 93 of 1845)

The Court of Foujdaree Udalut observe that this is an imperfect return as 4 cases were remarked in pargraph 2 of the precept of the above mentioned date, and 2 pargraph returned, only one is answered.

Ordered that Extract from these proceedings be sent to the Session

Jud

31st January 1844.

Judge of Madura for his information and guidance.

(Sentence No. 80.

Read the Criminal Report submitted by the Acting Subordinate Judge of Combaconum for the Month of December 1843.

(Here enter No. 157)

Report & Case No. 28

1. The Prisoner in this case was charged with having "on the night "of the 25th November last feloniously "entered the house of the Prosecutor Samia "in the Kovalaloor Cusbah with intent "to steal."

2 The Court of Zoujdaree Udalut would remark that the term "feloniously" is objectionable, and they desire that in future it be not used. But that all crimes be described as in the Regulations.

Ordered, that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Combaconum for his information.

(Sentence No. 81.

Read

31st January 1844.

Read returns dated the 18th Instant from the Acting Session Judge of Chittoor to the Precept of the Zoujdaree Udalut of 11th December 1843, directing that the sentence on the 2d Prisoner in Case No. 12 of 1843 before the Sessions Court of Chittoor may be suspended and the entire record of the case submitted for their consideration.

(Here enter T. C. No. 186 of 1844.)

Case No. 12 1. The 2d Prisoner in this case is convicted of theft by the Tuhvah of the Mahomedan Law Officer, and the Session Judge, concurring in the conviction, sentences him to 7 years imprisonment with hard labor in irons and 100 lashes at the same time expressing his doubts as to the crime charged having been actually perpetrated.

2 Under these circumstances the Court called upon the Session Judge to submit the record of the case and, having carefully weighed the testimony adduced

31st January 1844.

adduced in support of the prosecution, they see no reason to doubt that a Burglary and theft took place in the manner described, but, as they consider there is nothing to call for further punishment than the 7 years imprisonment they resolve, under the authority vested in them by Section XXXV Act VII of 1843, so far to modify the sentence as to direct the remission of Stripes.

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

Ordered further, that the record of this trial be returned to the Acting Session Judge.

(Entd following precept No. 82.)

Thursday,
1st February 1844.

P. No.

At a Court of the Poujdaree Udalut.

Present.

Geo. James Casamajor Esqre. Acting 1st Puisne Judge.
Malcolm Lewin Esqre. Acting 2d Puisne Judge.
Alexander Maclean Esqre. Acting 3d Puisne Judge.

Read letter dated 20th November 1843 from the Session Judge of Nellore.

(Here enter No. 1871 of 1843.)

1. In the above address the Session Judge has submitted certain observations regarding the delay caused by the preparation in committed cases of the Calendars required to be laid before the Session Judges and observing that "upon the old plan at least, it is a work of time, occasioning more delay between the committal of the case and the signing the Calendar than was perhaps contemplated when it was enacted that a Session Judge should commence with the trial of a case immediately on it's commitment" the Session Judge has suggested

for

1st February 1844.-

resolve to direct the Acting Sessions Judge to look into it and pass such orders as he may deem requisite, reporting the result of his investigation for the information of this Court.-

No 33 3 In explanation of the delay attending the transmission of the case from the Palook it is observed that a reference was made to the Joint Magistrate on the 1st of December and an answer directing its commital received on the 18th the Court direct that the Joint Magistrate may be called upon to state what prevented his making an earlier reply to the requisition of the Police Officer.-

Ordered that Extract of these proceedings be sent to the Subordinate Judge of Mangalore by precept returnable without delay.-

(Sent following precept No 84.)

Ordered also that Extract from these proceedings (Para 2) be forwarded to the Acting Sessions Judge of Mangalore by Precept returnable without delay.-

(Sent following Precept No 85.)

Read letter dated 15th Ultimo from

No 16.

1st February 1844.-

from the Sessions Judge of Coimbatore requesting the opinion of the Court of Foujdaree Udalut whether it is competent in the Criminal Court to sentence a Prisoner detained in the Criminal Jail under the provisions of Regulation V of 1831 in default of paying a fine for a breach of the Tobacco Regulations to light labor.-

(Register No 193 of 1844.)

1. The Sessions Judge remarks that Act XVII of 1840 empowers a Magistrate to award labor to Individuals convicted by him for a breach of the Salt Laws under Regulation V. of 1831, and that in the Court of Canara it is always customary to award labor under that Regulation; that the Principal Sudr Ameen of Coimbatore appears however to doubt the authority of the Criminal Court to do so which has occasioned the present reference.-

2. The Court of Foujdaree Udalut think that Clause first section IV Regulation V of 1831, clearly shows that the confinement therein authorized, in default of the payment

payment of the fine imposed, is discretionary, whether in the Debtors or Criminal jail and the latter being selected according to the conditions and character of the offender, that the power of exacting labour from the parties condemned follows as a matter of course.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Coimbatore for his information.-

(Sent in No. 86)

Read letter dated the 16th Ultimo from the Governor's Agent at Kurnool submitting a report of the proceedings held before him in an investigation into a charge of robbery to the extent of Rupees 523-4-6, and suggesting that a sentence of three years imprisonment with labor, be passed on the Prisoner concerned.-

(Hereunder F.No. 207 of 1844)

1. On a perusal of the statement transmitted by the Agent to the Governor, the Court of Foujdaree Udalut are not by any means satisfied of the guilt of the Prisoner charged, and, under the circumstances of the case, they do not think they would be justified &c

justified in sanctioning the sentence proposed by the Agent without bringing under their consideration the entire record of that functionary's proceedings.-

2. They accordingly resolve to call upon the Agent to the Governor to lay before the Court a translation of the proceedings in question and in the mean while to detain the Prisoner in confinement.-

Ordered that Extract from these proceedings be sent to the Governor's Agent at Kurnool for his information by Receipt returnable in XV days from and after its receipt.-

(Sent following Receipt No. 87.)

Read letter dated the 11th January 1844 from the Sessions Judge of Coimbatore forwarding the Calendar of Cases No. 1 and 2 of 1844 with translation of the Intimah.-

(Hereunder F.No. 137 of 1844)

Case No. 2

1. The Prisoners in this case are severally charged with having severely wounded the Prosecutor and robbed him of property to the value of Rs. 4.-12.-0

&c

P.M.

1st February 1844.

Case No. 22.

The Court of Foujdaree Udalut perceive, with regret, the inflation of Stripes in this case, and they accordingly direct that they may be remitted.

Ordered that Extract of these proceedings be sent to the Acting Subordinate Judge of Salem by precept returnable in 2 days from and after its receipt.

(Sent following Receipt No. 89.)

Read letter dated the 5th Ultimo from the Session Judge of Tinnevelly reporting the recapture of 15 more of the convicts who recently effected their escape and requesting to be informed whether it is the duty of the Principal Sudr Ameen to commit them for Trial.

(Here enter No. 81 of 1844.)

The Court of Foujdaree Udalut do not consider it necessary that a commitment of the above mentioned Convicts by the Principal Sudr Ameen should be a preliminary to their trial in the Sessions Court as now constituted, being of opinion that the Officer in actual charge of a Jail has primary cognizance of all Offences including escape

1st February 1844.

2. The Law Officer convicted the Prisoners and declared them liable to Dakoobut, and the Sessions Judge concurring in the conviction, sentences the 1st and 2nd to 14 years imprisonment with hard labor in irons, but, in consideration of his youth and probable influence of his Father (2nd Prisoner) recommends a mitigated punishment, as regards the 3rd Prisoner, of 8 years imprisonment with hard labor in irons.

3. The Court of Foujdaree Udalut, in concurrence with the views of the Sessions Judge, and under the authority vested in them by Clause third Section III Regulation I of 1825, sanction a mitigated punishment to the 3rd Prisoner of 8 years imprisonment with hard labor in irons.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Coimbatore.

(Sent in No. 88.)

Read Salem Criminal Reports for the month of December 1843 submitted by the Acting Subordinate Judge.

(Here enter F. No. 119.)

The

1st February 1844.

escape, committed against its discipline.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Demerara for his information.

(Sent in No 90.)

Minute of the acting 1st Judge.

I can't put my name to this draft, it appears to me wrong in principle.

The cognizance of escape by convicts is by Section V. Regulation VI of 1822 vested in the Criminal Judge, as such; and not because he has charge of the jail: this is evident from Regulation X of 1832 and Regulation I of 1833; in which cognizance of certain offences by convicts is given to the Officers having charge of them, as such; and escape is not one of those offences; and accordingly convicts in charge of any other Officer than the Criminal Judge are (I believe) always sent to the Criminal Court to be tried and punished.

As the Principal Undersheriff has succeeded to all the powers of the Criminal Judge, he of course succeeds to this among the rest. He may punish escapes himself or which

1st February 1844.

which are not attended with aggravated circumstances and commit those which are for trial by the Sessions Judges. Cognizance of escapes has not necessary any thing to do with the charge of the jail.

(Signed) G. J. Castamajor.

25th January.

Read letter dated the 9th Instant from the Principal Undersheriff of Berbice submitting the Criminal Reports for the month of December 1843.

(Herewith No 33 of 1844.)

Case No 20.

With reference to this case the Court of Sessions Demerara resolve to enquire whether the removing the plantain of the Granary was proved; and if so, why Clause 6th Section III Regulation VI of 1832 was not quoted for the sentence: at the same time the Court order imprisonment to be substituted for stripes.

Ordered that Extract of these proceedings be sent to the Principal Undersheriff of Berbice by Receipt returnable in 3 days from and after Receipt.

(Sent following Receipt No 91.)

Read

1st February 1844.

Read Letter dated the 1st December 1843 from the Chief Magistrate and Superintendent of Police at Madras transmitting the Report of cases tried under Act XXII of 1837 in the month of November 1843.

(Here enter Plt. No 153 of 1844.)

Friday 2nd February 1844.

P. No.

At a Court of the Sessions Holden

Present

Geo: James Casamajor Esqre Acg 1st Puisne Judge

Malcolm Lewin Esqre Acg 2nd Puisne Judge

Alexander Maclean Esqre Acg 3rd Puisne Judge

Read Letter dated the 17th Ultimo from the Acting Sessions Judge of Mangalore, submitting Case No 3 of 1843 on the Calendar of the Sessions Court at that Station.

(Here enter No 198)

Mr Lewin and Mr Maclean. The Court of Sessions Holden on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoners

1st Malingoo Shetty

and

2nd Venkata

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 direct that they

be

be unconditionally released.-

1. The Court of Foujdaree Udalut observe that the real merits of this extraordinary case are not discernible from the depositions of the witnesses and parties concerned, the whole of the evidence being apparently of the most worthless description, and not to be depended upon in any particular.-

2. It seems very doubtful whether the deceased was murdered, or died a natural death, and her corpse made use of by the Prisoners in the way and for the object alleged.-

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions Judge of Mangalore for his information.-

(Sent following Letter No. 95.)

Read the Criminal Reports submitted by the Acting Subordinate Judge of Cuddapah for the month of December 1863.-

(Here enter No. 170)

Supplemental Report Case No. 218.

1. The Court of Foujdaree Udalut resolve to send to the Magistrate of Cuddapah a copy of the Sudr Ameen's remarks as recorded in this case, with directions to make such inquiries

inquiries as he may deem requisite into the conduct of the Police Officers, reporting direct to this Court the result of his proceedings.-

Report V. Case No. 229.

2. The Court of Foujdaree Udalut do not concur in the sentiments expressed by the Sudr Ameen in this case, as the reasons assigned for inflicting a peculiarly lenient punishment would more naturally seem to aggravate than palliate the offence of which the Prisoner is convicted.-

Case No. 229.

3. The Court observe that the crime of which the Prisoner stands charged in this case is of so grave and savage a complexion that he ought to have been committed for trial before the Sessions Judge.-

Case No. 233.

4. The Court consider the punishment awarded in this case disproportionate to the crime, and they accordingly direct that the Stripes may be remitted and the imprisonment reduced from 1 year to 3 months.-

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

(Sent following Precept No. 96.)

Ordered

F. 86.

2nd February 1844.

1. In reference to the 4th para: of the preceding letter the Court are of opinion that the Sessions Judge, under the true construction placed upon Section X. Regn. XIII of 1832 by this Courts Circular Order of the 22nd September 1843, had authority to give rewards to those persons who performed meritorious services in Police operations of which this of Sergeants Town and 3 Peons must be considered an instance.

2. In the 2nd para: this observes that the Sessions Judge disapproves of the manner in which the gang was divided, and considers the Peons employed to be physically and morally unequal to their charge. objections which, if founded on observation or experience, it was in the power as it was manifestly the duty of the Sessions Judge himself to rectify.

3. The Court cannot view the "gross cowardice" alluded to in the 2nd para: in any other light than that of "culpable neglect of duty" they desire that the Sessions Judge will consider further of the propriety of proceeding against the Peons who, he

N° 153.

February 1844.

Ordered also, that Extract from these proceedings (para: 1.) be forwarded to the Magistrate of Cuddapah by express Parcel returnable without delay.

(Sent following Receipt N° 97.)

Read letter dated the 15th Ultimo from the Acting Sessions Judge of Honore, submitting Calendar of Cases N°s 8 and 9 of 1843.

(Here enter F. 86. N° 234.)

The above Calendar not requiring any remarks from the Foujdaree Adalut.

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions Judge of Honore for his information.

(Sent in N° 98.)

Read letter dated the 11th December last from the Sessions Judge of Tinnevelly reporting, in obedience to Circular Orders of the 28th March and 19th November 1832, the escape of 19 Convicts, with Strictures on the conduct of the Peons and recommending some precautionary measures for the more effectual protection of Prisoners and the improvement of their guards.

(Here enter N° 2038 of 1843.)

In

states in para: 4 of his letter, took fright and ran away, under Section XI Regulations XIII of 1832; they are surprised at the proposition contained in the 2nd para: for a power to a class of servants who have never been considered by any Native State the fit subjects of such a privilege.

4. The Court perceive nothing further in Mr Douglas's report calling for particular notice.

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Trinevelly for his information.

(Sent in No 99.)

Read letter dated the 5th Ultimo from the Sessions Judge of Salem, reporting the death of the Prisoner Pauper in Case No 3, referred on the 19th December last for the consideration and final sentence of the Court of Sanjidara Udalut.

(Here enter F.Vol. No 207 of 1844.)

Read letter dated the 8th Ultimo from the Subordinate Judge of Bellary, transmitting Monthly Criminal Reports for the Month of December 1843.

(Here enter F.Vol. No 208 of 1844.)

Read letter dated the 1st Ultimo from the Acting Sessions Judge of Masulipatam submitting copy of the Calendar in Case No 3 of 1843 received from the Subordinate Judge

(Here enter F.Vol. No 205 of 1844.)

Read letter dated the 30th Ultimo from the Acting Sessions Judge of Nellore submitting translations of the Reports of Criminal cases disposed of by the Subordinate Amean of Sirsy for the month of December 1843.

(Here enter F.Vol. No 209 of 1844.)

Read letter dated the 15th Ultimo, from the Acting Magistrate of Salem, submitting an explanation, with reference to this Courts proceedings of the 11th December 1843, as to the delay in producing the Prisoner in Case No 10 of the Criminal Report before the Police Officer of Ossoor, on the 23rd September, after having been apprehended on the 20th of that Month.

(Here enter F.Vol. No 206 of 1844.)

Read letter dated the 11th Ultimo from the Principal Sudr Ameen of Vizagapatam, submitting the Monthly Criminal Reports of his Court for the

month of December 1843 as prescribed by Section XXXV Regulation X of 1816 and stating that the Report No VIII and the Statement required by Circular Order No 80 have not been sent, there being no entry to be made in them.-

(Here enter F.M. No 227 of 1844.)

Read letter dated the 15th Ultimo from the Acting Sessions Judge of Honore, submitting the Calendar of Case No 8 of 1843 tried by the Sessions Court with remarks thereon.-

(Here enter F.M. No 235 of 1844.)

Read letter dated the 19th Ultimo from the Sessions Judge of Tinnevelly, submitting Calendar of Case No 12 of 1843 committed by the Principal Sudr Ameen of Tinnevelly.

(Here enter F.M. No 239 of 1844.)

Read letter dated the 19th Ultimo from the Acting Sessions Judge of Mangalore, submitting copies of Calendar and Futwa in Case No 9 of 1844.-

(Here enter F.M. No 240 of 1844.)

Read letter dated the 16th Ultimo from the Acting Sessions Judge of Chingleput, forwarding a Calendar of Criminal Cases disposed of by him.-

(Here enter F.M. No 241 of 1844.)

P.M.

Saturday
3rd February 1844.

P.M.

At a Court of the Foujdaree Adalut.

Present.-

Geo. James Cavanagh Esqr. Acting 1st Judge
Malcolm Lewin Esqr. Acting 2nd Judge
Alexander Maclean Esqr. Acting 3rd Judge

Read letter dated the 1st Ultimo from the Agent to the Governor of Fort Saint George at Rajmundry, forwarding copies and translations of proceedings held in a case of Murder.-

(Here enter F.M. No 262 of 1844.)

Mr Lewin.

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

"Number Ali"

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 X

Regulation

3rd February 1844.

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 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 Agent to the Governor having recommended a sentence of transportation in commutation of that of death, the Court of Foujdaree Adalut resolve to adopt the opinion of that functionary, as it is in favor of the prisoner it is a question, however, with the Court whether any sentence short of death meets the requirements of justice. The Agent supposes that there was no intention to kill had there been but one blow, tho' that were in the side, a vital part, the Court of Foujdaree Adalut would be induced to concur in his opinion and to suppose that the act charged was committed in heat of blood and wholly unpremeditated. but the Court observe that the knife was withdrawn from one wound, and another inflicted with it - which shows evident

3rd February 1844.

evident design, and the second wound was also given in a vital part. It is in favor of the prisoner that he was dared and a beast tho' not to such an extent as to justify the use of any weapon, the case can scarcely in the opinion of the Foujdaree Adalut be regarded in any other light than deliberate murder, and with difficulty they appoint to the minor punishment.-

2. The attention of the Agent is requested on all future occasions of the reference of trials for final determination of this Court, to the necessity, for the convenience of record and reference, of numbers being affixed to the pages of the record as required in Foujdaree Adalut Circular Order dated 12th September 1824.-

3. The Agent should also have affixed to the record of the trial under observation, the number which it bears on the file of the cases referred by him to this Court. The deficiency has been supplied in the Office of the Courts Register by numbering the trial as shown in the margin; the Agent will consequently make a corresponding

entry

3rd February 1846.

entry in the records of the Agency.

Ordered that Extracts from these proceedings be forwarded to the Agent to the Governor of Fort St. George at Kurnool for his information and guidance.

(Sent following letter No. 102.)

Read letter dated the 27th Ultimo from the Sessions Judge of Calicut submitting the record of trial in Case No. 4 of 1846 on the Calendar of the Subordinate Court of Calicut, and recommending for reasons assigned, the transportation for life of the Prisoner.

(Here enter No. 308.)

The Court of Sunjdarce 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 "Arroowatta Kundy Tiem Kangaron" is sufficient to convict him of Manslaughter, 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 with reference to the provisions of Clause second Section XV Regulation VII of 1802 and Section XXXIII Act VII of 1843 do sentence him

2.

No. 16.

3rd February 1846.

him to be imprisoned and kept to labour within the walls of the Jail for and during the period of six months.

The Court of Sunjdarce Udalut consider the fact, which is clearly proved, that deceased without adequate provocation first struck the Prisoner on the face with his hand before the scuffle commenced in which the Prisoner drew the knife which he carried in his girdle and inflicted the wounds of which deceased died, as extenuating the homicide and reducing it to manslaughter. It is also in evidence that there existed no previous enmity between them.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Calicut for his information.

(Sent following Letter No. 103.)

Read return dated the 20th Ultimo from the Acting Sessions Judge of Tellicherry to the precept of the Sunjdarce Udalut of 23rd December 1845 directing him to transmit the entire record of Case No. 4 on the Calendar for 1845, and to suspend

the sentence passed on the prisoner during the reference to this Court.-

(Here enter No 261)

1st Assistant.

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

Immyawee Noottoo Shapoolan

is sufficient to convict him of the crime of having been privy to the receipt and secreting of stolen property knowing it to be such, do convict him thereof and with reference to the provisions of Clause Second Section IV Regulation VII of 1822 sentenced him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of six months.-

The Court having already noticed the irregularity on the part of the Acting Sessions Judge in passing sentence in this case, as well as the inapplicability of the Regulation under which the sentence is awarded, now record after a perusal of the entire record, their concurrence in the

view

view taken by the Acting Sessions Judge of the Prisoner's guilt considering that as the the evidence is not sufficient to convict him of a direct concern in the robbery, it is sufficient to show that he was acquainted with the place where the stolen property was secreted, and that he must have known it to be stolen, although he omitted to give information to the Police tho' called upon to do so.-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Trichinopoly for his information.-

(Sent following Letter No 104.)

Read the Criminal Reports submitted by the Principal Sudr Ameen of Nellore for the month of December 1863.-

(Here enter No 116.)

Supplemental Report Case No 6 of 1863.

The Court of Foujdaree Udalut observe that this case has been under trial since the 11th October last. They desire the Principal Sudr Ameen will lose no time in making arrangements for bringing his proceedings to a close.-

In

February 1844.

2.

In the event of the trial in this case being still pending, the Court of Tanjore Adalut request the Principal Sudr Ameen will submit a report showing what has been done since the Prisoners reached the Criminal Court on the 6 July 1843, with a view to the charge of Murder brought against them being finally disposed of.

Report Ex. V. Ltr. Ex. 32.

3. The 1st Prisoner in this case who is accused of having stolen from the Prosecutor's house property valued at Rupees 203-15-6. has been sentenced to two years imprisonment with labor and to receive sixty lashes, by the Principal Sudr Ameen, who observes that as the crime charged falls under Section IX Regulation XI of 1825 the judgment is passed under clause 4th Section III Regulation VII of 1822.

4. Section IX Regulation XI of 1825 is applicable only to cases of theft in which the value of the property stolen shall exceed the sum of 300 Rupees; and consequently has no reference to the case under observation in which the estimated amount of stolen property is only Rupees 200 and odd.

5. The Tanjore Adalut on a consideration

P. 116.

3rd February 1844.

consideration of the trial as entered in the Report are not of opinion that any reasons exists for the infliction of the sentence passed by the Principal Sudr Ameen to the Prisoners Ippagoonta Lutchmiah and ascending they direct their remission.

Ordered that Extract from the proceedings be forwarded to the Principal Sudr Ameen of Chittore by Precept returnable in V. days from and after its receipt.

(Sent following Precept No. 105.)

Read the Criminal Report submitted by the Acting Principal Sudr Ameen of Tchapore for the month of December 1843.

(Vide entry No. 202.)

1. It is observed from the above report that during the month of December last only one criminal case reached the Court of the Acting Principal Sudr Ameen which was committed for trial by the Sessions Judge of Chicacole.

2. The Criminal report by, however, which, under the rule laid down in the Adalut Circular Order No. 40, should

have

D. 16.

3rd February 1844.

consideration of the trial as entered in the
Report are not of opinion that any ma
exists for the infliction of the sentence
by the Principal Sudr. Ameen to the
Appagoanta Lutchmiah and accordingly
they direct their remission.

Ordered that Extract from the
proceedings be forwarded to the Principal
Sudr. Ameen of Nellore by Precept returna
in V. days from and after its receipt.

(Sent following Precept No. 105.)

Read the Criminal Report
submitted by the Acting Principal Sudr
Ameen of Nellapore for the month of Decem
1843.

(No entry No. 282.)

1. It is observed from the above
reports that during the month of December
last only one criminal case reached the
Court of the Acting Principal Sudr. Ameen
which was committed for trial by the
Sessions Judge of Chicacole.

2. The Criminal property however
which, under the rule laid down in Sir
Udalut Circular Order No. 40, should
have

February 1844.

from the
the late Zillah

In the event of the trial in this case
being still pending, the Court of Sunjdaree
Udalut request the Principal Sudr. Ameen
will submit a report showing what has been
done since the Prisoners reached the Criminal
Court on the 6 July 1843, with a view to the charge
of Murder brought against them being finally
disposed of.

Report para 1 V.
Circ. 1822.

3. The 1st Prisoner in this case who
is accused of having stolen from the Prosecutor's
house property valued at Rupees 203-15-6. has
been sentenced to two years imprisonment with
labor and to receive sixty lashes, by the Principal
Sudr. Ameen, who observes that as the crime
charged falls under Section IX Regulation
of 1825 the judgment is passed under clause 4th
Section II Regulation VI of 1822.

4. Section IX Regulation of 1825
is applicable only to cases of theft in which
the value of the property stolen shall exceed
the sum of 300 Rupees; and consequently
has no reference to the case under observation
in which the estimated amount of stolen
property is only Rupees 200 and odd.

5. The Sunjdaree Udalut on a
consideration

have reached this Court on or before the 15th of the month succeeding that for which they are prepared, were dispatched by the Acting Principal Sudr Ameen only on the 29th Ultimo.-

3 The Court of Foujdaree Adalut accordingly resolve to call upon that Officer to submit an explanation of the causes of the delay above noticed.-

Ordered that Extract from these proceedings be forwarded to the Acting Principal Sudr Ameen of Hahapore by precpt returnable in 5 days from and after its receipt.-

(Sent following Precept No 106.)

Read communications dated the 22nd Ultimo from the Acting Sessions Judge of Honore reporting the arrangements made by him, in consequence of a deficiency of cells in the Jail at Ellicherry for the restraint of two individuals named Chandoo Meiya and Timma alleged to be insane and sent to this Court under Circular Order of the 1st June 1829 by the Acting Joint Magistrate and Head Assistant Magistrate of Canara on the 13th and 22nd December last.-

(Here enter No 291)

The

The Court of Foujdaree Adalut under the explanation afforded by the Acting Sessions Judge, approve the transmission of the individuals in question to the Jail of the Zillah Court of Mangalore.-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judges of Honore and Mangalore for their information.-

(Sent in Nos 107 & 108.)

Read letter dated the 18th Ultimo from the Acting Sessions Judge of Cuddapah submitting copies of Calendars in Cases Nos 22, 23, 24, 25 and 26 of 1843 of the Sessions Court at that station.-

(Here enter No 267)

The Court observe with approbation the clear and satisfactory reasons given for the sentences in each case.-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Cuddapah for his information.-

(Sent in No 109.)

Read letter dated the 22nd Ultimo from

from the Acting Sessions Judge of Trichinopoly forwarding Calendar in Case No 1 on the Supplemental Calendar of 1843.

(Here enter F.16. No 277.)

Case No 1. 1. The Prisoner in this case, Buttamootoo, is charged with assaulting the Prosecutor's Son, and forcibly taking certain articles from his person of the value of Rs 2-3-0.

2. The Mahomedan Law Officer in his Futwah convicted the Prisoner, and declared him liable to Ookoobut, the Acting Sessions Judge concurred in the conviction, but, requests permission to grant the Prisoner his release in consideration of his having on a former occasion been assaulted and deprived of his property by the Prosecutor, and no felonious intention to convert the articles to his own use being apparent in the present instance.

3. The Acting Sessions Judge further states that he considers the distress and confinement already endured sufficient punishment for the offence proved, the Court of Tanjore & Adalut coincide with

with the Acting Sessions Judge and order the release of the Prisoner.

Ordered that Extracts of proceedings be sent to the Acting Sessions Judge of Trichinopoly for his information and guidance.

(Sent in No 110.)

Read Calendar submitted by the Acting Sessions Judge at Cuddalore of Cases No 21 of 1843 and 1 and 2 of 1844.

(Here enter No 289.)

Case No 21 of 1843

In the abstracts of the witness's examination it is not stated, as required by Circular Order 16th May 1822, whether he knew the Prisoners before.

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

(Sent in No 111.)

Read communication dated the 11th Ultimo from the Acting Magistrate of Tanjore submitting the statement exhibiting the number of crimes and misdemeanors committed in the Talook of Mayaveram in the years 18[illegible] and

and 1839 and 1840 and 1841, which was required under the orders of Government conveyed to the Acting Magistrate in the proceedings of this Court dated the 16th October last.

(Here enter No 113 of 1844.)

1 It is observed that in the above communication the Acting Magistrate has omitted to state his opinion whether the results adduced in para 3 of the Extract from the Minutes of Consultation dated 27th January 1843 may not in part arise from the mode in which the Returns of the Salooks under charge of the Head of Police of Mayaveram have been framed by that Officer.

2 The Acting Magistrate is therefore required to furnish the opinion in question without delay.

Ordered that Extract from these proceedings be forwarded to the Acting Magistrate of Tanjore by Precept returnable in one week from and after its receipt.

(Sent following Precept No 112.)

Read Madura Criminal Reports for the Month of December 1843 submitted by the

3rd February 1845.

submitted by the Subordinate Judge.

(Here enter No 201 of 1844.)

Case No 24. The Court of Tanjore Malabar objects to the infliction of stripes in a case of this nature and, according to Law, they may be remitted.

Ordered that Extract of these proceedings be forwarded to the Subordinate Judge of Madura by Precept returnable without delay.

(Sent following Precept No 113.)

22 DDL RJ

Read Criminal Reports for the month of December 1843 submitted by the Principal Sudr Ameen

(Here enter No 130 of 1844.)

Case No 10 1 The Court of Tanjore Malabar considering the remarks by the Principal Sudr Ameen in regard to this case unsatisfactory, resolve to direct the Session Judge to look into it and pass such orders as he may deem requisite, reporting the result of his inquiry for the information of the Court.

No 11 2 The Tanjore Malabar Court

no necessity for the infliction of stripes in this case, and they accordingly direct that they may be remitted.

No 27. 3. The Court observe in the foregoing to this Case, that if (on the remarks heard them to believe) the commitment of the Prisoner was consequent on the Prisoner having been imprisoned for 3 years from an inability to provide satisfactory security, they consider the reason altogether inadequate, since a mere inability to provide security does not subject the party to the infliction of the offender for whose punishment the power to appeal to an extraordinary provision of the Law.

No 26. 4. As the Court of Forjeiture Adalet perceive nothing of an aggravated nature in this case they direct that the stripes may be remitted.

No 26. 5. The Court having resolved to doubt the correctness of an acquittal in this case resolve to direct the Resident Judge to look into it, press such orders as may appear necessary and report the result of

of his enquiry for the information of the Court.

No 27. 6. From the nature of the remarks appended to this case, shewing that the Prisoner was apprehended in the Prosecutor's house with an instrument for forcing an entrance in his hand, the Forjeiture Adalet has no doubt of his guilt, and cannot but consider his acquittal opposed to the evidence on record.

No 28. 7. The Forjeiture Adalet direct that the stripes awarded in this case may be remitted, as they object to their infliction under circumstances where any doubt can possibly exist.

No 32. 8. The Court request to be informed of the result of this trial which seems to have been delayed by an unnecessary transference from one Officer to another.

Ordered that Extract from these proceedings (paras 5 and 8) be sent to the

3rd January 1844.

the Sessions Judge of Tinnevelly by precept returnable in 5 days from and after its receipt.

(Sent following precept to No 4)

Ordered also that Extract from these proceedings be sent to the Principal Sudr Ameen of Tinnevelly by precept returnable in 3 days from and after its receipt.

(Sent following precept to No 5)

No 4

5th February 1844.

Monday

At a Court of the Foujdaree Adawlut

Present

G. L. Cassamajor Esqr Agt &c &c

Malcolm Lewin Esqr Agt 2d Judge

Alex. Maclean Esqr Agt 3d Judge

Read letter dated the 2d January 1844 from the Acting Sessions Judge of Combaconum submitting the record of the trial in Case No 1 on the Calendar of the Session Court for 1844.

No 317 of 1843

Mr A. Watson

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

" Kistnan "

is insufficient to convict him of the crime of wounding, for which according to the Mahommedan law, as declared in Futwas of their Law Officers, a

dissection

5th February 1844

discretionary punishment is awardable,
do convict him thereof, and with
reference to the provisions of Clause third
Section VIII Regulation XV of 1803 and
Section XXXIII Act VII of 1843 sentence
him to be imprisoned and kept to hard
labor in irons on the public roads or
other public works for and during the
period of (10) ten years.

(Last following) letter No. 117.

Read again letter dated the
9th January 1844 from the Acting Session
Judge of Cuttacoomma submitting for
the final sentence of the Punchayet Udalut
the record of the trial in Case No. 13 on
the Calendar of the Sessions Court of
Cuttacoomma for 1843.

(Here enter P. U. No. 80)

Read also return dated the
27th January 1844 from the Acting Session
Judge of Cuttacoomma to the precept
of the Punchayet Udalut of the 24th Ultimo
returning the record of Case No. 13 of 1843
with the Court's observations.

(Here enter P. U. No. 293)

The

5th February 1844

The Court of Punchayet Udalut
Mr. M. Lewin on a deliberate consideration of all the
circumstances of the case as entered
before them, being of opinion that the
proof against the prisoners,

5th Woonyon

and

6th Maree,

is sufficient to Convict them of the
crime of Gang Robbery do convict them
thereof, and with reference to the provisions
of Clause 5th Section IV Regulation XV
of 1803 sentence them to be imprisoned
and kept to hard labor in irons on the public
roads or other public works for & during the period
of (10) ten years: and considering that strong
suspicion, though not amounting to
conviction, attaches to the prisoner,

5th Vadamalay,

the Court, under the provisions of Clause
sixth Section II Regulation XV of 1803,
direct that he be required to find security
in an amount to be determined at the
discretion of the Session Judge for his

good

5th February 1844

good behaviour and appearance when required, within a period which that Officer shall define, or in default thereof that he be detained for a similar period in confinement; and that the prisoners

3d Letchoomanan

and

7th Teeroomooty

be unconditionally released.

(Sent following) letter No. 118.

Read letter dated the 17th Ultimo from the Acting Session Judge of Trichinopoly

(Here enter No. 203)

1 With the above communication the Acting Session Judge has forwarded copy of the Calendar of a case committed by the Principal Sudr Ameen of Trichinopoly in which a Prisoner

Narrain Pillay

was charged with burglary, the property robbed amounting in value to Rupees 295 including ready money and a document for 3½ Rupees.

2 The Court observe that no 2d question should have been put to the Law

5th February 1844

Law Officer; as the first Jurisdiction must proceed upon the ground of there not being full legal evidence of the Crime as specifically provided for by Section II Regulation XII of 1827.

3 The Court would again request Mr Greenway's attention to the necessity of a strict observance of the rules regarding official correspondence which were brought to his notice on the 25th October last.

4 The endorsement entered on the letter which accompanied the Calendar under perusal shows it to be the 7th Calendar of a person tried before the Court of Sessions" no mention being made of the year, whilst, on reference to the body of the Calendar it is observed that it is "No 1 of the Calendar" the number of the year being likewise omitted in the appropriate column.

"Forwarding copy of the 7th Calendar of a person tried before the Court of Sessions"

5 The Acting Session Judge will submit the information necessary to admit of the proper number being specified in the records of the Tanjore Adalat

2d April 1859

of clause 2d, Section VI, Regulation I of 1825, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of six years. S

C. S. Chance

L.H.D. S.P.

F.116

Monday 4th April 1859

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire,
T. L. Strange Esquire,
H. D. Phillips Esquire,
} Puisne Judges.

Read letter dated 23d March 1859, from the Session Judge of Combaconum, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 1 of 1859 on the Calendar of the Session Court.

/Here enter F.116. No. 563 of 1859/

Mr Phillips

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 Veerapen
2d Kamaloo
12th Vytie alias Vytilingum
and
13th Sellaperoomal.

Riot and Robbery

is sufficient to convict them of the offence as charged, do convict them thereof; and under

the

Tuesday
5th April 1859

File

At a Court of the Foujdaree Adalut.

Present.

G. A. Hooper, Esquire.
J. D. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire.

Read Miscellaneous Petition received on the 10th January 1859, thro' the Session Judge of Cuddalore, from one Sheik Emam and others, of Zillah Guntoor

/Here enter F.M. P. No 9 of 1859/

Messrs Hooper and Strange.

1. Petitioners are the prisoners sentenced to imprisonment for life, in Case No 6 of 1840 on the file of the Zillah Court of Guntoor, and they pray the Court of Foujdaree Adalut in consideration of their advanced age and infirmity, to order the removal of the chains from their feet.

2. The Court resolve to reject the petition. They observe that the matter thereof is one that it rests with the Session Judge to take into consideration.

6th April 1859

the provision of Clause 3d, Section IV, Regulation XV of 1803, Section I, Act XVI of 1850 and Regulation VIII of 1828, 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 years, and to receive 100 lashes with a Cat o'nine tails, and to pay a fine of 200 Rupees each

Mr Phillips.

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

3d Saminadin
4th Vrucatachelapady
5th Veeranacotto
6th Savareenacotto
7th Vania Mahalingum
and
26th Adythalum.

is sufficient to convict them of the offence charged, do convict them thereof; and under the provisions of Clause 3d, Section IV, Regulation XV of 1803 and Section I Act XVI of 1850, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of three years, and to pay a fine of 100 Rupees each.

E. Ward.

C. F. Chamier

5th April 1859.

consideration.

Read Miscellaneous Petition presented in the 5th instant, by J. D. Magne Esquire, Pleader on behalf of Chocalinga Pethena Naiker, zemindar of Athangaray of zillah of Tinnevelly.

[Here enter T. M. P. No 53 of 1859]

1. Petitioner appeals from the order of the Sessions Judge under date the 3d March 1859, confirming the decision of the Acting Magistrate dated the 18th March 1858, whereby the Petitioner was required to find security for keeping the peace. Messrs Hopkins and Strange

2. The order of the Acting Magistrate does not explain sufficiently the grounds upon which it has been passed. The Court request him to inform them upon what proved facts he has considered it necessary to require the prisoners, from them, to give security. He will be pleased at the same time to forward to the Court a copy of the minutes of Consultation referred to in his order.

Precept returnable within X days.

5th April 1859.

The following Poojdarees Miscellaneous Petitions are rejected, Viz: Nos 4-44 and 46 of 1859.

E. D. E. T. C. D. Chamier

F. No.

Wednesday
6th April 1859.

At a Court of the Foujdaree Udalut.

Present.

Gy. S. Hooper, Esquire.
J. Lo. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire.

Read letter dated 30th March 1859, from the Session Judge of Caliant, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 24 of 1859, on the Calendar of the Session Court.

[Here enter F. No. 618 of 1859.]

Mr. Hooper.

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

Nedoonpally Illiry,

"Wounding with intent to murder".

is sufficient to convict him of the offence charged, do convict him thereof, and sentence him to be transported to

each

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

Read Criminal Reports submitted by the Session Judge of Coimbatore, for the months of February 1859.

[Here enter F. Mo. No. 596 of 1859]

The principles on which a crop is raised under the "Amany" mode of settlement, indicate, the Foujdaree Adalut believe, the existence of a distinct coparcenary right to the produce of the land as between the cultivator and the local representative of the ruling power, the ultimate step to the adjustment of that right, being an actual division of the grain produced, subsequent to its being harvested and threshed. It appears, therefore, to the Foujdaree Adalut, that in propounding to the Mooftly Sudder Ameen the question which appears in the above

Special Assistant Magistrate's Report No. 5 of 1859 "Misdemeanor"

Report, reference should have been made to the coparcenary position held respectively by the Cultivator and the Government; and that the Mooftly should have been required to declare whether, under such circumstances, a removal of the "Amany" crop by its cultivator, without the knowledge or consent of the Government officers, constituted an offence of a furtive character; and if so, whether, under the Mahomedan law respecting joint property, it was criminally punishable. In the event of the Mooftys replies being affirmative it would have remained for the Session Court to determine, whether the record supplied grounds for the conviction of the individual whom the Acting Special Assistant Magistrate had punished.

Read letter dated 1st April 1859, from the Session Judge of Coimbatore, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 4 of 1859 on the Calendar of the Session Court.

[Here enter F. Mo. No. 608 of 1859]

The

6th April 1859.

Mr Phillips

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

1st Mootloo Gounden,
2d Veerapa Gounden,
3d Palanymala Gounden,
and
4th Veerapa Gounden,

Murder and Robbery.

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession, of the crime as charged, do acquit them thereof, and direct that they be set at liberty.

Read letter dated 25th March 1859, from the Acting Session Judge of Masulipatam, submitting for the final judgment of the Foujdaree Udalut, the record of the case No. 8 of 1859 on the Calendar of the Session Court.

/Here enter F. No. No. 577 of 1859/

Messrs. Hooper and Strange.

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

F. No.
6th April 1859.

1st Vedeeyalah Moosaliah
and
2d Mopedavy Soobbramaneyum
or Soobbaroydoo alias Soobbanah,

Murder.

is sufficient to convict them of the offence charged, do convict them thereof, and under the provisions of Section X, Regulation VIII of 1802, sentence them to suffer death by being hanged at the usual time and place of execution.

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

3d Dhanoocoondah Raunnanah.

-do-

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

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

the

6th April 1859.

the proof against the prisoner,

4th Vedeeyalah Ranjanmah,

is sufficient to convict her of the offence charged, do convict her thereof; and sentence her to three months' simple imprisonment, and then to be discharged with a warning/.

Receiving stolen property.

C. S. Chamier

E.P.
E.P.

F. H.

Thursday 7th April 1859.

At a Court of the Faujdaree Adalut

Present

G. S. Hooper, Esquire. —
J. D. Strange, Esquire. — Puisne Judges.
H. D. Phillips, Esquire. —

Read letter dated 28th March 1859 from the Sessions Judge of Mangalore, submitting for the final judgment of the Faujdaree Adalut the record of Case No 7 of 1859 on the Calendar of the Sessions Court.—

/Order entered F. Ad. No. 612 of 1859./

Messrs Strange and Phillips.

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

1. Isra,

2. Somaya alias Venkuppa,

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

prisnr charged, do acquit them therefr, and direct that they be set at liberty.-

Murder.

Read Calendar of Case No. 12 of 1859, submitted by the Sessions Judge of Cuddalore.-

/Here enter F. Co. No. 608 of 1859./

The requisition of security under which the 1st prisoner has been placed the Court consider to rest on upon wrong grounds not warranting the measure. The Court are therefore constrained to cancel the order. If the 1st prisoner's confession before the police is credited, the result should be his conviction. If discredited, nothing appears against him.-

Read letter from the Sessions Judge of Vellore dated 25th March 1859.-

/Here enter F. Co. No. 551 of 1859/

"With reference to the above letter the Court of Foujdarree Adalut forward copy of Extract of

of proceedings of Foujdarree Adalut dated 13th December 1858.-

Read letter dated 30th March 1859 from the Officiating Sessions Judge of Madura, submitting for the final judgment of the Foujdarree Adalut the record of Case No. 5 of 1859, on the Calendar of the Sessions Court.-

/Here enter F. Co. No. 609 of 1859./

Mr. Cooper.

The Court of Foujdarree 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,

Thiravanattam alias

Thavasiamuni,

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of clauses 1 and V, Section IV, 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 (14) fourteen years.-

Robbery and Murder.

C. S. Chemier

Exd. E. T.

Friday,
8th April 1859.

At a Court of the Sonjdaree Adalut.

Present,

G. S. Cooper Esquire. }
F. L. Strange Esquire. } Puisne Judges.
W. D. Phillips Esquire. }

Read Calendar of Cases No. 6 of 1859, submitted by the Officiating Session Judge of Madura under date the 1st April 1859.

(Vide Enter S. H. No. 614 of 1859.)

1. The Sentence of the Session Judge, so far as it regards the prisoners from 1 to 4, is not put upon intelligible grounds. If the Session Judge consid-ered it proved, as it would appear from his concluding observations, that these prisoners were guilty of having been ringleaders in an affray, he should, on the law Officer coming to a different Judgment, have referred the trial as respected them. The Session Judge would seem, how-ever, from other parts of his Sentence, to have rejected the evidence brought against these, as well as the other prisoners, as exaggerated and unfounded. This being the case, nothing remained against the prisoners to justify the requisition of Security from them under Clause 4th, Section II, Regulation XV of 1803.

This

2. This requisition the Court must 8th April 1859.
therefore cancel.

3. The Sessions Judge would seem
to have imposed it as a safe-guard to prevent further
affrays. If such precaution were necessary, he should
have made over the parties to the Magistrate to be dealt
with under Section V, Regulation VI of 1827, and this
course it is still open to him to take.

Read Calendar of case No. 35
of 1859 on the file of the Sessions Court of Nundial.
(Herewith F. H. No. 623 of 1859.)

As herein recommended, the
Court of Foujdaree Adalut, resolve to authorize the
Sessions Judge to issue his warrant for the imprison-
ment of the prisoner for the period specified in the
margin, in mitigation of the Sentence passed upon
him in the said case.s

* Rachaadoo. 5 Years and 6 Months.

E.D.
E.T.

C. S. Chamier

0

F. H.

Saturday, 9th April 1859. At a Court of the Foujdaree Adalut.

Present.

F. S. Hooper, Esqre.
J. L. Strange, Esqre. } Puisne Judges.
H. D. Phillips, Esqre.

Read letter dated 4th April 1859
from the Sessions Judge of Vizingleputt,
submitting for the final Judgment
of this Foujdaree Adalut, the record of
Case No. VII of 1859 on the file of the Sessions
Court.-

(Herewith F. H. No. 621 of 1859.)

Messrs. Hooper and Strange. 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,-

1 Pennal Reddy,

Murder. is sufficient to convict him of the offence
charged, do convict him thereof; and under
the provisions of Section X, Regulation VIII.

of

of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.-

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

2. Calattee Chetty.

3. Pennal Reddy.

4. Aureemoottoo.

6. Veerasawmy, and

7. Rungappa Reddy,

is sufficient to convict them of the offence charged, do convict them; and under the provisions of Clause third, Section VII, Regulation XV of 1803, Sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (14) fourteen years.-

Aiding and abetting in Murder.

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

Prisoner

Prisoner,-

5. Moothen,

Aiding and abetting in Murder.

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

Exd
E.P.

F. U.

Monday,
11th April 1859.

At a Court of the Foujdaree Udalut.

Present,

G. S. Cooper, Esquire. }
P. L. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire. }

Read Calendar of case No. 11 of 1859 on the file of the Session Court of Tinnevelly.

(Here enter S. U. No. 628 of 1859.)

As herein recommended, the Court of Foujdaree Udalut resolve to authorize the Session Judge, to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the Sentence passed upon him in the said case.

× Ramalingataven.
5 years.

Read letter dated 21st February 1859 from the Session Judge of Salem, submitting for the final judgment of the Foujdaree Udalut the record of case No. 20 of 1859 on the Calendar of the Session Court.

(Here enter S. U. No. 415 of 1859.)

The

S. U.

Monday,
11th April 1859.

At a Court of the Foujdaree Udalut.

Present,

G. S. Cooper, Esquire.
F. L. Strange, Esquire.
H. D. Phillips, Esquire.
} Puisne Judges.

Read Calendar of case No. 11 of 1859 on the file of the Session Court of Tinnevelly.

(Here enter S. U. No. 628 of 1859.)

As herein recommended, the Court of Foujdaree Udalut resolve to authorize the Session Judge, to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the Sentence passed upon him in the said case.

× Ramalingatayen. 5 years.

Read letter dated 21st February 1859 from the Session Judge of Salem, submitting for the final judgment of the Foujdaree Udalut the record of case No. 2 of 1859 on the Calendar of the Session Court.

(Here enter S. U. No. 415 of 1859.)

The

11th April 1859.

The Court of Fouzdaree Udalut

on a deliberate consideration of all the circum-

stances of the case in evidence before them, being

of opinion that the proof against the prisoner,

Veerealachur,

is sufficient to convict him of the offence charged,

do convict him thereof; and under the provisions

of Clause third, Section III, Regulation VI of 1811,

Sentence him to be imprisoned and kept to labor

without irons, for and during the period of (6) six

months.

Mr. G. S. Thomas

Forgery.

Read letter dated 31st March

1859 from the Session Judge of Nundial, submit-

ting for the final Judgment of the Fouzdaree Udalut,

the record of case No. 14 of 1859 on the 8th Calendar of the

Sessions Court.

(Here enter F. D. No. 129 of 1859.)

Mr. Ste. D. Pe.

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 prisoners,

1. Soobbadoo,

2?

11th April 1859.

1st. Pedda Ramoodoo,

and

3d. Chinna Ramoodoo,

House breaking and theft.

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession, of the crime charged, do acquit them thereof; and direct that they be set at liberty.

C. S. Chauvier

F. No.

Tuesday 12th April 1859.

At a Court of the Foujdaree Udalut.

Present.

G. A Hooper Esquire. }
J. L. Strange Esquire. } Puisne Judges.
H. D. Phillips Esquire. }

Read letter dated 30th March 1859, from the Session Judge of Bellary, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 13 of 1859, on the Calendar of the Session Court.

[Here enter F. No. No. 617 of 1859.]

Messrs Hooper and Strange.

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,

Boodanah,

Murder

is not convicted on presumptive proof or on the evidence of credible witnesses, or on his own confession, of the crime charged, do acquit him thereof, and direct that

that he be set at liberty.

Read letter dated 31st March 1859,
from the Session Judge of Tellicherry,
submitting for the final judgment of
the Foujdaree Udalut, the record of case
No. 3 of 1859, on the Calendar of the Session
Court.

/Here enter F. No. No. 633 of 1859./

The Court of Foujdaree Udalut, Mr. Harper
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 Poochy Tolan
and
2d Machery Karra amboo,

is sufficient to convict them of the offence murder.
charged, do convict them thereof, and under
the provisions of Clause 3d, Section III, of
Regulation I of 1825, sentence them to be
imprisoned and kept to hard labor in
irons on the public roads or other pub-
lic works, for and during the period
of (5) five years.

Read letter dated the 31st ultimo,
from

from the Officiating Session Judge of Ma-
durai, requesting to be informed whe-
ther the Government Pleader is to con-
duct the prosecution in the Session
Court, in cases where the prosecutor may
be desirous of retaining a Vakeel for
that purpose.

/Here enter F. No. No. 616 of 1859./

1. The Court of Foujdaree
Udalut observe that the injured
party, in heinous offences, has not the
same interest in the issue of the trial,
that Her Majesty has, as General Con-
servator of the Peace. The Government
Vakeel should, therefore, always appear
for the prosecution in such cases; but
the Court see no objection to his being
assisted by a Vakeel retained at the
expense of the injured party. But
where the prosecution is a public one
from the commencement, as in the
instance of Session Case No. XI of 1858,
no other than the Government Va-
keel can, of course, appear for the
prosecution.

prosecution.

2. The Court observe that the only circumstances under which the Government Vakeel can be remunerated for his pains, are those described in the Circular Proceedings of the Foujdaree Adalut under date the 19th July 1858.

C. D. Chamier

Extd
E.T.

F. No.

Wednesday 13th April 1859. At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire. }
J. C. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire. }

Read letter dated the 30th ultimo from the Agent to the Governor in Ganjam, recommending that the Prisoners, in Criminal Case No. 5 of 1859, be sentenced to 4 years' imprisonment with hard labor.

(Here enter F. No. No. 637 of 1859.)

The Court of Foujdaree Adalut approve of the above sentence.

Read Calendar of Case No. 26 of 1859 on the file of the Session Court of Calicut.

(Here enter F. No. No. 640 of 1859.)

As herein recommended, the Court of Foujdaree Adalut, resolve to authorize the Session Judge to issue his warrant for the imprisonment of the

the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.

* Edakadawatha Hellan. three years.

Read Calendar of Case No 16 of 1859 on the file of the Session Court of Vellore.

[Here enter F. M. No 641 of 1859]

As herein recommended, the Court of Foujdaree Adalut, resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.

* Buttula Virada. Two years

Read Calendar in Case No 15 of 1859, of the Session Court of Vellore.

[Here enter F. M. No 642 of 1859]

The Court are under the necessity of setting aside the requisition of security. If the Session Judge could receive the statements of the 1st witness, the effect of them would be the conviction of the prisoners; but as he has not thus accepted the evidence, nothing remains

remains against the Prisoners, and as they are entitled to their unconditional release. The Session Judge is requested therefore to release them accordingly.

Read Calendar in Case No 20 of 1859, of the Session Court of Masulipatam.

[Here enter F. M. No 646 of 1859]

1. The Court must call the attention of the Acting Session Judge to the wording of his sentences. His sentence, especially in the early part, is drawn up very badly.

2. The Court see no ground for mitigation of punishment in the instance of the 1st prisoner. The crime was House-breaking and Theft, and the property stolen of considerable value.

3. As respects the 2d prisoner, the Court have to observe that the Act quoted by the Acting Session Judge in support of his sentence is inapplicable, the Act relating

to

15th April 1859

to Petty thefts cognizable by a Magistrate.
In consideration of the youth of the
prisoner, the Court consent however
to his sentence being reduced to the
amount contemplated by the Acting
Session Judge, namely to light stripes
with a rattan, after which he may
be released with a warning.

£4.
£7.

C. Chamier

J. No.

Thursday,
14th April 1859.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire.
J. Lo. Strange, Esquire.
H. D. Phillips, Esquire.
} Puisne Judges.

Read Calendar in Case
No. 17 of 1859, submitted by the Acting Ses-
sion Judge of Masulipatam.

Here enter J. No. No. 653 of 1859.

This sentence is not on
drawn up satisfactorily. The Acting
Session Judge should have stated on
what evidence was adduced against
the prisoner and why it failed to
establish his guilt. This omission
he is requested to supply.

Precept returnable on
within III days from and after its receipt.

Read letter dated the
5th instant, from the Session Judge of
Nundial, offering further observations
regarding the case of Highway on
robbery

J. 40.

Saturday 23 April 1859

At a Court of the Fouzdaree Adalut.

Present:

G. S. Hooper, Esquire, —
J. L. Stranger, Esquire, — Puisne Judges.
H. D. Phillips, Esquire, —

Read letter dated 23rd March 1859 from the Sessions Judge of Calicut, submitting for the final judgment of the Fouzdaree Adalut the record of Case No 22 of 1859, on the Calendar of the Session Court.

(Here enter J. 40. No 576 of 1859.)

Mr Hooper. The Court of Fouzdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner, Coonhy Shungrun,

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions

Murder.

of

J. U.

Friday /
15th April 1859. — At a Court of the Jondaara Udalut: —

Present.

G. S Hooper Esquire
J. L. Strange Esquire
H. D. Phillips Esquire

} Puisne Judges.

Read Extract from the Proceedings of the Session Court in the Zillah of Comboconum under date the 4th April 1859, submitting for the consideration of the Court his orders cancelling the sentence of the Special Assistant Magistrate in a case of Misdemeanor, with reference to a letter from the Magistrate dated 26th March 1859. —

/ Item enter J. C. No 652 of 1859 /

Before replying to the reference made in the above communication for the opinion of the Jondaara Udalut on the point raised, the Court would wish to have before them a transcript of the correspondence on which the Session Judge founded his ruling of date the 4th May 1858. —

Precept returnable within 15 days. —

Read Calendar of Case No: 14

of

15th April 1859.

of 1859 of the Session Court of Salem. —

/ Here enter S.C. No 664 of 1859 /

As represented by the Acting Session Judge in the 11th para of his Report, the conviction of the 1st Prisoner is based on his identification by a single, the 1st, witness; but the Court of Joudara Udalut observe that his identity has been deposed to also by the 2nd witness, who appears to have seen the said Prisoner as he was running away. —

Read Calendar of case No 5 on the file of the Session Court of Chingla put.

/ Here enter S.C. No 658 of 1859 /

As herein recommended, the Court of Joudara Udalut resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mutigation of the sentence passed upon them in the said case. —

1. Moosayen
2. Gomdoo
3. Appalsky
4. Verasawmy
5. Maghaly
6. Sundra
7. Seenaw.

and Eight years

Read letter dated the 8th April 1859, from the Session Judge of Calicut, submitting for the final judgment of the Joudara Udalut the record of Case No 25 on the Calendar of the Session Court. —

16222

15th April 1859.

/ Here enter S.C. No 663 of 1859 /

Mr. J.L. Strange

The Court of Joudara —

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, —

Hanaka Cherman Coren

is sufficient to convict him of the offence of manslaughter, do convict him thereof, and under the provisions of Clause 3d, Section VIII, Regulation XV of 1803, sentence him to be imprisoned and kept to hard labor in Irons on the public roads or other public works for and during the period of (1.) one year. —

Ed Mill.

C. H. Chamier

No. 11.

Saturday 16th April 1859

At a Court of the Zoujdary Udalut.

Present

G. S Hoepes Esquire
J. L. Strange Esquire
H. D. Phillips Esquire
} Puisne Judges.

The Subordinate Judge of Mangalore having been frequently called upon to furnish the information demanded by the Government in their order of the 19th October last respecting the robbery in the jailor's office, and no report having been hitherto submitted, the Judges resolve to inform the subordinate Judge that if he fails to comply with the said requisition before the first of May next, it will be their duty to bring the circumstances to the notice of the Governor in Council.

Precept returnable in XII days.

Read letter dated the 7th April 1859, from the Session Judge of Masulipatam, submitting for the final judgment of the Zoujdary Udalut, the

record

16th April 1859

record of case No 18 of 1859 on the Calendar of the Sessions Court.

/ Vide enter F.U. No 645 of 1859 /

The Court of Foujdary Udalut, Mess^rs Strange & Phillips on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner.

Parsa Syodhryaramoodeo

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Section X, Regulation XIII of 1807, sentence him to suffer death by being hanged at the usual time and place of execution. — Murder

C. S. Chamier

Ex Read.

F.U.

Monday, 18th April 1859. — At a Court of the Foujdary Udalut.

Present

G. S. Hoopes Esquire
J. Le. Strange Esquire } Puisne Judges.
H. D. Phillips Esquire

Read Calendar of Case No 16 of 1859. Submitted by the Sessions Judge of Cuddalore

/ Vide enter F.U. No 657 of 1859 /

1. The Judges desire that the value of the property robbed, and the description and value of the property found with the prisoners may be specified in the charge. —

2. These particulars, though in contemplation of law immaterial in cases of robbery by open violence, are nevertheless useful as enabling the Judges to determine whether the prescribed punishment might not be mitigated. The character of the goods found on a prisoner also aids the appreciation of the evidence against him. —

Precpt.

15th April 1

Precept returnable in x days.—

Read Calendar of Case

No. 10 of 1859 on the file of the Session Court of

Combaconum.

/ Here enter S. Tb. No 666 of 1859 /

As herein recommended,

the Court of Foujdary Udalut resolve to

authorize the Session Judge to issue his

warrant for the imprisonment of the

*prisoner for the period specified in the

margin, in mitigation of the sentence passed

upon him in the said case.

*Canara Saml

Three years a
to pay a fine
50 Rupees.

Read letter dated the 9th

April 1859, from the Session Judge of

Coimbatore, Submitting for the final judg-

ment of the Foujdary Udalut the record of

case No 9 on the Calendar of the Session

Court:—

/ Here enter S. Tb. No 662 of 1859 /

The Court of Foujdary

Mt. G.S. 181

Udalut, on a deliberate consideration of all the

circumstances of the case in evidence before

them, being of opinion that the Prisoner,

Muccluvanda Naick

13

18th April 1859.—

is not convicted on presumptive proof or on the

evidence of credible witnesses, or on his own

*Murder confession, of the crime charged, do acquit him

thereof, and direct that he be set at liberty.—

E. Ball.

C. J. Chamier

F. 86.

Tuesday 19th April 1859. At a Court of the Foujdaree Udalut.

Present.

G. L. Hooper, Esqr.
J. L. Strange, Esqr. } Puisne Judges.
H. D. Phillips, Esqr.

Read letter dated 12th April 1859 from the Session Judge of Mangalore, submitting for the final Judgment of the Foujdaree Udalut, the record of Case No 9 of 1859 on the file of the Session Court.

(Here enter F. C. No 695 of 1859.)

Messrs. Strange and Phillips — 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,-

Rama,

Murder — is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Section X, Regulation VIII of 1802, sentence him to suffer death by.

19th April 1859.

by being hanged at the usual time and place of execution.-

Read letter dated 11th April 1859 from the 3d Session Judge of Masulipatam, submitting for the final Judgment of the Fouzdaree Udalut, the record of Case No. 92 of 1858 on the file of the Session Court.-

(Here enter F. Uc. No. 675 of 1859.)

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,- Messrs. Hooper and H. D. Phillips

Aurawilly Nurseegandoo, Murder

is sufficient to convict him of the offence charged, do Convict him thereof; and under the provisions of Section X, Regulation XIII of 1807, Sentence him to suffer death by being hanged at the usual time and place of execution.- S

S. D. E. J.

F. Uc.

Wednesday 20th April 1859. At a Court of the Fouzdaree Udalut.

Present:

G. S. Hooper, Esquire. — J. L. Strange, Esquire. — H. D. Phillips, Esquire. — Puisne Judges.

Read Criminal Reports, in Case No. 32 of 1859, submitted by the Sessions Judge of Nundial, for the month of April 1859.

(Here enter F. Uc. No. 688 of 1859.)

The Court observe that the offence has been wrongly designated. It was strictly Housebreaking with intent to steal, and should have been disposed of under Section II, Regulation VI of 1822. The mode of entry should have been specified in the charge.-

Read Calendar of Case No. 20 of 1859 submitted by the Acting Sessions Judge of Salem.-

(Here enter F. Uc. No. 703 of 1859.)

The

The Court of Foujdaree Adalut observe that it is unnecessary, under the word Enclosure upon the docket, to write more than the following "Case No. 20 on the Calendar for 1859. The nature of the offence &c. need not be stated.-

Read Criminal Report, in Case No. 38 of 1859, submitted by the Sessions Judge of Nundial, for the month of April 1859.-

/Here enter F. Dc. No. 697 of 1859./

The nature of the crime of which the prisoner had been convicted and the measure of his sentence should have been specified.-

Read Criminal Reports for the month of March 1859, submitted by the Sessions Judge of Chittoor.-

/Here enter F. Dc. No. 699 of 1859./

The Sessions Judge is requested to forward his remarks on the cases in the B Report in separate proceedings, and not append them in the shape of notes in

in red ink to the cases themselves.-

Read letter dated the 9th instant, from the Magistrate of Kurnool, stating that in his opinion a fine imposed by the late Assistant Agent on Mr. Gillespie, a superintendent of vaccination, in a certain criminal case, under the provisions of Regulation III of 1819, was illegal, and requesting instructions in the matter.-

/Here enter F. Dc. No. 670 of 1859./

It does not appear to the Foujdaree Adalut that the late Agent did more than peruse the Report, and advise he confirmed the Assistant Agent's sentence, and reported the matter to Government. The Court accordingly request that the Sessions Judge will call up the whole record of the case, and pass such orders thereon as may seem to be required.-

2. If dissatisfied with the Sessions Judge's decision, it will be open to Mr. Gillespie to appeal to the Foujdaree Adalut in the usual way.-

C. T. Chamier

Exd.
C.T.

F. Mc.

Thursday 21st April 1859.

At a Court of the Faujdaree Udalut

Present

Gy. S. Hooper Esquire.
J. Lo. Strange Esquire. } Puisne Judges.
H. D. Phillips Esquire.

Read Miscellaneous Petition presented on the 17th March 1859, by A. V. Branson Esquire, Pleader on behalf of Soobbareddy, Zillah Trichinopoly.

/Here enter F. Mc. P. No. 38 of 1859./

Messrs. Strange and Phillips.

1. Petitioner appeals from the sentence passed upon him by the Acting Sessions Judge in Case No. 31 of 1858 wherein he is 1st Prisoner.

2. The Court of Faujdaree Udalut resolve to send a copy of this petition to the Acting Sessions Judge, and request that officer to afford them an explanation and information connected with the various statements therein made in objection to the sentence he has passed upon the Prisoner. The Court

Court also wish to know why the Prisoners were not arrested before the 11th and 25th September, and what steps were taken in the interval to effect their arrest.

Precept returnable within 7 days from and after its receipt.

Read Criminal Reports of the Magistracy for the month of February 1859, submitted by the Sessions Judge of Coimbatore.

/Here enter J. Mo. No. 692 of 1859./

1. The Sessions Judge is requested to review the record in these cases, as the acts charged would appear rather to form the grounds of a civil action than a criminal prosecution. — No. 1 and 2. "Fraud."

2. The means by which the Prisoners "extorted" the railway tickets should have been stated in the charge. — No. 3. "Misdemeanor."

3. The Magistrate was not competent to dispose of this case which, under the Act quoted, should have been committed to the Criminal Courts, and — No. 4. "Rescue of cattle seized under trespass act."

and the sentence must therefore be cancelled.

No. 5. "Fraud."

4. The amount of which the company was defrauded should have been entered in the charge. Irons cannot be imposed in Cases of Fraud punished under Section VII Regulation X of 1816 that portion of the sentence must therefore be cancelled.

5. The Sessions Judge is requested to direct the Magistrate to submit these reports at an earlier date in future.

Read again Miscellaneous Petition presented on the 18th October 1858, by J. W. Branson Esquire, Pleader on behalf of Kilavan and others of Zillah Madura.

/Here enter J. Mo. P. No. 174 of 1858./

Read also return and supplemental return dated respectively 20th November 1858 and 22nd January 1859, to the precept of the Faujdary Adalut under date the 15th November 1858, on calling for translation of record in Case No. 63 of 1858.

/Here enter J. Mo. No. 2210 of 1858 and 150 of 1859/

His

Messrs Strange and Phillips.

1. The Court observe that the evidence against the prisoners is solely dependent upon the statements of the 1st prisoner, the party who alleges that he was robbed. This person's early declaration before the police makes it manifest that he did not absolutely identify the parties who robbed him, and his subsequent allegation that the prisoners were the parties is not therefore in the opinion of the Court deserving of acceptance. The Court finds also, in the deposition given by the witnesses at different times, discrepancies and improbabilities which lead the Court to distrust his evidence. As respects the 1st prisoner, to whom a cloth has been traced, it is by no means clear that this was an article robbed on the said occasion, and the prisoner's declarations on the subject before the police do not involve an admission on his part that he obtained the said cloth with guilty knowledge.

The

21st April 1859.

2. The Court resolve therefore to set aside the sentence appealed from, and to acquit the prisoners, and direct that they be discharged.

3. The Court further direct that the notes of the Acting Sessions Judge forwarded with his return dated the 22d January last, be returned to him.

The following Fiat for Leave to Appeal in Forma Pauperis in Miscellaneous Petitions are rejected viz. Nos 40, and 47 of 1859.

Ed Ellis.

C. J. Chevis

F. No.

Saturday, 23d. april 1859. At a Court of the Fouzdaree Udalut.

Present.

G. S. Hooper, Esquire. }
J. Lo. Strange, Esquire. } Puisne Judges.
H. D. Phillips Esquire. }

Read letter dated the 15th instant, from the Session Judge of Combaconum, recommending that his proceedings in Session case No. 3 of 1859, may be quashed, and that sanction be obtained for the trial of the case at Trichinopoly.

/Here enter F. No. No. 693 of 1859/

The circumstances stated by the Session Judge do not in the opinion of the Fouzdaree Udalut establish such a connection between himself and the person robbed as would justify the Judges in supporting with their recommendation, the Session Judge's application now to forego the complete disposal of the case

under

under trial.

Read Criminal Reports N.s submitted by the Session Judge of Coimbatore, for the months of February and March 1859.

(Here enter F. No. No. 694 of 1859.)

1. With regard to this case, the Foujdaree Adalut consider it very improbable that a Police Auneen would risk his position in the public service by dragging a respectable man out of bed in the middle of the night without any reason, and they are inclined to think that the charge had been got up against the Prisoner in consequence of his having taken up the Prosecutor for being out at night against rule. The Court therefore request that the Session Judge will call up and review the whole Record of the case.

Case No. disposed of by the Head Assistant Magistrate. "Abuse of Authority"

2. The Magistrate should be required to report the length of service of the Prisoner, his general character, and whether from information before his department

department there are any grounds for considering that the Police Auneen has been victimized.

3. The Court also require an explanation of the circumstances under which the Magistrate of Coimbatore deemed it necessary to issue his order of the 6th. January 1857, under which the Police Auneen is said to have acted.

Precept returnable within V days from and after its receipt.

Read letter dated 15th. April 1859, from the acting Session Judge of Bellary, submitting for the final judgment of the Foujdaree Adalut, the record of the Case No. 17 of 1859 on the Calendar of the Session Court.

(Here enter F. No. No. 705 of 1859.)

Mr. Phillips.

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

1st. Wodda Timmadoo

2d.

2d. Wodda Pedda Nagados
and
3d. Wodda Nulla Venkatagados,
are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession, of the crime charged, do acquit them thereof, and direct that they be set at liberty. — Housebreaking and theft.

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,
4th. Wodda Timma,
is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Section XXI, Regulation VII of 1802, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of one years. — do —

E.P. E.T.

C. S. Chamier

Wednesday, 27th. April 1859.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire.
T. L. Strange, Esquire. } Puisne Judges.
A. D. Phillips, Esquire.

Read Calendar of Case No. 16 of 1859 on the file of the Session Court of Nundial.

(Here enter F. C. No. 114 of 1859.)

1. As herein recommended, the Court of Foujdaree Adalut, resolve to authorize the Session Judge, to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.

× 1st. Sobbiah.
2d. Goorobasavah.
— do —
Five years.

2. The 4th. Prisoner's confession before the police not having been accepted, and nothing more appearing against him, he is entitled to unconditional release. The Court therefore cancel the requisition made of him for security and direct his discharge.

The following Foujdaree Miscel. Caseons Petition is rejected, Viz:—
No. 35 of 1859.

E.P. E.T.

C. S. Chamier

F. H.

Thursday,
28th April 1859.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esquire
J. L. Strange, Esquire
H. D. Phillips, Esquire
— Puisne Judges.

Read Calendar of Case No. 8 of 1859
on the file of the Session Court of Trichinopoly.
(Here enter F. H. No. 750 of 1859.)

As herein recommended, the Court of Foujdaree Udalut, resolve to authorize the Session Judge, to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said Case.

Sunnivogunn pillay
2 years.

Read Criminal Reports for the month of March 1859, submitted by the Session Judge of Rajahmundry.

(Here enter F. H. No. 730 of 1859.)

No. 10. "Breach of trust."

The Court are surprised that this Case should have escaped the attention of the Session Judge, as they are totally unable to understand the grounds upon which the Prisoners 2, 3, 4, 5, and

7

7, were committed for trial and sentenced to six months'
imprisonment with hard labor in irons. They direct
that the sentences in this Case as far as regards
these prisoners be at once cancelled.

Read Calendar of Case Nº 17 of
1859 on the file of the Session Court of Salem-

/ Here enter F. W. Nº 745 of 1859./

As herein recommended, the Court
of Foujdaree Udalut, resolve to authorize the Session
Judge, to issue his warrant for the imprisonment of
the prisoners for the period specified in the margin,
in mitigation of the sentence passed upon them in the
said Case.

× 1st Cauttee alias Permaul.
2d Peda Veeren
4th Chinna Veeren
5th Poady
Seven years.

Read Calendar of Case Nº 21 of 1859
of the Session Court of Salem.

/ Here enter F. W. Nº 751 of 1859./

The second count in the indictment
prepared by the Acting Subordinate Judge, does not
show, as it should have done, whether the previous
conviction of the Prisoner was for "burglary, robbery,
or other heinous offence." It is requested that this
information may now be furnished, as without it,
the Foujdaree Udalut are unable to judge whether the

the commitment of the Prisoner to the Session Court
was or was not necessary-

Precept returnable within III days-
from and after its receipt.

× Golla Gatoo Ramza.
Four years, and seventy five lashes with a cat of nine tails.

Read Calendar of Case Nº 24 of 1859
on the file of the Session Court of Bellary.

/ Here enter F. W. Nº 716 of 1859./

As herein recommended, the Court
of Foujdaree Udalut, resolve to authorize the Session
Judge, to issue his warrant for the imprisonment
of the prisoner for the period specified in the
margin, in mitigation of the sentence passed
upon him in the said case-

Read Calendar of Case Nº 27 of 1859
of the Session Court of Calicut.

/ Here enter F. W. Nº 709 of 1859./

Adverting to the concluding clause
of the Session Judge's sentence, the Court of Foujdaree
Udalut direct that the Prisoner in this Case be sent
to the Jail at Coimbatore in order there to undergo
his sentence of Imprisonment.

Same to the Session Judge of Coimbatore

Read Criminal Reports for the
month of March 1859, submitted by the Session Judge
of,

of Cuddalore. 28th April 1859

/ Here enter F. W. N° 712 of 1859. /

The Court have to remark that the prisoners in this Case should have been charged with "Theft". N° 35. Breach of trust.

Read Report in Form A of Criminal Case N° 21 of 1859, disposed of by the Session Judge of Guntoor in the month of April 1859.

/ Here enter F. W. N° 733 of 1859. /

The Court of Foujdaree Udalut are under the necessity of cancelling the requisition of Security made of the 2d prisoner. A case of simple assault is not one for which such a measure is appropriate. The Session Judge gives no reasons in support of this part of his sentence, and it is to be observed that if the evidence against the 2d prisoner has been distrusted, which in itself is not clear from the sentence, there remains no thing affecting him by which the order of the Session Judge in his instance could be justified.

Read again Calendar of Case N° 20 of 1859 of the Session Court of Masulipatam.

/ Here enter F. W. N° 616 of 1859. /

Read

28th April 1859.

Read also Reply from the Moofty Sudder Ameen in charge of the Session Court of Masulipatam to the Proceedings of the Foujdaree Udalut under date the 13th April 1859.

/ Here enter F. W. N° 719 of 1859. /

1. The Moofty Sudder Ameen sets forth certain extenuating circumstances under which the Acting Session Judge recommended the mitigation of punishment in the instance of the 1st Prisoner in the above Case.

2. Under this explanation the Court of Foujdaree Udalut resolve to mitigate the sentence passed upon the 1st Prisoner to One year's imprisonment with hard labor in irons, as proposed by the Acting Session Judge.

3. The Court observe that the commital of the Case to be tried by the Session Court does not appear to have been justified.

Read Miscellaneous petition presented on the 5th April 1859 by J. W. Branson Esquire, Pleader on behalf of Gunnaraneu and others, of Villah Combaconum.

/ Here enter F. W. N° 56 of 1859. /

This

28th April 1859

Messrs Hooper and Stange

1. This is an appeal from the sentence passed by the Session Judge in Case N° 54 of 1858, wherein the Petitioners were 2d 3d 4th and 5th prisoners.

2. As no overt act has been proved against the prisoners beyond having entered the premises plundered, the Court are of opinion that a more lenient sentence may suffice for them than that passed upon them. They resolve therefore to reduce the sentence to one years imprisonment with hard labor in irons.

Read Miscellaneous Petition presented on the 5th Instant by A D. Mayne Esquire, Pleader on behalf of Donacenda Ramanaik, of Zillah Masulipatam-

/ Hereunto F. Mo. P. N° 59 of 1859./

Messrs Hooper and Stange

1. This is an application for the release of the Petitioner, 3d prisoner in Case N° 8 of 1859 on the file of the Session Court of Masulipatam.

2. The Court of Fougdaree Udalut having in their proceedings of the 8th instant directed the release of the prisoner in question, no order is therefore necessary upon this petition.

Read Miscellaneous Petition presented on

28th April 1859

on the 5th Instant by Ramiah of Zillah Calicut.

/ Hereunto F. Mo. P. N° 58 of 1859./

Messrs Hooper and Stange

1. This is an appeal from the order of the Session Judge under date the 5th January 1859, confirming the Joint Majistrate's order, whereby the Petitioner was dismissed from his situation, and fined in the sum of 15 Rupees, on a charge of extortion of money from a certain party.

2. The Court observe that the sentence of the Joint Majestrate does not disclose the facts found against the petitioner and the others accused, or the evidence by which they may have been established.

3. The Court resolve therefore to direct the Session Judge to obtain the required information, and to submit it to them.

Precept returnable in X days from and after it's receipt.

The following Fougdaree Miscellaneous Petition is rejected, Viz.:

N° 20 of 1859.

C. Chamier

Exd E. T.

F. Ul

Friday, Ata Court of the Foujdaree Udalut
29th April 1859.

Present

G. A. Hooper Esquire.
J. L. Strange Esquire. } Puisne Judges.
A. D. Phillips Esquire.

Read letter dated the 27th instant, from the Session Judge of Chingleput, reporting the gross misconduct and culpable neglect on the part of the Head of Police of Cotterummaroor Talook, in the case of Murder No. 7 of 1859, on the file of the Session Court.

(Here enter F. Ul. No. 720 of 1859.)

The Court of Foujdaree Udalut can only deal with a matter such as the present under the powers vested in them by Section XXXIX Act VII of 1843. The Session Judge is requested to proceed according to the requisitions of that enactment. He should state whether he considers the Head of Police has proved himself so unfit for his situation

as

robbery, No. 39 of 1857.

(Here enter F. Mo. No. 64 of 1859)

1. The Court of Foujdaree Oo Udalut consider that the Session Judge would have acted with more discretion had he abstained from further offering an opinion on this case in which, as disposed of by his predecessor, he has no proper jurisdiction.

2. The Court have again referred to the deposition of the witness Timmadasary, and find that the Session Judge has misapprehended the nature of his statements before the Police.

3 The Session Judge observes that this witness had "merely stated "that the 2d prisoner" (the two prisoners) "might have committed the crime), "and that he had not positively recog- "nized the prisoners as the robbers." The Court find no such statement by the witness of inability to recognize. On the contrary he fully identified the prisoners

14th April 1859.

prisoners. He said, "I have now seen them. I saw them on the 12th instant, when they robbed Moonagala Ven- gamah and others." His reservation at the close of his deposition as to whether the crime was positively committed by the prisoners was not founded upon doubt of their identity, but sim- ply because the circumstances described by him merely left room for the pre- sumption that the prisoners had perpetrated the crime, the actual commission thereof not having been witnessed by the deponent.

The following Foujdaree Miscellaneous Petitions are rejected, Viz: Nos. 216 of 1858, and 47 and 48 of 1859.

E 4d
E 9

C. J. Chamier

F. C.

Saturday, 30th April 1859. At a Court of the Foydaree Adalut.

Present.

G. S. Hooper Esquire
J. L. Strange Esquire
H. D. Phillips Esquire
} Puisne Judges.

Read Criminal Report

B Submitted by the Sessions Judge of Honore, for the month of March 1859.

(Here enter F. C. № 729 of 1859)

The cases entered in the above reports as disposed of by the additional Joint Magistrate under Act VII of 1843, are properly those of a petty description, and the Court are of opinion that they should have been dealt with, and reported on, as petty offences cognizable by the Magistrate in his ordinary capacity.

Read Criminal reports for the month of March, submitted by the Acting Session Judge of Bellary.

(Here enter F. C. № 733 of 1859)

With

With reference to Nos 2 – 3 & 6 in the Magistrates report, the Court have to remark that only such cases should be entered in such Report as are finally Cognizable by the Magistrates.

30th April 1859 Magistrs Report

Read Calendar of Case No 16 of the Session Court of Cuddapah

(Here enter F. C. No 759 of 1859)

1. The Court of Foujdaree Udalut are of opinion that a sentence of two years' imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoner in this Case has been convicted; and they resolve to call upon the Sessions Judge to reduce his sentence accordingly.

2. If unable to concur with the Court in the propriety of the mitigated sentence now proposed, the Session Judge will be pleased to submit an

English

30th April 1859. English translation of the entire Record of the case, for their consideration.

Ex Ellt. C. S. Cannier

Read Miscellaneous Petition presented on the 30th Instant, by J. D. Mayne Esquire, Pleader on behalf of C. Veyanna and another, of Zillah Rajahmundry.—

(Here enter F. M. No. 68 of 1859)

1. This is an appeal against the sentence passed by the Session Judge in Case No. 2 of 1859, wherein the Petitioners are 1st and 2nd Prisoners—

2. Pending the hearing of the case referred to, which will be fixed for an early date, the Foujdaree Udalut resolve to desire the Session Judge to abstain from any sale in contemplation, for the realization of the fines imposed on the prisoners who have now appealed against the sentences passed on them.

Ex Ellt.

F. Co.

Monday
2nd May 1859.

Hon Court of the Fouzdaree Udalut.

Present

G. L. Hooper Esquire
J. D. Strange Esquire } Puisne Judges.
H. D. Phillips Esquire

Read letter under date the 18th April 1859, from the Agent to the Governor in Ganjam, submitting for the final judgment of the Fouzdaree Udalut a report of the trial of Criminal Case No. 6 of 1859 on his file.

/Here enter F. Co. No. 764 of 1859./

The Court of Fouzdaree Udalut, concurring in the conviction of the Prisoner

Pethoapadra

of Culpable Homicide, resolve to confirm the sentence proposed to be passed upon him by the Agent, viz. (?) Seven years' imprisonment with hard labor in irons, under Clause 2nd, Section XV. Regulation VII of 1802.-

S. Chamier

Ed Reg.

F. Mc.

Tuesday,
3d. May 1859.

At a Court of the Foujdaree Adalut.

Present.

G. L. Hooper, Esquire.
T. Lo. Strange, Esquire. } Puisne Judges.
H. D. Phillips Esquire.

Read Extract from the Proceedings of the Session Court of Combaconum dated 4th. April 1859, submitting for the consideration of the Court, his orders cancelling the sentence of the Special Assistant Magistrate in a case of misdemeanor, with reference to a letter from the Magistrate dated 26th. March 1859.

/Here enter F. Mc. No. 652 of 1859./

Read also return dated the 21st. ultimo, from the Session Judge of Combaconum, to the precept of the Foujdaree Adalut of the 15th. idem, calling for a transcript of the correspondence on which he founded his ruling of date 4th. May 1858, referred to in his Proceedings above recorded.

/Here enter F. Mc. No. 722 of 1859./

The

1. The Court of Foujdaree Udalut observe that the Government has an undoubted coparcenary right in all crops unraised under an Ummary mode of settlement, and the secret removal of such crop by the cultivator, before his and the Government shares of the grain produce have been adjusted, by the actual measurement of what is brought from the field to the threshing floor, was, in their judgment, clearly a penal offence. If there be nothing in the Code of Regulations which specifically meets an offence of the kind, it was punishable under the Mahomedan Law, which, as observed by the Session Judge in his proceedings of 4th May 1858, treats as theft the taking away by a partner, of what is joint property; the punishment of amputation being barred under the said law (vide Hedaya page 98)

2 The Court are therefore of opinion that there was no necessity for referring any question in the matter to the Mooftу,

and

3d. May 1859.

and they consider that the sentence passed by the acting Special Assistant Magistrate on the 28th February last in Case No. 5 of 1859, need not be interfered with.

E.D.
E.T.

C.B. Phamier

F.M.C.

Wednesday 4th. May 1859.

At a Court of the Foujdaree Adalut.

Present.

G. L. Hooper Esquire.
J. L. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges.

Read again Criminal Report A. in Case No. 32 of 1859, submitted by the Session Judge of Nundial, for the month of April 1859.

/Here enter F.M.C. No. 688 of 1859/

Read also letter dated the 25th. ultimo, from the Session Judge, submitting explanation with reference to the Proceedings of the Foujdaree Adalut under date the 20th. idem, remarking that the crime in the above case was strictly House breaking with intent to steal.

/Here enter F.M.C. No. 767 of 1859/

The Court of Foujdaree Adalut did not observe that the Session Judge's opinion amounted to one that the Prisoner entered by an open door. In such case of course there was no breaking.

and

and the remarks made on the case by the Court were not called for.

Read Calendar of Cases Nos 8 of 1859, submitted by the Officiating Session Judge of Madura.

/Here enter Fl Mo. No. 765 of 1859/

The Court of Foujdaree Adalut desire to be informed of the extent to which the evidence before the Officiating Session Judge has supported the main fact charged against the prisoner in the indictment, viz, that of substituting the names of convicts sentenced to long periods of confinement for those of short periods and thus aiding the escape of the former. The comparative guilt of several parties concerned cannot necessarily affect the prisoner's liability for a specific offence as now charged against him. The Court therefore request that the Officiating Session Judge will state more distinctly his grounds for acquitting the prisoner.

Precept returnable within III days from and after its receipt.

Read

Read letter dated 14th March 1859, from the Session Judge of Rajahmundry, submitting for the final judgment of the Foujdaree Adalut, the record of Case No. 1 of 1859 on the Calendar of the Session Court.

/Here enter Fl Mo. No. 725 of 1859/

Inv. Phillips

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

Cundavelly Andranayadoo

Murder

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime charged, do acquit him therefrom; but considering as that strong suspicion, tho' not amounting to conviction, attaches to him, they direct that he be required, under Clause sixth, Section II Regulation XV of 1803, to find two sureties in 100 Rupees each surety for his good behaviour and appearance when required within two years, and that in default thereof,

4th May 1859.

thereof, he be detained for two years in confinement.

C. H. Chamier

Ex Hall.

T. R.

Thursday, 5th May 1859. } At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esquire. }
J. Le. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire. }

Read letter under date the 27th April 1859 from the Sessions Judge of Nundial, requesting the instructions of the Judges as to whether the trial of Hundaloo charged with Murder, and in whose case the Jury have, contrary to the Sessions Judge's opinion, given a verdict acquitting the prisoner on the ground of insanity, can be reopened, and the evidence of the Medical officer, on which it did not occur to the Sessions Judge to require till after the close of the trial, taken as to the fact and degree of the Prisoner's madness after placing him under the observation of the Medical officer for some time.

(Here enter T. R. No. 177 of 1859.)

The Sessions Judge should

refer

refer the trial in the usual Course. If on Consideration thereof, the Foujdaree Udalut are of opinion that it is admissible & necessary to receive evidence from the Medical Officer as to the state of mind of the prisoner, they will order accordingly.

Read Calendars of Cases Nos 9. 10. 11. 12. 13. and 14 of 1859, submitted by the Session Judge of Chinglepute.

(Here enter F.H. Nos 769. 770. 771. 772. 773 & 774 of 1859)

1. With the informations furnished in the above Calendars, the Foujdaree Udalut are not in a position to appreciate the grounds on which the several prisoners have been acquitted of the charge of Perjury brought forward; as it would appear, by the Magistrate of Chinglepute.

2. They therefore resolve to request the Sessions Judge to supply a brief narration of the circumstances of the trial in which the prisoners were called on to give evidence, stating at the same time the position in that trial which the 5 witnesses took.

took, should he have been in any way concerned in it.

3. It is observed that the first Column of the Calendars under notice does not show by what Functionary the Cases in question were committed to the Session Court.

Precept in V days.

Exd E.T.

F. No.

Friday,
6th. May 1859.

At a Court of the Foujdaree Adalut.

Present.

G. A. Hooper, Esquire.
J. Lo. Strange, Esquire. } Puisne Judges.
H. D. Phillips Esquire.

Read Calendar in Case No. 13 of 1859, from the Session Judge of Cuddapah.

(Here enter F. No. No. 781 of 1859.)

It is observed that insufficient attention has been paid to the correct transcription of the Session Judge's remarks and sentence in the above trial.

Read letter from the Acting Magistrate of Cuddapah, dated 26th. April 1859.

(Here enter F. No. No. 765 of 1859.)

In this letter the Acting Magistrate of Cuddapah, with reference to Circular Order No. 206, requests the opinion of the Court of Foujdaree Adalut whether, under the terms of that order, it is competent for the Magistrate himself to abstract in English

the

the material part of the oral evidence, or as
whether this must be done in the verna-
cular.

2. The Court have on former oc-
casions ruled that such evidence must
be recorded in the vernacular language,
but on reconsideration they are of opinion
that the practice may be dispensed a-
with, and that the Magistrate may if
he think proper, record the evidence
himself in English, having a fair copy
made and signed to insure legible
handwriting.

C. S. Chamier

E.P.
E.F.

F.116.

Tuesday
10th May 1859.

At a Court of the Foujdaree Adalut

Present.

G. L. Cooper, Esquire
T. L. Strange, Esquire
H. D. Phillips, Esquire
} Puisne Judges

Read Calendar of Case
No. 15 of 1859 of the Sessions Court of
Chingleput.

Case Enter F.116. No. 799 of 1859.

1. The Court of Foujdaree
Adalut are of opinion that a sen-
tence of 3 months' imprisonment
with hard labor in irons will be
adequate punishment for the offence
of which the Prisoner in this case
has been convicted, and they re-
solve to call upon the Sessions
Judge to reduce his sentence ac-
cordingly.

2. If unable to concur
with

the prisoners of an atrocious character. The Court are of opinion that hard labor in irons, for one year, will be sufficient punishment for them, and to that measure the Court reduce the sentence.

Read Calendar of Case No. 62 of 1858 on the file of the Session Court of Combaconum.

(Here enter F. H. No. 242 of 1859.)

As herein recommended, the Court of Foujdaree Udalut, resolve to authorize the Session Judge, to issue his warrant for the imprisonment of the Prisoners specified in the margin, for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.

× 7. Mahaly
15. Seroomal alias Chinna Mayloory Peroomal Chetty
24. Surmagabany Chetty
26. Muniew Chetty
27. Nagayra Chetty
31. Peleha Cooly
32. Coopa Dooallee
33. Venkatachella Pandy Chetty
34. Soobaroyalu Chetty
35. Govinda Chetty

Nine years.

Read again Miscellaneous Petition presented on the 18th December 1858, by J. W. Branson Esqr., Pleader on behalf of Seroorugadoo, of zillah Trichinopoly.

(Here enter F. M. P. No. 212 of 1858.)

Read also return dated 22nd March 1859 from the Acting Sessions Judge of Trichinopoly, to the precept of the Foujdaree

Foujdaree Udalut under date the 7th instant, calling upon him to report in what respect the act charged upon the prisoner in Case No. 12 of 1858 involved fraud.

(Here enter F. M. No. 345 of 1859.)

Messrs. J. L. Strange, and W. D. Phillips.

On examination of the record, the Court find no evidence adduced before the Acting Sessions Judge to the latter in question, when first discovered, bring in the condition mentioned by the Acting Sessions Judge in this return. That the letters, when produced before the Acting Sessions Judge, were in such condition, is certainly no proof that they were in that condition, when originally discovered, and, in the absence of such proof, there remains no ground for the presumption that the prisoner made away with the letters fraudulently.

The Court are therefore of opinion that the sentence passed upon the prisoner, is not one that can be sustained and they resolve therefore to acquit him, and to direct his discharge.

Expd. E.P.

C. S. Chamier

14th May 1859.

Read again Miscellaneous

Petition presented on the 30th Ultimo, by J. D. Mayne Esqre, Pleader on behalf of E. Veyanmah and another, of zillah Rajahmundry.

(Here enter F. M. P. No 68 of 1859.)

1 This is an appeal against the sentence passed by the Session Judge in Case No 2 of 1859, wherein the petitioners are 1st and 2nd prisoners. Mesrs T. L. Strange and H. D. Phillips.

2 The Court desire that the Session Judge will inform them whether any of the accused were in Government employ at the time of the occurrences mentioned in the charge, and will further certify the facts in evidence, on which he has come to the conclusion that on each occasion the offence of extortion was perpetrated.

Precept returnable within III days from and after its receipt.

Read Miscellaneous Petition presented on the 12th February last, by S. Seroonala Charry, Pleader on behalf of Canoongle Pucky, of zillah Calicut.

(Here enter F. M. P. No 23 of 1859.)

This

Mesrs T. L. Strange and H. D. Phillips.

This is an appeal from the order of the Session Judge under date the 10th November last, confirmatory of the decision passed by the Acting Magistrate in reversal of the order of the Head of Police, which allowed Petitioner to retain possession of a Paramboke.

2 The Court observe that the Head of Police has found, that the Paramboke in dispute was in petitioners occupancy, and that his opponent A Moideen Coutty entered thereupon upon the occasion which has given cause for these proceedings, as a trespasser, not having himself been in previous occupancy - The Head of Police thereon maintained petitioner in his occupancy - The Magistrate in setting aside this decision has done so, in Consideration of the title of the parties - a matter lying beyond his Cognizance - The Court are unable therefore to uphold the order of the Magistrate and that of the Session Judge, which affirms it - The facts found by the Head of Police are not Controverted by the said Superior officers, and they are Conclusive in establishing

the

14th May 1859.

the Petitioners' right of occupancy - The Court therefore set aside the said orders appealed from, and affirm that of the Head of Police.

Enjd
E.T.

F.M.C.

Tuesday,
17th May 1859.

At a Court of the Foujdaree Adalut.
Present.

G. S. Hooper, Esquire
T. L. Strange, Esquire
H. D. Phillips, Esquire
} Puisne Judges.

Read Calendar of Cases Nos 19 and 26 of 1859 on the file of the Sessions Court of Combaconum.

(Here enter F.M.C. No. 831 of 1859.)

1. Aroonachellom.
3. Soobramaneadjen.
4. Yabary Soobben.
5. Valayooden.
6. Teroovengada Padyachy.
7. Cheelumbara Padiachy.
8. Mookeiah.
9. Mottoosamy Pillay.
12. Apiasamy.
13. Chockan.

Two years and nine months.

As herein recommended, the Court of Foujdaree Adalut, resolve to authorize the Sessions Judge, to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said cases. - S

C. S. Chamier

Enjd
E.T.

F. U.

Wednesday, 18th May 1859. At a Court of the Fouzdaree Adalut.

Present.

G. S. Hooper, Esquire.
T. L. Strange, Esquire. } Puisne Judges
H. D. Phillips, Esquire.

Read Criminal reports for the month of April 1859 submitted by the Sessions Judge of Guntoor.

No 26. "Misdemeanor." / Were enter F. M. No 878 of 1859. /

The possessing or offering for sale poisonous substances without Criminal intent is not punishable. The sentence in this case must therefore be cancelled

Read Criminal reports for the months of April submitted by the Officiating Session Judge of Madura.

/ Were inter F. M. No 833 of 1859. /

No 21 "Cattle stealing." The sentence in this case appears severe, and the Officiating Session Judge is requested to review the record and pass such orders thereon as he may deem fit.

No 35. "Assault and wounding" 2. The Court have to observe that the evidence to an assault should be distinct in its kind and if the charge is not substantiated thereby the accused should

should ordinarily be entitled to an unconditional release. The Officiating Session Judge is requested to review the record in this case with reference to this remark.—

Read Calendar of case No. 12 of 1859, submitted by the Sessions Judge of Manzalore under date the 9th instant.

/ Here enter F. H. No. 829 of 1859. /

The grounds of the acquittal should have been given.

Read Criminal reports for the months of March, submitted by the Sessions Judge of Coimbatore.

/ Here enter F. H. No. 832 of 1859. /

1. On account of the charge in No. 37 the prisoner was only legally liable to have security taken from him by the Magistrate to keep the Peace, and as the sentence in No. 36 had reference to his conviction in this case the Sessions Judge is requested to amend it by reducing the period awarded. — Nos. 36 and 37.

2. The Foujdaree Udalut would further wish to receive from the Sessions Judge a brief statement of the circumstances under which it

it has been deemed necessary to inflict punishment for the attempt at suicide.

Precept returnable within III days from and after its receipt.

Read Calendar of case No. 28 of 1859 on the file of the Session Court of Bellary.

/ Here enter F. H. No. 842 of 1859. /

As herein recommended, the Court of Foujdary Udalut resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.

Malan Mogadoo. — Five years.

Read Calendar of case No. 4 of 1859 on the file of the Session Court of Tellicherry.

/ Here enter F. H. No. 840 of 1859. /

As herein recommended, the Court of Foujdaree Udalut, resolve to authorise the Session Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.

Kelatte Mayhara Govindun. — Four years.

Read Calendars of cases Nos. 13 and 14 of 1859, submitted by the Session Judge of Manzalore under date the 12 instant.

1 Case

18th May 1859.

/ Here enter F. Uc. No. 841 of 1859. /

The Session Judge should have given the grounds of the judgement. He is requested to furnish these.

Precept in III days.

Read Petty Calendars of the Magistracy, submitted by the Session Judge of Maaduleputtanu for the 1st Quarter of 1859. No 3. "Misdemeano"

/ Here enter F. Uc. No 819 of 1859. /

1. The Court resolve to cancel the sentence in this case, as it is not supported by any legal grounds.

2. From this case being entered in these Calendars it is presumed that the Magistrate was proceeding under Regulation IX of 1832, in which case he was not competent to take security under the Regulation quoted. No 15. "Cattle killing

C. S. Chamier

Ld "
E. T.

F. Uc.

Thursday 19th May 1859.

At a Court of the Foujdaree Adalut.

Present.

J. Sc. Strange Esquire.
H. D. Phillips Esquire. } Puisne Judges

Read again Calendar of Case No. 8 of 1859 submitted by the Officiating Session Judge of Madura.

/ Here enter F. Uc. No. 768 of 1859 /

Read also return dated the 9th May 1859, from the Officiating Session Judge of Madura, to the precept of the Foujdaree Adalut under date the 4th idem, calling upon him to state more distinctly his grounds for acquitting the prisoner in Calendar No. 8 of 1859.

/ Here enter F. Uc. No. 816 of 1859 /

The Court of Foujdaree Adalut are of opinion that the Officiating Session Judge should furnish a copy of the above return to the Subordinate Judge with a view to the same being

being communicated to the Inspector of Prisons.

Read letter under date the 3d May 1859, from the Agent to the Governor in Vizagapatam, submitting for the final judgment of the Foujdaree Udalut, a report of the trial of a case of Highway Robbery on the file of his Court.

/Here enter F. No. No. 838 of 1859/

The Court of Foujdaree &c Udalut concurring in the conviction of the first 3 Prisoners in the above case, resolve to sentence them, as proposed by the Agent, to 7 years' imprisonment with hard labor in irons and 3 dozen Lashes.

Read letter under date the 10th May 1859, from the Magistrate of Kurnool.

/Here enter F. No. No. 847 of 1859/

1. With reference to para 17 of Report A in Case No. 20 of 1859 of Theft, in which the Session Judge of Kurnool notices the incapacity and negligence of

19th May 1859.

of the Head of Police of Cumbum Talook, the Magistrate, in the above letter, states as his opinion that, from the utter want of zeal and the great carelessness and supineness shown by the said Head of Police in the discharge of his duties, he is totally unfit to have charge of a Talook, and therefore recommends his removal from Office.

2. The Foujdaree Udalut are required to deal with the dismissal of a Head of Police when a Session Judge brings to notice any gross misconduct, which appears to him to deserve that penalty. In this instance, the Session Judge, however reprehensible he may have considered the conduct of the Cumbum Head of Police, has offered no opinion regarding dismissal: and, apart from the general incapacity of the Police officer which the Magistrate now reports, the Foujdaree Udalut do not think they have enough before them to justify an order for dismissal. But, such

such general inefficiency as the Magistrate at present represents and complains of, is matter for representation to the Board of Revenue, from whom the Magistrate should obtain sanction for the step he desires to take.

Read Calendar of Case No. 15 of 1859, submitted by the Session Judge of Cuddapah, under date the 14th May 1859.

/Here enter T. Mo. No. 854 of 1859./

The enquiry made in the Talook in this case occupied a month and a day. The Foujdaree Adalut entrust the Session Judge has ascertained that such serious delay was unavoidable. It is obvious that disinclination to prosecute charges of Highway robbery must result from Keeping the aggrieved parties for so long a period before the police authorities.

Read Calendar of Case No. 21 of 1859, submitted by the Session Judge of Cuddapah, under date the

the 14th May 1859.

/Here enter T. Mo. No. 855 of 1859./

1. There appear to have been no sufficient grounds for the transmission to the Criminal Court of the 2d Prisoner.

2. The Foujdaree Adalut conclude that the Session Judge has satisfied himself that good cause existed for delaying this case in the Talook for a period of 36 days, viz. from the 22d February to the 29th March last.

Exd Eaa.

C. B. Chamier

F. No.

Friday,
20th. May 1859.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire.
J. L. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges

Read letter from the Session Judge of Guntoor, dated 12th. May 1859, requesting instructions regarding a man of unsound mind forwarded to the Court in a Criminal case.

/Here enter F. No. No. 827 of 1859./

Adverting to the information already on record regarding the Lunatic in question, there appears to be no reason for treating as a criminal offence, the pilfering of which he is stated to have been guilty. The Court would therefore suggest that the Magistrate be referred to the provisions of Section V, Act XXXVI of 1858, and that he be directed to adopt the course therein prescribed, should he be unable to discover a relation or other person so legally

legally bound to maintain the lunatic in question.

Read Calendar of Case No. 29 of 1859, submitted by the Session Judge of Calicut, &c under date the 12th May 1859.

(Here enter S. No. No. 850 of 1859.)

1. Sentence of two years' imprisonment with hard labor in irons appears to the Foujdaree Adalut to be in excess of what would meet the demands of justice in this case. The person injured by the act of the prisoner was so injured when trespassing on the property of the latter, and the Court trace in the assault made on the trespasser, no evidence whatever of any malicious intent to cause so severe an injury as what resulted from a single kick. The Foujdaree Adalut resolve therefore to call upon the Session Judge to reduce the punishment adjudged by him from two years to six months.

2. If unable to concur with the Court in the propriety of the mitigated sentence now proposed, the Session Judge will

will be pleased to submit an English translation of the entire record of the case for their consideration.

Read letter from the Session Judge of Chicacole, submitting the Petty Calendars of the Magistracy of Vizagapatam and Ganjam, for the 1st Quarter of 1859.

(Here enter S. No. No. 856 of 1859.)

Ganjam, No. 1. "Fraud."

1. The Court have to observe that the transaction set forth in the charge would appear more properly to form the grounds of a civil suit than a criminal prosecution.

2. The Court would further observe that in cases of Fraud a fine is not an appropriate punishment, except with the view to indemnify the party defrauded. The Session Judge is requested to review the record with reference to the Court's remark in the first para.

Read Calendar of Case No. 24 of 1859, on the file of the Session Court of Tinnevelly.

(Here enter S. No. No. 866 of 1859.)

As herein recommended,

the

20th May 1859.

the Court of Foujdaree Udalut resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.

Two years

C.S. Chamier

E.T.

E.T.

F. No.

Monday 23d May 1859.

At a Court of the Foujdaree Udalut.

Present.

J. Sc. Strange Esquire.
H.D. Phillips Esquire. } Puisne Judges

Read Criminal reports for the months of April 1859, submitted by the Session Judge of Chittoor.

[Here enter F. No. Nos. 55 & 56 of 1859.]

No. 55 "Cattle stealing"

1. The sentence in this case appears unnecessarily severe, and the Court are under the impression that the moofty Sudder Ameen may have been influenced in awarding it by the fact of another charge of the same nature having been brought against the prisoner, the Session Judge is requested therefore requested to review the record with a view to the reduction of the sentence should he think fit.

No. 57 Theft

2. This case is of a petty description and should have been disposed of by the Police or Magistracy.

The

The Court resolve to cancel such por-
tion of the sentence as may remain
unexpired on receipt of these pro-
ceedings by the Session Judge.

Read Petty Calendar of the
Magistracy for the first quarter of 1859, as
submitted by the Session Judge of Ra-
jahmundry.

[Here enter G.M.O. No. 871 of 1859.]

1. In this case the parties were
not criminally punishable unless the
act complained of was committed in-
tentionally, in which case it would
be an assault. The Session Judge will
review the record with reference to
this remark.

No. 2 "Misdemeanor"

2. The parties in these Nos. are
punished under Regulation III of 1819,
from which it is presumed that they
were in the exercise of Police duties,
the nature of their employments should
have been entered in the charge, which
should have been headed "abuse of
authority."

Nos. 3 and 16 "Extortion"

In

No. 8. "Offence under the Post Office act."

3. In cases of this description
the prosecution cannot be at the in-
stance of private parties, but must be
at the instance of the Post Master.

No. 27. "Gambling"

4. This was not a case in
which it was necessary or legal to
demand security. The sentence is there-
fore cancelled.

Read Calendar of Cases. Nos. 29
and 30 of 1859, of the Session Court of Tin-
nevelly.

[Here enter G.M.O. No. 876 of 1859.]

Adverting to the amounts
involved in the two separate frauds or
charged against the prisoner being res-
pectively Rs. 178-9-6 and Rs. 275, the Fouj-
dary Adalut would have been satis-
fied if the Session Judge had retain-
ed the trial in his own Court for
disposal. It is possible the Principal
Sudder Ameen was of opinion that
the double offence took the cases out
of his jurisdiction.

Read Calendar of Case. No. 12

of

25th May 1859.

of 1859, on the file of the Session Court of Chittoor.

/Here enter F.Mc. No. 873 of 1859/

1. As herein recommended, the Court of Foujdaree Adalut resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.

1 Ganadee Ricatagadu
2 Moolagadu
3 Gandoo
Eight years

2. It appears to the Foujdaree Adalut to be worthy of consideration by the Magistracy whether the circumstances under which the 8th, 9th and 10th witnesses pursued and captured the Prisoners, do not entitle them to some reward under the application of Section X, Regulation XIII of 1832.

Ed. Hall.

C. F. Chamier

F. Mc.

Wednesday, 25th May 1859.

At a Court of the Foujdaree Adalut.

Present.

G. L. Hooper Esquire.
J. L. Strange Esquire. } Puisne Judges.
H. D. Phillips Esquire.

Read letter dated the 9th instant, from the Session Judge of Bellary, pointing out that under the Courts orders of the 26th February and 30th April last, cases beyond the jurisdiction of the Magistracy to determine are in fact altogether excluded from the criminal statements submitted periodically to the Foujdaree Adalut; and requesting, on behalf of the Magistrate, to be informed whether such was intended to be the effect of the orders in question.

/Here enter F.Mc. No. 817 of 1859/

The Court of Foujdaree Adalut are of opinion that all cases personally investigated by the Magistracy should appear in one or other of the criminal statements. Considering it desirable that the Quarterly Calendars should

should be confined to the exhibition of such petty cases as the Magistracy are competent to dispose of in the exercise of their ordinary judicial powers, the Court resolve to cancel their orders of the 30th ultimo, and direct that cases in which the Magistracy can do no more than hold a preliminary investigation, be entered in the Monthly Criminal Reports B, & detailed statement in the form A being sent to the Session Judge upon the disposal of every case in which the parties are discharged, but not where the parties are forwarded to the Criminal Court.

Read Criminal reports for the month of April 1859, submitted by the Session Judge of Cuddalore.

/Here enter Jl No. No. 863 of 1859/

1. The charge in this case should have alleged that the assault was committed by the prisoner in abuse of his authority as a Police officer. Magistrate's Report No. 9 "abuse of authority"

2. With reference to the A report of the above case submitted by the Session

Session Judge, the Court have to observe that it is only in cases of "Torture" that they require the A report to be submitted for their review.

Read Calendar & Case No. 12 of 1859, submitted by the Session Judge of Coimbatore.

/Here enter Jl No. No. 887 of 1859/

1. The above Calendar shows, that articles of stolen property were discovered in the houses of the 4th, 5th and 6th as well as in those of the 1st, 2d and 3d Prisoners. The three first named Prisoners are further stated to have been recognized as robbers by the witnesses from 2 to 7. They have, however, been discharged by the Session Judge, but no representation is made of the grounds on which the testimony affecting them has been rejected, although it is admitted as good and sufficient for the conviction of the other Prisoners.

2. Before disposing of the Session Judge's recommendation for a mitigated sentence on the 1st, 2d, 3d and 7th Prisoners

25th May 1859.

Prisoners, thus convicted, the Fouzdaree Udalut deem it necessary to require the Session Judge to explain the reasons on which have guided him in his appreciation of the testimony above referred to.

Precept returnable within V days from and after its receipt.

Read Calendar of Case No. 28 of 1859 of the Session Court of Combaconum.

/Here enter F. Dc. No. 895 of 1859./

The Court of Fouzdaree Udalut resolve to call upon the Session Judge to state whether in his opinion the sentence necessarily passed upon the prisoner under the act in question may not with propriety be brought to the notice of the Honorable the Government with a recommendation that a portion thereof be remitted; and if he should be in favor of such course, what punishment he would propose as sufficient to meet the requirements of the case.

Precept returnable within V days from and after its receipt.

Read

C. Chernier

F. Dc.

Thursday, 26th May 1859. At a Court of the Fouzdaree Udalut.

Present.

G. L. Hooper, Esqre.
J. L. Strange, Esqre.
H. D. Phillips, Esqre.
} Puisne Judges.

Read Criminal reports for the Month of April 1859, submitted by the Acting Session Judge of Trichinopoly.—

(Here enter F. Dc. No. 864 of 1859.)

No. 36. "Heft." 1. Looking to the value of the property stolen and to there being no previous conviction charged against the prisoner, the Court are of opinion that the Sentence is much too severe and resolve therefore to reduce it to three Months.

No. 38. "Heft." 2. The acts alleged against the prisoner would constitute the offence of robbery. The Court observe that it was remanded by the Session Court probably because the offence was within the jurisdiction of the Criminal Judge; in this Case he should have amended

the

the charge before proceeding to trial.-

3. In the heading to these charges the words "unattended with aggravating circumstances" are unnecessary. The proper title of the offence is "Housebreaking." Nos. 28, 40, 43.

4 The words "did go forth" &c. are unnecessary. " 30 & 36.

Read Calendar of Case No. 28 of 1859 on the file of the Session Court of Tinnevelly.-

(Here enter F. No. 1-903 of 1859.)

As herein recommended, the Court of Foujdaree Udalut, resolve to authorize the Session Judge to issue his warrant for the imprisonment of the prisoners for the periods specified in the margin, in mitigation of the sentence passed upon them in the said Case.-

1st Veerabusseu 2nd Vondy taveu. Seven years.
3rd Soobbien. Four years.

Read Petty Calendars of the Magistracy, submitted by the Sessions Judge of Tinnevelly for the first quarter of 1859.-

(Here enter F. No. 1-878 of 1859.)

1 The more refusal to comply with

No. 10. Resistance to Process.

a summons is not punishable as resistance to Process. Sentence in this Case must therefore be cancelled.-

No. 42 and 43. False complaint. 2. Abuse of authority is not punishable under either Section XXXII or XXXIII of Regulation XX of 1816 and consequently a false complaint charging it cannot be punished under Section XXXV of the same Regulation.-

Read Calendar of Case No. 23 of 1859 on the file of the Session Court of Salem.

(Here enter F. No. 1-910 of 1859.)

As herein recommended, the Court of Foujdaree Udalut, resolve to authorize the Session Judge, to issue his warrant for the imprisonment of the

x Cora Seddum prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.-

Seven years.

Read letter dated 20th April 1859 from the Sessions Judge of Rajahmundry submitting for the final Judgment of the Foujdaree Udalut the record of Case No. 7 of 1859 on the Calendar of the Sessions Court.-

(Here enter F. No. 1-882 of 1859.)

The

26th May 1859.

Mr. H. D. Phillips.

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,-

Curry Pudmanabdoo,

is sufficient to convict him of the offence charged, do convict him thereof; and sentence him to be transported to such place or places beyond Sea, as the Governor in Council shall appoint,- there to be imprisoned and kept to hard labor on the public roads or other public works, for and during the period of his natural life.-

Highway Robbery with attempt to murder.

C. S. Chamier

Ent.
E. P.

F. A.

Saturday,
28th May 1859.

At a Court of the Foujdaree Adalut

Present

G. S. Hooper, Esquire
T. L. Strange, Esquire
H. D. Phillips, Esquire

Puisne Judges.

Read letter dated 16th instant from the Officiating Sessions Judge of Madura, Submitting for the consideration of the Judges a lengthened correspondence between himself and the Magistrate on the subject of an order passed by the Head Assistant Magistrate, relative to a dispute between certain parties respecting the Kurnumship of Koovanthy.

(Here enter F. A. No. 360 of 1859.)

The Court of Foujdaree Adalut decline to give any opinion in this matter. The question was whether the one party or the other was in possession and was being improperly interfered with by his opponent. The Head Assistant Magistrate took one view of the matter, and on Appeal made to the Session Judge that officer took another. It remains then for the party dissatisfied with the latter order to Appeal to the Foujdaree Adalut.

Read Petty Calendars of the Magistracy for

for the 1st Quarter of 1859, submitted by the Sessions Judge of Rundiel.—

/Here enter J. M. No. 916 of 1859./

With reference to the Sessions Judge's remark on the sentence in this case, the Court have to point out that upon the charge as it appears in the Calendar the Magistrate could demand security only to keep the Peace, and was not competent to require it for good behaviour or appearance. The Sessions Judge will revise the sentence with reference to this remark.—

No. 16. "Assault with intent to wound."—

Read Miscellaneous Petition received on the 21st April 1859, from the Sessions Judge of Rundiel, forwarding Cassim and another of that Billah.—

/Here enter J. M. P. No. 64 of 1859./

Mess^rs. Strange and Phillips.—

1 This is an application for the cancellment of the sentence passed upon the prisoners in case No. 41 of 1856 on the file of the Governor's Agent at Rundiel.—

2 Before finally disposing of the above petition, the Court of Fouzdaree Udalut resolve to direct the Sessions Judge of Rundiel to submit a translation of the record connected with the case in question, inclusive of the police proceedings in the matter.—

Precept returnable within X days from (and

28th May 1859.

and after its receipt.—

Read Miscellaneous Petition presented on the 7th March 1859, by J. A. Wayne Esquire, Pleader on behalf of Coopparam Moodaly, Villah Cultivator.

/Here enter J. M. P. No. 39 of 1859./

Mess^rs. Strange and Phillips.

1 Petitioner appeals from the order of the Sessions Judge under date the 15th February 1859, confirmatory of the order of the Joint Magistrate, whereby the Petitioner was prohibited from taking away certain logs of Teakwood, and directed to establish his claim thereto by a civil suit to be brought within a month.—

2 The Court of Fouzdaree Udalut observe that the Joint Magistrate and Sessions Judge have gone beyond their powers in judging of the civil rights of the parties; and that the only question with which they could legitimately deal, was, whether the Defendant had forcibly interfered with timber in the possession of the complainant. The complainant does not appear even to have alleged such a fact, but his complaint was that the Defendant was cutting down timber within the range of his right. Such timber cannot be said to have been in the possession of the complainant, and there was consequently no ground for the interposition of the Joint Magistrate.—

3 The Court resolve therefore to set aside the orders passed in the case.—

Read

Read letter from the Sessions Judge of Tinnevelly dated 20th May 1859 —

/ Here enter F. M. No 912 of 1859. /

1 A Prisoner on trial before the Principal Sudder Ameen of Tinnevelly, having required in his defence the evidence of certain parties residing at Madras, the Sessions Judge being of opinion that such parties may be examined by a warrant of commission, requests the instructions of the Court of Foujdaree Udalut on the subject, as no specific provision is made in the law for such proceeding.

2 The Court have to observe that the want of any provision of law for examination of Witnesses in a Criminal trial by commission is a bar to that method of procedure. If the prisoner requires the evidence of these parties, he must have them summoned in the usual manner, providing at the same time for their travelling expenses —

Read Proceedings of the Madras Government dated the 10th instant, communicating certain proceedings held in the Revenue Department on the subject of the mode of disposing of criminal cases prevailing at St. Thomas' Mount, and requesting the Foujdaree Udalut to cause the Joint Magistrate

Magistrate to be furnished with the usual Forms of Statements for transmission to the Sessions Judge —

/ Here enter F. M. No 845 of 1859. /

The Court of Foujdaree Udalut observe that instructions on this subject were conveyed in their proceedings of the 27th April 1846, but that the practice of submitting the Criminal Statements appears to have been departed from of late years. The Sessions Judge will instruct the Magistrate of Chingleput to supply the Joint Magistrate of Saint Thomas' Mount with fresh Forms of the Petty Calendars, and A and B criminal Reports; and to obtain those statements at the appointed periods from the Joint Magistrate, duly filled up for transmission to the Sessions Judge. The Joint Magistrate should also be furnished with instructions as to the use of the Forms, and with a copy of the circular Proceedings of the Foujdaree Udalut dated 26th February 1859 —

Read Miscellaneous Petition presented on the 23d December 1858, by J. W. Branson Esquire, Pleader on behalf of Buttoola Jagunnadhum, of Tellah Vizagapatam.

/ Here enter F. M. P. No 215 of 1858. /

Messrs. Strange and Phillips.

1 This is an application for a review of the sentence passed by this Court in case No 14 of 1858

on

on the file of the Governor's Agent in Vizagapatam.

2 The Court are of opinion that they are not competent to pass any Judgment upon the matter of this Petition. The Sentence has been passed by a Judge having power to deal with the case, and there is no act of Legislature authorizing other Judges of the Court to undertake the revision of such Sentence. This petition must therefore be dismissed.—

Read again Miscellaneous Petition presented on the 17th March 1859, by J. W. Branson Esquire, Pleader on behalf of Seobaraddy of Tillah Trichinopoly.—

/ Here enter F. M. P. No. 38 of 1859. /

Read return dated 5th Inshaat from the Acting Sessions Judge of Trichinopoly, to the Precept of the Fouzdaree Adalut under date the 21st April 1859, calling upon him for explanation regarding the various allegations contained in the Petition.—

/ Here enter F. M. No. 802 of 1859. /

Messrs. Strange and Phillips.

The Court of Fouzdaree Adalut resolve to call upon the Acting Sessions Judge to submit a translation of the record connected with case No. 31 of 1858, and to suspend execution of the Sentence passed in the case, until further orders.—

Precept returnable within X days.—

Read again Miscellaneous Petition presented on the 7th March 1859, by J. B. Norton Esquire and

and V. Sadagopachary, Pleaders on behalf Vellappa Pillay and Six others, prisoners in Case No. 57 of 1858 on the Calendar of the Sessions Court of Tinnevelly.—

/ Here enter F. M. No. & No. 36 of 1859. /

Read also return dated 2d April 1859 from the Sessions Judge of Tinnevelly, to the precept of the Fouzdaree Adalut under date the 26th March 1859, requiring the submission of translation of the record in Sessions Case No. 57 of 1858, and suspension of the execution of sentence in the said case.

/ Here enter F. M. No. 638 of 1859. /

Messrs. Strange and Phillips.

On a review of the papers submitted with the above Return and those already before the Fouzdaree Adalut, the Court are of opinion that there is no sufficient cause for doubting that the Prisoners convicted by the Sessions Judge, were present and taking part in the riotous and unlawful proceedings which the authorities at Palamcottah were at first unsuccessful in repressing. These proceedings, however, appear to have taken place prior to the more resentful and serious opposition against which it became necessary to employ a Military force; and therefore the Fouzdaree Adalut consider that the ends of justice will be met by a milder punishment than that which the Sessions Judge has awarded. They therefore resolve to mitigate the Sentence recorded in the Sessions Court's Calendar, and to direct that the Prisoners from 1 to 7 be imprisoned for a period of two Years, with hard labor in irons, allowance being made for such

28th May 1859.

such period as may already have been passed at hard labor under the Sentence of the Sessions Judge.—

E/d
E.P.

J. No.

Monday, 30th May 1859.

At a Court of the Fouzdaree Adalut.

Present.

G. S. Hooper, Esquire.
J. C. Strange, Esquire. — Puisne Judges.
H. D. Phillips Esquire.

Read Calendar of Case No. 31 of 1859 on the file of the Sessions Court of Tinnevelly.

/Here enter F. No. No. 922 of 1859./

As herein recommended, the Court of Fouzdaree Adalut, resolve to authorize the Sessions Judge, to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.—

+ Moorieu. — Two years.

Read Calendar of Case No. 32 of 1859 on the file of the Sessions Court of Tinnevelly.—

/Here enter F. No. No. 923 of 1859./

As herein recommended, the

30th May 1859.

the Court of Faujdarry Adalut, resolve to authorize the Sessions Judge, to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.-

Palamcotta Jail. Two years.

C.S. Chamier

Eyd.
E.T.

F. Ho.

Tuesday 31st May 1859.

Hon Court of the Faujdarry Adalut

Present

Hy. S. Hooper Esquire
J. L. Strange Esquire
H. D. Phillips Esquire

} Puisne Judges

Read again letter dated 21st Ultimo from the Sessions Judge of Chingleput reporting the gross misconduct of the Head of Police of Ostramaloor in Case No. 7 of 1859 on the file of Sessions Court.-

(Here enter F. Ho. No. 720 of 1859)

Read letter from the Magistrate of Chingleput dated 11th May 1859, submitting his opinion of the conduct of the Head of Police in the investigation of No. 7 of 1859 on the file of the Sessions Court.-

(Here enter F. Ho. No. 813 of 1859.)

On a consideration of the whole circumstances of this case the Court are of opinion that the misconduct of the Head of Police of Ostramaloor

Cotramaloor was not of such a description as calls for his dismissal from his office by this Court under Section XXXIX Act XII of 1843.-

Read Criminal Reports for the month of April 1859, submitted by the Acting Sessions Judge of Salem.

/Here enter F. No. No 911 of 1859./

The Court observe that of 27 cases brought before the Criminal Court only 13 were taken up by the Subordinate Judge; of these four were undisposed of at the end of the month, and of the remainder the greater proportion were committa-ble cases, which require comparatively little labor or time; the remaining 14 cases were referred to the Moosiff, and the Court are of opinion that so large an amount of work should not have been imposed on that officer, who, in addition to his duties in the Sessions Court, has a considerable jurisdiction as a Civil Judge,

and

31st May 1859.

and has lately been required to take up cases as a District Moonsiff.-

Read letter from the Sessions Judge of Combaconum dated 26th May 1859, requesting the Court to apply to Government to direct Assistant Surgeon Scott, the Chemical Examiner, to appear before the Sessions Court of Combaconum to give evidence in Case No. 44 of 1859.

/Here enter F. No. No 928 of 1859./

1. The Court are unwilling to forward this application in its present form, as they doubt whether Government will accede to the request of the Sessions Judge without some explanation of the causes that, in the opinion of the Sessions Judge, necessitate Dr. Scott's personal attendance at the Court.-

2. The Court will therefore take no steps at present in the matter, but will wait for further information from the Sessions Judge.-

E. Ball.

C. S. Chamier

Wednesday 1st June 1859.

At a Court of the Foujdarree Udalut

Present

G. S. Hooper Esquire. — Puisne Judges
J. L. Strange Esquire. —
H. D. Phillips Esquire. —

Read letter dated 30th May 1859, from the Sessions Judge of Cuddalore, submitting for the final judgment of this Foujdarree Udalut, the record of Case No. 20 of 1859 on the Calendar of the Sessions Court.

/Here enter F. Ho. No. 94 of 1859./

Mr. Strange. — The Court of Foujdarree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner,

Cadernale alias Caderkhan

is sufficient to convict him of the offence charged, do convict him thereof; and sentence him to be

Murder and wounding. — transported

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

E & Odl.

C. S. Chamier

F. No.

Thursday 2d June 1859.

At a Court of the Foujdaree Adalut.

Present.

G. L. Hooper, Esquire.
J. L. Strange, Esquire.
H. D. Phillips, Esquire.
} Puisne Judges.

Read the Criminal Statements submitted by the Agent at Ganjam for the year 1858.

/Here enter F. No. 374 of 1859/

Statement No. 2. District Police.

1. The Court of Foujdaree Adalut observe that 17 Cases are entered in this Statement in Columns "under trial on 1st January 1858", instead of 55 persons who were shown to have been pending trial on 31st December 1857 in Columns 20 and 23 in Statements Nos. 1 and 2 of that year.

do. No. 3. Subordinate Judge.

2. 8 Cases are entered in this Statement in the same Columns instead of 20 persons shown to have been pending on 31st December 1857 in Column 29 of the Statement No. 3 B.

do. No. 6. Agent.

3. 18 Cases are similarly entered in

in

in this statement instead of 29 persons pending on the 31st December 1857 in Column 20 of the statement No. 4.

4. The Agent is requested to enter the number of persons in lieu of cases in the statements Nos. 1. 2. 3. 5 and 6 for the present year, and to observe this rule for the future.

Precept returnable within 11 days from and after its receipt.

Read the Criminal statements submitted by the Session Judge of Mangalore for the year 1858.

/Here enter F. No. No. 432 of 1859/

1. The Court of Foujdaree Adalut observe that 14 cases are entered in this statement in Column "under trial on 1st January 1858", which should be 26 persons in accordance with the number pending on 31st December 1857, in Columns 20 and 23 in statements Nos. 1 and 2 of that year. — Statement No. 2 District Police

2. Two cases are entered in this statement in the same column instead of 4 persons in accordance with the number pending — do. — No. 3. Subordinate Judge's Principal Sudder Ameen and Sudder Ameen

pending in column 16 of the statement No. 3 A, of 1857.

Statement No. 6. Session Judge. 3. 92 Cases are entered in this statement as those in which "Proceedings were called for in consequence of appeal or otherwise." Of these 58 appear from the foot note to have been confirmed, 16 modified, and 18 reversed. The Court observe that these entries should also have been made in the body of the statement in their appropriate columns as done in statement No. 5.

4. The Session Judge is requested to enter the number of persons in lieu of cases in the statements Nos. 1. 2. 3. 5 and 6 for the present, and to observe this rule for the future.

Precept returnable within 11 days from and after its receipt.

Read Calendar in Case on No. 9 of 1859, on the file of the Session Court of Trichinopoly.

/Here enter F. No. No. 889 of 1859/

The prisoner was charged with

with giving a certain substance with the wilful intent to poison, but was convicted of giving it without any bad motive; the Session Judge does not appear to have noticed the distinction between the crime alleged and the offence proved. The Court, however, having asked the opinion of the law officer as to whether a party, administering a deleterious substance under the circumstances found by the Judge, was liable to punishment, and the law officer having answered in the affirmative, the Court will not disturb the sentence of the Session Judge.

Read Criminal reports for the month of April 1859, submitted by the Session Judge of Chicacole.

/Here enter F. No. No. 907 of 1859/

The offence did not warrant the imposition of irons as awarded in sentence.

Gunjam acting Senior Assistant Magistrate's No. 2. Misdemeanors

Read Calendar in Case No. 18 of 1859, of the Session Court of Chingleput.

Chingleput.

/Here enter F. No. No. 935 of 1859/

The matter of the prisoner's police deposition should have been entered in the charge. His examination before the Principal Sudder Ameen contained little more than the declaration that the police deposition was true, and does not afford the means of judging, by comparison with the prisoners statement before the Session Court, of the extent to which he may have perjured himself.

Read Calendar of Case No. 16 of 1859, on the file of the Session Court of Chingleput.

/Here enter F. No. No. 937 of 1859/

As herein recommended, the Court of Foujdaree Udalut, resolve to authorize the Session Judge, to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.

1. Madar Saib.
2. Ramasamy.
3. Chengum.
4. Chellamoottoo

Seven years

Read

Read letter under date the 26th May 1859, from the Session Judge of Combaconnum

/Here enter F. No. No. 929 of 1859./

1. In the above communication the Session Judge, with reference to the Extracts from the Proceedings of the Fouj: daree Udalut dated the 14th ultimo, modifying the sentences passed by him in Cases Nos. 62 and 63A and 63B of 1858, requests instructions for his guidance, as the decision in question does not recognize the distinction which, in the sentences so passed by him, he has shown between the ringleaders and the rest of the mob. He also requests to be informed whether it is intended that the corporal punishment and the fines imposed in Cases Nos. 62 and 63A and B, should be remitted.

2. The sentences passed upon the prisoners are precisely as communicated to the Session Judge and do not embrace corporal punishment and fine. The Court were not satisfied that they were ringleaders, but held that no more was satisfactorily

satisfactorily established against them than that they formed part of the crowd by whom the riot and plundering were perpetrated.

Read the Criminal Reports submitted by the Session Judge of Tinnevelly, for the year 1858.

/Here enter F. No. No. 216 of 1859./

Statement No. 2. District Police.

1. The Court of Foujdaree Udalut observe that 5 cases are entered in Column "Under trial on 1st January 1858", wherein the number of persons alone ought to have been given which should have been 10 in accordance with that pending trial on the 31st December 1857, as shown respectively in Columns 20 and 23 in Statements Nos. 1 and 2 of 1857.

Do. No. 3. Subordinate Judge, Principal Sudder Ameen, and Sudder Ameen.

2. 5 Cases are entered in this Statement in the same Column instead of 11 persons in accordance with the number pending on the 31st December 1857 shown in Column 29 of the Statement No. 3B of 1857.

Do. No. 6. Session Judge.

3. The 2 Cases similarly entered in this Statement should have been 54 persons in accordance with the entry in Column 20 of the Statement No. 4 of 1857.

4. The Session Judge is requested to enter the number of persons in lieu of

Cases

cases in the Statements Nos 1.2.3.5 and 6 for the year under review and to observe the this rule for the future.

Precept returnable within 11 days from and after its receipt.

Read the Criminal Reports submitted by the Officiating Session Judge of Madura, for the year 1858.

/Here enter F. No. No. 340 of 1859/

1. The Court of Foujdaree Udalut observe that 84 Cases are entered in Column "Under trial on 1st January 1858," which should show the number of Persons alone, viz. 282, in accordance with that pending on 31st December 1857, as shown respectively in Columns 20 and 23 of the statements Nos 1 and 2 for 1857. — Statement No 2. District Police.

2. 5 Persons instead of 3 Cases are ought to be entered in the same Column of this statement to coincide with the number pending on the 31st December 1857, shown in Column 29 of the statement No 3B for 1857. — do — No 3. Subordinate Judges Principal Sudder Ameen, and do Sudder Ameen.

3. The 4 Cases entered in this statement in the Column in question should be — do — No 5. Magistrate and Joint Magistrates

be altered to 35 persons in accordance with those pending trial on 31st December 1857 as apparent in Column 31 of the statement No 1 of 1857.

4. The Session Judge is requested to enter persons in lieu of cases in the statements Nos 1.2.3.5 and 6 for the present and future years.

Precept returnable within 11 days from and after its receipt.

Read the Criminal Statements submitted by the Session Judge of Madura for the year 1858.

/Here enter F. No. No. 592 of 1859/

Statement No 2. District Police. 1. The Court of Foujdaree Udalut observe that 6 cases are entered in Column "under trial on 1st January 1858," which should be 7 persons in accordance with the number pending on 31st December 1857, in Columns 20 and 23 in Statements Nos 1 and 2 of that year.

do — No 6. Session Judge. 2. One case is entered in Column "Under trial on 1st January 1858," which should be 6 persons in accordance with

2d June 1859.

with the number pending on 31st Decem-
ber 1857, in Column 20 in Statement No. 4
of 1857.

3. The Session Judge is requested
to enter the number of persons in lieu
of cases in the Statements Nos 1.2.3.5 and
6 for the present and to observe this
rule for the future.

Precept returnable within
11 days from and after its receipt.s

Ed. C. Ravenscroft
Ed. T.

F. 66.

Friday. At a Court of the Foujdaree Adalut
3d June 1859. Present

G. S. Hooper Esquire
J. G. Strange Esquire } Puisne Judges.
H. D. Phillips Esquire

Read the Criminal Reports
submitted by the Session Judge of Coimba-
tore for the year 1858.

(Here enter F. 66. No. 497 of 1859.)

Statement No. 1. of Subordinate Judge, Principal Sudder Ameen and Sudder Ameen.

The Court of Foujdaree
Adalut observe that 7 cases are entered
in this statement in Column "under
trial on 1st January 1858," which should
be 14 persons in accordance with the
number pending on 31st December 1857
in Column 29 in Statement No. 3, Prin-
cipal Sudder Ameen of that year.

D. No. 6. Sessions Judge.

2. 18 cases are similarly en-
tered in this Statement instead
of 89 persons shown to have been pend-
in Column 20 on 31st December 1857
of the Statement No. 4 of that year.

The

3. The Session Judge is requested to enter the number of persons in lieu of cases in the Statements Nos 1, 2, 3, 5 and 6 under review, and to observe this rule for the future.-

Precept returnable within 11 days from and after its receipt.-

Read the Criminal Report submitted by the Session Judge of Chicacole for the year 1858.-

/Here enter F.86. No. 639 of 1859./

1. The Court of Foujdarree Adalut observe that 8 cases are entered in this Statement in column "under trial on 1st January 1858" which should be 24 persons in accordance with the Total of Columns 20 and 23 of Statements Nos 1 and 2 for 1857.- Statement No. 2. District Police.

2. The 2 cases similarly entered in this Statement should be 6 persons, to tally with the aggregate of column 31 of Statement No. 1 — Magistrate of Vizagapatam, and column 41 of Statement No. 2 Magistrate of Ganjam, for the year 1857.- D° No. 5. Magistrate, Joint Magistrate &c.

The

3d June 1859.

3. The Session Judge is requested to enter the number of persons in lieu of cases in the Statements Nos 1, 2, 3, 5 and 6 under review, and to observe this rule for the future.-

Precept returnable within 11 days from and after its receipt.-

Read Criminal Reports submitted by the Session Judge of Cuddapah for the year 1858.-

/Here enter F.86. No. 486 of 1859./

Statement No. 2. / District Police. The Court of Foujdarree Adalut observe that 6 cases are entered in Columns "under trial on 1st January 1858" which should show the number of persons, Viz. 34 pending on 31st December 1857 or the aggregate of Columns 20 and 23 of this Statements Nos 1 and 2 for that year.-

D° No. 3. Subordinate Judge, Principal Sudder Ameen and Sudder Ameen. 2. 18 persons instead of 8 cases ought to be entered in the same column of this Statement to coincide with the number pending on the 31st December 1857, shown in column 29 of

the

the Statement No. 3B for 1857.

3. The 1 case similarly entered in this Statement should have been 6 persons in accordance with the entry in Column 20 of the Statement No. 4 of 1857. — Statement No. 4B. Sessions Judge.

4. The Sessions Judge is requested to enter the number of persons in lieu of cases in the Statements Nos. 1, 2, 3, 5 and 6 under review, and to observe this in rule for the future.

Precept returnable within 11 days from and after its receipt.

Read the Criminal Reports submitted by the Sessions Judge of Calicut for the year 1858.

/Here enter F.M. No. 413 of 1859./

1. The Court of Foujdaree Adalut observe that 6 cases in which "proceedings were called for in consequence of appeal or otherwise" are entered in this Statement. Of these 6 appear from the foot note to have been confirmed, 3 Reversed, and 3 Modified. These entries should — Statement No. 1B. Sessions Judge.

also have been made in the body of the Statement, in their appropriate columns.

2. The Sessions Judge is requested to enter the number of persons in lieu of cases in the Statements Nos. 1, 2, 3, 5 and 6 under review, and to observe this rule for the future.

Precept returnable within 11 days from and after its receipt.

Read the Criminal Reports submitted by the Sessions Judge of Honore for the year 1858.

/Here enter F.M. No. 622 of 1859./

Statement No. 2 of District Police. 1. The Court of Foujdaree Adalut observe that 63 cases are entered in this Statement in column "under trial on 1st January 1858" which should be 170 persons in accordance with the aggregate of columns 20 and 23 of Statements Nos. 1 and 2 for 1857.

Dy. No. 5 of Magistrate Joint Magistrate and Assistant Magistrate. 2. The 1 case entered in this Statement in the same column should be 6 persons in accordance with the

number

number appearing in Column 41 of the Statement No. 2. for 1857.-

3. The Sessions Judge is requested to enter the number of persons in lieu of Cases in the Statements Nos. 1, 2, 3, 5 and 6 under review, and to observe this rule for the future.-

Precept returnable within 11 days from and after its receipt.-

Read the Criminal Reports submitted by the Agent at Vizagapatam for the year 1858.-

(Here enter F. Dc. No. 163 of 1859.)

1. The Court of Foujdaree Adalut observe that the entry of 2 persons is omitted in this Statement in Column "under trial on 1st January 1858" with reference to the number pending on 31st December 1857 in Column 23 of the statement No. 2 of that year.- Statement No. 2. District Police.

2. 2 Cases are entered in this Statement in Column "under trial on 1st January 1858" instead of 4 persons in accordance with the number Do. No. 3. Assistant Agent.

number pending on 31st December 1857 in Column 29 of the Statement No. 3B. Subordinate Judge.-

Statement No. 3. Agent. 5 Cases are entered in this Statement in the same columns instead of 36 persons in accordance with the number pending on 31st December 1857 in Column 20 of the Statement No. 4 of that year.-

4. The Agent at Vizagapatam is requested to enter the number of persons in lieu of cases in the Statements Nos. 1, 2, 3, 5 and 6 under review, and to observe this rule for the future.-

Precept returnable within 11 days from and after its receipt.-

Read Calendar of Cases No. 10 of 1859 on the file of the Sessions Court of Rajahmundry.-

(Here enter F. Dc. No. 954 of 1859.)

As herein recommended, the Court of Foujdaree Adalut resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoners for the period

1. Dunda Gurugadoo
2. Chigorupanty Boochegadoo
3. Pulleconda Bungarugadoo

Four years.

4. Do. Saobadoo.
5. Guddem Venkatalugadoo.
6. Cuppala Mannidugadoo.
7. Nalla Venkadoo
8. Pulla Sanadoo
9. Sada Bungarugadoo
10. Ranala Ramdoo.

Three years.

priod specified in the margin, in mitigation of the sentence passed upon them in the said case.-

Read Calendar of Case No. 29 of 1859 on the file of the Sessions Court of Bellary.

/Here enter F. Co. No. 951 of 1859./

As herein recommended, the Court of Foujdaree Adalut resolve to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoner for the priod specified in the margin, in mitigation of the sentence passed upon him in the said case.-

*Boya Chinna Lingah. Seven years.

Read letter from the Sessions Judge of Chittoor dated 30th May 1859, requesting the opinion of the Court as to whether a prisoner who has escaped after sentence was passed but before it was communicated to him should be tried under clause 2 or 3 of Section V Regulation XI of 1822.-

/Here enter F. Co. No. 946 of 1859./

The

The Court are of opinion that the communication of the sentence to the prisoner is requisite before he can be laid under any penalty for breach of such sentence.-

Circular.

Much of the Courts time being unnecessarily lost in perusing translations of Criminal trials which, from their being written on thin and transparent paper, are not easily legible, the Foujdaree Adalut resolve to direct that the translated records of the Proceedings held in the Sessions Courts, whether in referred trials or in those called up, be invariably copied on Demy or other English paper, and the Police proceedings on the best paper procurable in the local market, but written only on one side, unless it be of such a quality that writing on the other side will not show through.-

Read the Criminal Reports submitted by the Acting Sessions Judge of Trichinopoly for the year 1858.

/Here enter F. Co. No. 219 of 1859./

The

3rd June 1859.

1. The Court of Foujdaree Udalut observe that 38 cases are entered in Columns "under trial on 1st January 1858" which should show the number of Persons, Viz. 165, pending on 31st December 1857, or the aggregate of Columns 20 and 23 of the Statements Nos. 1 and 2 for that year. — Statement No. 2. District Police.

2. 55 Cases in which proceedings were called for in consequence of an Appeal or otherwise are entered in this Statement. Of these, 43 appear from the foot note to have been confirmed, 9 Reversed, and 3 Modified. The Court observe that these numbers should have been included in the body of the Statement in their appropriate columns. — Statement No. 5. Magistrate and Joint Magistrate

3. The remark contained in the foregoing para applies also to this statement. — Statement No. 6. Sessions Judge

4. The Acting Sessions Judge is requested to enter the number of persons in lieu of cases in the Statements Nos. 1, 2, 3, 5, and 6 under notice, and to observe this rule for the future. —

Precept returnable within 11 days.

Exd Edl.

C. S. Chamier

0

F. No.

Monday, 6th June 1859. } At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esquire.
J. L. Strange, Esquire. } Sessions Judges.
H. D. Phillips, Esquire.

Read Criminal Reports submitted by the Sessions Judge of Masulipatam for 1858. —

(Here enter F. No. 197 of 1859.)

Statement No. 2 Dist. Police. 1. The Court of Foujdaree Udalut observe that 82 persons are entered in Column "under trial on 1st January 1858," which should show the number of persons, Viz. 103 pending on the 31st December 1857, or the aggregate of Columns 20 and 23 of the Statements Nos. 1 and 2 for that year. —

2. The Sessions Judge is requested to enter the number of persons in lieu of cases in the Statements Nos. 1. 2. 3. 5 & 6 under review, and to observe this rule for the future. —

Precept returnable within 11 days.

Read

6th June 1859.

Read letter from Mr. Knox, Principal Assistant to the Agent at Vizagapatam dated 26th May 1859, submitting for the consideration of the Court copy of correspondence with the Agent regarding case No. 11 of 1858 on the file of the Principal Assistant Agent's Court.

(Here enter P. C. No. 952 of 1859.)

1. The Court are of opinion that this reference has been made unnecessarily by Mr. Knox. Whatever expression of opinion may have been recorded by the Agent in the course of his proceedings, it would seem by his reply to Mr. Knox of the 19th May, that he did not design to challenge the positions taken up by Mr. Knox, as appearing in the questions he had framed for solution by this Court. The Agent having thus dropped the discussion, Mr. Knox might have been contented with the issue, and should not have proceeded to address this Court direct in this irregular manner.

2. The Agent will furnish Mr. Knox with a copy of these proceedings for his instruction and future guide.

Read

6th June 1859.

Read the Criminal Statement, submitted by the Sessions Judge of Guntoor for the year 1858.

(Here enter P. C. No. 196 of 1859.)

Statement No. 2. Dist. Police.

1 The Court of Foujdaree Adalut observe that 2 Cases are entered in Column "under trial on 1st January 1858," which should show the number of persons, Viz. 8 pending on 31st December 1857, as appears in Column 23 of the Statement No. 2. for that year.

Statement No. 3. Sub: Judge's Prin. Sudr. Ameen and Sudr. Ameen.

2 4 Cases are entered in this Statement in the same Column instead of 4 persons, as shown in Column 16 of the Statement No. 3 A for 1857.

Statement No. 6. Sess. Judge.

3 One Case is entered in this Statement in the same way instead of one person, as shown in Column 20 of Statement No. 4 for 1857.

Statement No. 3. Bengal form.

4 The total of Column 36 of this Statement should show the aggregate of the totals in Columns 7-8-31-32-33-34 and 35, and correspond with the total of Column 6.

5 The Sessions Judge is requested to enter the number of persons in lieu of Cases in the Statements Nos. 1-2-3-5 and 6 under review,

and

and to observe this rule for the future.

Precept returnable within 11 days from and after its receipt.

Read the Criminal Returns submitted by the Sessions Judge of Chittoor for the year 1858.

(Here enter F.U. No. 238 of 1859.)

Statement No. 2. Distt. Police.

1 The Court of Foujdaree Udalut observe that 206 persons are entered in Column "under trial on 1st January 1858" instead of 339 persons in accordance with the number pending in Columns 20 & 23 on 31st December 1857, in the Statements Nos. 1 and 2 of that year.

2 8 Cases are entered in Column "under trial on 1st January 1858" in this statement instead of 9 persons in accordance with the number pending in Column 29 of the Statement No. 3 B of 1857. — Do. No. 3. Sub: Judge. Principal Sudr. Ameen and Sudr. Ameen

3 12 Persons should be entered in the similar Column in this statement instead of 4 Cases in accordance with the number pending in Columns 31 and 41 on 31st December 1857, in the Statements Nos. 1 and 2 of 1857. — Do. No. 5. Magistrate and Joint Magistrate &c.

4 1 Case is entered in the same Column in this statement instead of

4 persons in accordance with the number pending in Column 20 of the Statement No. 4 of 1857.

Statement No. 10 of Sentences passed by the Several Criminal Courts.

5 The attention of the Sessions Judge is drawn to the foot note given in this statement, and he will be pleased to transfer the entry in Column 27 to Column 28.

6 The above remark will affect the Statement No. 13. Bengal form.

Do. No. 13. Bengal form.

7 The total of Column 36 of this statement should show the aggregate of the totals in Columns 7-8-31-32-33-34-& 35, and correspond with the total of Column 6.

8 The Sessions Judge is requested to enter the number of persons in lieu of Cases in the Statements Nos. 1-2-3-5 & 6 under review, and to observe this rule in future.

Precept returnable within 11 days from and after its receipt.

Read the Criminal Reports submitted by the Sessions Judge of Nellore for the year 1858.

(Here enter F.U. No. 262 of 1859.)

Statement No. 2. District Police.

1 The Court of Foujdaree Udalut observe that 5 Cases are entered in Column "Under trial on 1st January 1858" instead of 18 persons in accordance

accordance with the number pending in Column 23 on 31st December 1857 in the Statement No 2 of that year.

2 6 Cases are entered in the same Column in this Statement instead of 18 persons in accordance with the number pending in Column 29 on 31st December 1857 in the Statement No 3B of 1857. — Statement No 3. Sub. Judge's, Addl Sub. Judge's and Sudr. Ameen.

3 1 Case is entered in a similar Column in this Statement instead of 1 person in accordance with the number pending in Column 41 on 31st December 1857 in the Statement No 2 of 1857. — Do No 5. Magistrate and Joint Magistrate Do.

4 6 Cases are entered in the same Column in this Statement instead of 11 persons in accordance with the number pending in Column 20 on 31st December 1857 in the Statement No 4 of 1857. — Do No 6. Sessions Judge's

5 The attention of the Sessions Judge is drawn to the foot note given in this Statement, and he will be pleased to transfer the entries in Columns 26 & 27 to Column 28. — Do No 10. Sentences passed by the several Criminal Courts

6 The above remark will affect the Statement No 13 - Bengal Form.

7 From the total of the entries in — Do No 13. Bengal form.

in Columns 7-8-32-33 & 34 of this Statement, that of Columns 2 and 3 of the Statement No 10 being deducted the remainder should tally with the total of Column 28 of the latter Statement.

8 The Sessions Judge is requested to enter the number of persons in lieu of Cases in the Statements Nos 1-2-3-5 & 6 under reviews, and to observe this rule in future.

Precept returnable within 11 days from and after its receipt.

Read the Criminal Reports submitted by the Sessions Judge of Cuttack, for the year 1858.

(Here enter P. No. No 544 of 1859)

Statement No 2. Dist. Police. 1 The Court of Sessions is to observe that 46 Cases are entered in this Statement in Column "under trial on 1st January 1858," which should be 75 persons in accordance with the aggregate of Columns 20 and 23 of the Statements Nos 1 and 2 for 1857.

Do No 3. Sub. Judge's, Addl Sub. Judge's and Sudr. Ameen. 2 The 11 Cases entered in this Statement in the same Column should be 17 persons, in accordance with the aggregate of Columns 16 & 29 of the Statements No 3A and 3B for 1857.

The

6th June 1859.

3 The total of Column 36 Statement No 3. Bengal forms.
of this Statement should show the aggregate
of the totals in Columns 7-8-31-32-33-34 & 35,
and correspond with the total of Column 6.-

4 The Sessions Judge is requested
to enter the number of persons in lieu of Cases
in the Statements Nos 1-2-3-5 & 6 under Review,
and to observe this rule for the future.

Precept returnable
within 11 days from and after its receipt.-

Read the Criminal Reports
submitted by the Sessions Judge of Cuddalore,
for the year 1858.

(Here enter F. C. No 606 of 1859.)

1 The Court of Tanjore
Adalut observe that 11 Cases are entered in
Column "under trial on 1st January 1858" which
should show the number of persons, Viz. 36
pending on 31st December 1857, or the aggregate
of Columns 20 and 23 of the Statements Nos 1
and 2 for that year.

2 5 Persons instead of 3 Cases
ought to be entered in the same Columns of
this Statement to coincide with the number
pending on the 31st December 1857, or the aggregate
of Columns 16 and 29 of the Statements Nos 3 A and

Statement No 2. Dist. Police.

Statement No 3 Sub. Judge. Princ. Sudr Amn and Sudr Ameen.

3B

6th June 1859

3B for 1857.

Statement Nos 1. Magistrate and Joint Magistrate &c.

3 1 Case is entered in the similar
Column of this Statement instead of 2 persons
shown to have been pending on 31st December
1857 in Column 31 of the Statement No 1 for
that year.

Statement No 4. Sessions Judge.

4 10 Cases are similarly entered
in this Statement instead of 38 persons appear-
ing in Column 20 of the Statement No 4 for 1857.-

5 The Sessions Judge is requested
to enter the number of persons in lieu of Cases
in the Statements Nos 1. 2. 3. 5 and 6 under Review,
and to observe this rule for the future.

Precept returnable within
11 days from and after its receipt. S.

Exd E.T.

F. No.

Tuesday, 7th June 1859.

At a Court of the Tondiarpet Udalut.

Present.

G. S. Hooper, Esquire.
J. L. Strange, Esquire.
H. D. Phillips, Esquire.
} Puisne Judges.

Read Criminal Reports submitted by the Sessions Judge of Chingleput, for the year 1858.

(Here enter F. No. 726 of 1859.)

Statement No. 5. Magistrate and Joint Magistrate, &c.

1 90 Persons, in whose Cases the Proceedings were called for, are entered in this Statement. Of these, by appear from the foot note to have been confirmed, 1 Modified, 11 Reversed, and 11 pending. The Court observe that these numbers should have been included in the body of the Statement in their appropriate Columns.

Statement No. 6. Sessions Judge.

2 The remark contained in the foregoing para. applies also to this Statement.

3 The Sessions Judge is requested to continue entering for the future, as has been done on the present occasion, the number of persons in

in the Statements Nos. 1 2 3 5 and 6, in lieu of cases, which the Foujdaree Udalut observe entered in some of those received from the lower Courts.

Precept in 11 days.

Read again Criminal Reports, submitted by the Session Judge of Coimbatore, for the months of February and March 1859.

(Here enter F. C. No. 694 of 1859.)

Read also return and supplemental returns dated respectively the 9th and 26th May 1859, from the Session Judge of Coimbatore, to the Precepts of the Foujdaree Udalut under date the 23rd April 1859, conveying observations and orders on a Case of "Abuse of authority" disposed of by the Head Assistant Magistrate, and entered in the above Reports.

(Here Enter F. C. Nos. 839 and 940 of 1859.)

Under the strong opinion of the Police Ameen's guilt, which the Session Judge has expressed, the Foujdaree Udalut abstain from interference with the punishment awarded. They however, resolve to require the Magistrate to withdraw the order issued by him at the request of the Head of Police in

in January 1857, as no grounds are shown for the continuance, at the present time, of a measure which so seriously invades the right of every inhabitant of the town of Coimbatore, to move about at night, should a necessity arise for so doing.

Read Calendar of Case No. 31 of 1859 on the file of the Session Court of Calicut.

(Here enter F. C. No. 977 of 1859.)

As herein recommended by the Court of Foujdaree Udalut resolve to authorize the Session Judge, to issue his warrants for the imprisonment of the prisoners for the period specified in the margin in mitigation of the sentence passed upon them in the said Case.

3rd Karoonan Kunnakkery Kelloo — 4 years.
4th Tatarayil Nanery — 4 years.
5th Koondyil Krishna Nair — 4 years.

Read the Criminal Reports, submitted by the Acting Session Judge of Salem, for the year 1858.

(Here enter F. C. No. 824 of 1859.)

Statement No. 2. District Police.

The Court of Foujdaree Udalut observe that 187 cases are entered in Column "under trial on 1st January 1858" which should show the number of persons, viz. 197 pending on

31st December 1857, or the aggregate of Columns
20 & 23 of the Statements Nos 1 and 2 for that year.

2 6 Persons instead of 2 Cases — Statement No 3. Sub. Judge, Prin. Sudr. Ameen, and Sudr. Ameen.
ought to be entered in the same Column of
this Statement to agree with the number
pending on the 31st December 1857, as shown
in Column 29 of the Statement No 3 B, for 1857.

3 The 4 Cases entered in this — Statement No 6. Sessions Judge.
Statement should have been 6 persons in ac-
cordance with the entry in Column 20 of the
Statement No 4 of 1857.

4 From the total of the entries — Statement No 3 B. Bengal form.
in Columns 7-8-32-33 & 34 of this Statement
that of Columns 2 & 3 of the Statement No 10
being deducted, the remainder should tally
with the total of Column 28 of the latter
Statement.

5 The Sessions Judge is requested
to enter persons in lieu of Cases in the Statements
Nos 1-2-3-5 and 6 under review, and to do so
in future.

Precept returnable within
14 days from and after its receipt.

Read letter dated 25th
April 1859 from the Sessions Judge of Rajahmundry,
submitting

submitting for the final judgment of the Foujdaree
Adalut the record of trial in Case No 80 of 1859
on the Calendar of the Sessions Court.

(Here enter S. C. No 953 of 1859)

Majr. J. L. Strang and H. D. Phillips

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,

Calavala Gungadoo,

is sufficient to convict him of the offence
charged, 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 execu-
tion.

Murder.

Exd
" E.T

Wednesday 1st June 1859.

At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esquire
F. L. Strange Esquire
H. D. Phillips Esquire

} Puisne Judges.

Read letter dated 31st May 1859 from the Session Judge of Tinnevelly, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 77 of 1859 on the file of the Session Court.—

/Here enter F. C. No. 989 of 1859/

Mr. F. L. Strange.

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 Moottianadan

2nd Vellacunnoo

3rd Caulaperumal

4th Kusungathaperumall

5th Soodalimanden

and

6th Coomarusspen

rescue of Cattle, rounding and bbery

is sufficient to convict them of the offence charged, do convict them thereof; and under the provisions of Clause third,

Section

8th June 1859

Section VII Regulation XV of 1803, sentence the prisoner,

1st Moottianadan

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, and to pay the value of the 2d Witness' earrings, Viz. Rs. 7 0 — / Rupees seventy; the prisoner,

2d Vellacunnoo

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) two years, and to pay the value of the 1st Witness' earrings Viz. Rs. 14 — — / Rupees fourteen; the prisoner

3d Calapermal

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (1) one year, and the prisoners,

4th Rusungantha permall

5th Soodalimandan

6th Coomaraspen 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 (6) six months. — s

Ex Read

11th June 1859.

Saturday,

At a Court of the Foujdaree Udalut.

Present

G. S. Hoopes Esquire
T. L. Strange Esquire
H. D. Phillips Esquire

} Puisne Judges.

Read letter dated 6th May 1859, from the Session Judge of Tinnevelly, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 22 of 1859 on the file of the Session Court.

[Here enter F. U. No. 822 of 1859]

Mess.rs G. S. Hoopes and H. D. Phillips.

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

1st Somacunnoo Pillay
2nd Kasterapanlatayen
3rd Palavasamoottoo Nadan
4th Soodalimandan
5th Gnanacunnoo and
6th Gnanayoodanadan,

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the crime charged; do acquit them thereof, and direct that they be

Robbery by open violence and wounding

6 to

set at liberty.—

Read letter dated 6th May 1859, from the Session Judge of Tinnevelly, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 22 of 1859 on the file of the Session Court.

[Here enter F. U. No. 872 of 1859]

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,

Y. Soodalimanden

is sufficient to commit him of the offence charged, do convict him thereof, and under the provisions of clauses 3d. and 5th, section IV, Regulation XV of 1803, sentence him to be imprisoned and kept to hard labor in chains on the public roads or other public works, for and during the period of (6) six months.—

Robbery by open violence and wounding

Ex. & Seals.

F. U.

Monday 13th June 1859.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire.
J. L. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges.

Read again Calendar of Case No. 12 of 1859, on the file of the Session Court of Coimbatore.

[Here enter F. U. No. 887 of 1859.]

Read also return dated the 6th instant, from the Session Judge of Coimbatore, to the precept of the Foujdaree Udalut under date the 25th May last, calling upon him to explain the reasons which guided him in rejecting the testimony of the witnesses affecting the 4th, 5th and 6th prisoners in the above case.

[Here enter F. U. No. 1007 of 1859.]

As herein recommended, the Court of Foujdaree Udalut resolve to authorize the Session Judge, to issue his warrant for the imprisonment

of

of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.

x 1st Rawmen.	
2d Calendoss.	
3d Parabundaran.	
7th Coopsamy.	
	Eight years.

Read letter from the agent to the Governor at Vizagapatam dated 1st June 1859.

[Here enter T. No. No. 988 of 1859.]

The Court of Foujdaree Adalut having declared in a late ruling that a Session Judge is not competent to alter or modify the sentence of a Sudder ameen except in favor of the prisoner, the agent to the Governor in Vizagapatam suggests that the principle, on which this ruling is founded, should be extended to committable cases coming before the Criminal Courts, and that when prisoners are discharged by the Criminal Judge, the Session Judge should not have the power of overruling such discharge and ordering their commitment.

2. The Court have to observe that they have not the power to pass such an order

order as is now suggested by the agent, even if they concurred with him in the expediency of doing so. As long as Section XXIII, Regulation X of 1816 remains in force, a Session Judge is legally competent to overrule the discharge by a Criminal Court of a prisoner in a committable case.

Read Calendar of cases Nos. 3-4-5-6-7-8-9-12-13-14 and 15 of 1859, on the file of the Session Court of Combaconum.

[Here enter T. No. No. 996 of 1859.]

As herein recommended, the Court of Foujdaree Adalut resolve to authorize the Session Judge, to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said cases.

x Valagoodien alias Nalen prisoner in Case No. 27 of 1859 (4) Four years.
Doorby Chetty prisoner in Case No. 29 of 1859 (5) Three years.
Appasamy Iyengar and Canoo Pooda Samoo Battar prisoners in Case No. 13 of 1859 (2) Two years and nine months.

Read Criminal Reports submitted by the Session Judge of Coimbatore, for the months of April 1859.

[Here enter T. No. No. 998 of 1859.]

The Session Judge is requested to

No. 15 of 1859.

to ascertain whether the great delay apparent in the transmission of this case from the Talook to the Court, viz: from 7th February to 16th March or 38 days was justifiable.

Precept returnable within VIII days from and after its receipt.

Read Calendar of Case No. 17 of 1859, on the file of the Session Court of Coimbatore.

/Here enter F. M. No. 1002 of 1859./

As herein recommended, the Court of Foujdaree Adalut resolve to authorize the Session Judge, to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.

* Palamycottah 1st Imprisonment. (8) eight years.

E. I. D.
E. T.

C. S. Chamier.

F. M.

Tuesday, 14th June 1859.—

At a Court of the Foujdaree Adalut

Present.

G. S. Hooper, Esquire.
T. L. Strange, Esquire. — Puisne Judges.
H. D. Phillips, Esquire.

/ No. 11 /

Read again Calendar of Case No. 28 of 1859 of the Session Court of Combaconum.

/ Here enter F. M. No. 895 of 1859./

Read also return dated 30th Ultimo from the Session Judge of Combaconum to the precept of the Foujdaree Adalut under date the 25th idem, calling upon him to state whether the Sentence passed upon the prisoner in Case No. 28 of 1859 may not be brought to the notice of the Honorable the Governor with a recommendation that a portion thereof be remitted, and if he should be in favor of such course, what punishment he would propose as sufficient to meet the requirements of the case; the Session Judge states that two years' imprisonment will be sufficient punishment for the offence.—

/ Here enter F. M. No. 963 of 1859. /

As the Sentence prescribed by Act V of 1858 is laid down peremptorily, the Court of Foujdaree Adalut

Udalut are unable to accede to the recommendation of the Sessions Judge for mitigating the sentence in this case.

2. The case, however, being one in which the Government might very properly exercise the power recognized in them by Act XVIII of 1855, of remitting a portion of the sentence passed upon the prisoner, the Court resolve to forward the Calendar, to be laid before the Right Honorable the Governor in Council, and to recommend that the sentence be reduced to 2 years imprisonment, as proposed by the Sessions Judge.—

Read Return dated 8th June 1859 from the Officiating Sessions Judge of Madura to the precept of this Court under date the 2d. Idem, returning for amendment the Criminal Returns for the year 1858.—

/ Here enter F. H. No. 1016 of 1859. /

1. With reference to the foregoing return the Officiating Sessions Judge is informed, that all the figures in Statements Nos. 1-2-3-5 and 6 should show the number of persons instead of cases, and that an additional column for persons need not be opened.

He is further informed, that the instructions conveyed in para 4 of the proceedings of this Court referred to, was intended to apply to the Reports under review, as well as the future ones.—

The Officiating Sessions Judge

2. Stat. No. 18 of 1855

will

will have to enter in Column 36 of this Statement, the Totals of the Entries in Columns 7-8-31-32-33-34 and 35, which will then correspond with the numbers in Column 6.—

The last column added to this Statement is unnecessary.

Precept &c returnable within 11 days from and after its receipt.—

Read Calendar of case No. 16 of 1859 on the file of the Sessions Court of Coimbatore.—

/ Here enter F. H. No. 1017 of 1859. /

As herein recommended, the Court of Tanjore Udalut, resolve to authorize the Sessions Judge, to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.—

× 1 Tavalay
2 Cannaiyan
3 Marudan.
Term 7 Years.

Read letter from the Sessions Judge of Chingleput dated 4th June 1859, requesting the opinion of the Court as to whether at the conclusion of a trial for adultery and before sentence has been passed, he may accept of a razeenamah from the husband and dismiss the case.—

/ Here enter F. H. No. 974 of 1859. /

The Court are of opinion that the trial being concluded and it only remaining for the Judge to pass sentence, the prosecutor has not the power of stopping the proceedings—the sentence not being passed to gratify his feeling

feelings, but in satisfaction of the law and as a penalty for its breach.—

Read letter dated 26th ultimo from the Session Judge of Chingleput, submitting the proceedings in Criminal case No. 21 of 1859 on the file of the Principal Sudder Ameen, and certain communications to and from the Magistrate of that District, objecting to the orders passed by the Session Court in regard to one T. Rungacharry.—

/ Here enter F. H. No. 924 of 1859. /

Read also Miscellaneous Petition presented on the 28th ultimo, by J. W. Branson Esquire, Pleader on behalf of Rungacharry, of Tillak Chingleput.—

/ Here enter F. M. P. No. 81 of 1859 /

/ After a perusal of the translations of the Magistrate's proceedings and those taken in the Court of the Principal Sudder Ameen, the Foujdaree Adalut are of opinion, that it was the Magistrate's clear duty to bring to trial T. Rungacharry, as he was directed to do by the Sessions Judge. That person was found in possession of many valuable granite stones, the property of Government, and by the District Engineer, Captain Moberly, was

Mr. H. D. Phillips

was charged with so being in possession fraudulently. When T. Rungacharry justified his possession by declaring the stones had been sold to him by certain subordinates of the Department of Public Works, the Court think the course to be taken was, that which the Session Judge has indicated in para 5 of his letter under notice; that is, that T. Rungacharry should have been charged with stealing the stones, and the four subordinates in question, with conniving at the theft. Since, however, the Magistrate acquitted T. Rungacharry, the Court fail to appreciate the transmission of those four subordinates for trial by the Principal Sudder Ameen. If they had improperly allowed T. Rungacharry to cart away the stones, they were guilty of an act which Captain Moberly had it in his power to notice, but over which the Magistracy had no jurisdiction. If, as by his sentence of acquittal is to be inferred, the Magistrate thought there had been no fraud on T. Rungacharry's part, further steps against the Public Works Department people were superfluous.

2 The proceedings before the Foujdaree Adalut do not indicate any evidence admissible against T. Rungacharry other than that of his alleged accomplices, and should his conviction depend on their unsupported

unsupported statements, the Foujdaree Udalut do think the Session Judge will exercise a wise discretion in dropping the idea of having him now brought to trial.

3 With this exception, the Court feel bound to regard the proceedings taken by the Session Judge, as correct and proper. The Magistrate's letter, addressed to the Principal Sudder Ameen direct, might, with reference to existing practice, better have been directed to the Session Judge, who would have issued instructions to the Principal Sudder Ameen. The Court also think the Magistrate should have abstained from becoming the medium of transmitting to the Session Court, the Petition from Rungacharry.

4 It should be pointed out to the Magistrate, that when, after disposing of the prosecution against Rungacharry by acquittal, he resolved to transmit to the criminal Court, as prisoners, four of the individuals who had been witnesses in the case and had been examined on "oath," it was a matter of justice to those persons, to afford to them an opportunity of pleading to the charge, of which, in the Magistrate's opinion, they stood convicted under the evidence taken in the Rungacharry's case.

Exd
E.T

F. Co.

Wednesday 15th June 1859.

Ax Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire
T. L. Strange Esquire } Puisne Judges.
H. D. Phillips Esquire

Read Petty Calendars submitted by the Sessions Judges of Chingleput of the Magistracy for the 1st Quarter of 1859.

(Here enter F. Co. No 960 of 1859.)

The Court of Foujdaree Udalut request the Sessions Judge to inform the Magistrate that the list of names and dates of appointments of officers selected by him under the provisions of Section XI and clause I Section III Regulation IX of 1821 may, in future, be dispensed with.

Read letter from the Sessions Judge of Guntoor dated 28th May 1859.

(Here enter F. Co. No 950 of 1859.)

In this letter, at the instance of the Head Assistant Magistrate in

1.

15th June 1859.

in charge of the District, the Sessions Judge of Guntoor requests the opinion of the Court of Foujdaree Udalut as to whether the district police are competent to dispose of cases under Section XIV of Act III of 1857 (Cattle trespass Act) and award damages in cases of illegal seizure of cattle.

2. The Court are of opinion that Heads of Police are "officers having "criminal jurisdiction authorized to "receive and try complaints without "reference to the Magistrate" and are consequently competent, under the Section quoted, to take cognizance of cases of the nature above referred to.-

3. The Sessions Judge and Head Assistant Magistrate refer to a ruling of the Court as to the jurisdiction of Police officers in cases of illegal rescue of cattle under Section XIII of the same Act; copy of a later ruling of the Court on the same point is now forwarded for the information of the Magistracy.-

Ex Encl.

C. S. Chamier

F. No.

Thursday 16th June 1859.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire. }
J. Le. Strange Esquire. } Puisne Judges.
H. D. Phillips Esquire. }

Read again letter from the Session Judge of Combaconum dated 26th May 1859, requesting the Court to move the Chief Judicial authority at the Presidency to direct the Chemical Examiner to appear before him to give evidence in Case No. 44 on his criminal file.

(Here enter F. No. No. 928 of 1859.)

Read return to the Proceedings of the Foujdaree Udalut of the 31st May 1859, calling upon the Session Judge to state the grounds upon which he considered the attendance before the Court of the Chemical Examiner to be necessary.

(Here enter F. No. No. 1001 of 1859.)

From the information now submitted

submitted by the Session Judge it appears that a portion of the intestines of one Rungasawmy Naik, for whose murder prisoner in Case No. 44 is now on his trial, was forwarded to Dr. Scott for chemical examination; that on analysis that officer discovered a large quantity of arsenic, which fact he certified in a letter now forming part of the record before the Court; and that the Session Judge considering that this letter may have had some effect on the Session Court, is of opinion, that Dr. Scott's evidence, as a witness, is essential, in consequence of which, he made the application in his letter of the 31st May.

2. The Foujdaree Adalut are of opinion that the Session Judge has not showed sufficient grounds for requiring the attendance of Dr. Scott before the Court as a witness. The organic remains were examined by the Chemical Examiner and

and the result duly certified in the manner required by the practice in their Courts. It must be evident to the Session Judge that it is scarcely possible that the Chemical Examiner should attend on all such occasions at every Court to depose personally to the truth of his written statement; and the Courts of this country being nowhere bound to follow the strict letter of the English law of evidence which appears to have guided the proceedings of the Session Judge in this case, the Foujdaree Adalut consider they are justified in overruling one of its provisions, which, however salutary and well adapted to the state of things in England, could not be extended to this country without an excessive amount of inconvenience and difficulty.

Read letter dated 9th June 1859, from the Session Judge of Chittoor, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 10

of

16th June 1859.

of 1859, on the file of the Session Court.

/Here enters F. Ala. No. 1009 of 1859./

The Court of Foujdaree Ada- Messrs Strange and Phillips.
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,

Gouree,

is sufficient to convict her of the offence
charged, do convict her thereof; and on Robbery attended with murder.
under the provisions of Section X, Re-
gulation XVII of 1802, sentence her to suffer
death by being hanged at the usual
time and place of executions.-

Exd. E. T.

C. S. Cameè

F. A.

Friday,
17th June 1859.-

At a Court of the Foujdaree Adalut.

Present.

G. L. Hooper, Esquire
T. L. Strange, Esquire
F. O. Phillips, Esquire

} Prisone Judges-

Read return dated the 13th Instant, from the Session Judge of Chingleput, to the precept of the Foujdaree Adalut of the 7th Idem, returning for amendment the Annual Criminal Statements for 1858.-

/ Here enter F. A. No. 1041 of 1859./

1. The Court having perused the remarks submitted by the Session Judge in the foregoing return, are of opinion that the amendments ordered in their Proceedings of the 7th Instant, should be made in the manner pointed out therein,- although the 90 persons whose cases were called up are already entered in Statement No. 2 as a part of the number disposed of by the Police, yet their recentry in Statement No. 5 becomes necessary in order to shew how these persons were disposed of by the Appellate or Revising authority; and for this purpose the only practicable way is to include the number of persons whose sentences may have been confirmed and modified, in the Column "convicted," those whose sentences were

were reversed, in the Column "acquitted", and the number of persons whose cases were "pending" in the column "under trial on 31st December 1858." The total of the entries in Column "discharged without trial" and in the other successive Columns when cast up will correspond with the Total of the first compartment of the Statements Nos 4, 5 and 6.—

2. The number of persons called up should not be entered in Statement No 10; in which case the disagreement referred to by the Sessions Judge in para 3 of his return will not arise. The Court observe that this is the mode in which the Statements submitted by all the other Courts have been prepared.—

Read Criminal reports for the month of April, submitted by the Sessions Judge of Rajahmundry.—

(Here enter F. N. No 1032 of 1859.)

1. The prisoner in this case should have been charged with theft and sentenced under Clause 4, Section III, Regulation VII of 1822.— No 1. "Breach of Trust."

2. The mere omission to inform the Police does not form grounds for a Criminal charge, the sentence as against the third prisoner must therefore be cancelled— No 21. "Theft."

3. The Sessions Judge is requested to review the record in this case; as it appears doubtful from the charge No 23. "Housebreaking and Theft"

17th June 1859.

charge whether there was any "breaking", and if not, sentence should be passed under Section VII Regulation X of 1816—

The Sessions Judge is requested to submit

4. these reports at an earlier date in future.—

Exd/ E.T.

F. Ct.

Saturday 18th June 1859.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper, Esquire. }
J. L. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire. }

Read letter under date the 6th June 1859 from the Sessions Judge of Nundial, submitting a report in Sessions Case No. 37 of 1859 for the consideration and final sentence of the Foujdaree Adalut.

(Here enter F. Ct. No. 1021 of 1859.)

The Court of Foujdaree Adalut are of opinion that the further facts throwing light on the prisoner's state of mind should be established in evidence. They therefore direct the Sessions Judge to reopen the trial and examine the Zillah Surgeon, the Jailor, and any others who may have knowledge of the Prisoner's condition, and whose testimony he may

F. C.

Saturday 18th June 1859.

At a Court of the Foujdaree Adalut.

Present.

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H. D. Phillips, Esquire. —

Read letter under date the 6th June 1859 from the Sessions Judge of Nundial, submitting a report in Sessions Case No. 37 of 1859 for the consideration and final sentence of the Foujdaree Adalut.-

/Here enter F. C. No. 1021 of 1859./

The Court of Foujdaree Adalut are of opinion that the further facts throwing light on the prisoner's state of mind should be established in evidence. They therefore direct the Sessions Judge to reopen the trial and examine the Zillah Surgeon, the Jailor, and any others who may have knowledge of the Prisoner's condition, and whose testimony he

may

may consider it desirable to furnish.

Read letter under date the 10th June 1859 from the Sessions Judge of Combaconum.

(Here enter R. Dc. No. 1042 of 1859.)

1. In the above letter the Sessions Judge reports that the sentences in Cases 62 and 63 A and 63 B of 1858, have been modified in accordance with the Proceedings of this Court under date the 2d Instant, and again brings to the notice of the Judges that the Foujdaree Adalut have in two cases of a similar description, viz, 52 of 1858 and 1 of 1859, which were referred to them in consequence of differences of opinion between himself and the Assessors, passed on sentences as severe as those which have since been modified, and that all the sentences which have been passed by him on other parties concerned in the late riots have been as severe as those passed by the Foujdaree Adalut in the two cases referred to. He further states that

that as the Court had not the records before them, he is unable to conjecture the grounds on which his judgments in respect to the ringleaders have been set aside.

2. The Court of Foujdaree Adalut observe that each case as brought before them must be judged of upon its individual merits, and no Court can be responsible in dealing with one case for the effect its judgment may have in influencing any opinions to be formed of other cases which have not come before it. In the present instance the cases in question were brought before the Court in appeal, and the Petition of appeal was disposed of after full hearing and discussion. Of what passed at this hearing no note has been made, but no doubtless the Advocate was armed with the records, as is common on such occasions, and put before the Court such parts as he thought would support his application, and the result was that the portions

of

of the evidence which led the Sessions Judge to conclude that the accused were ringleaders failed to produce the same on impression upon the Court.

3. The Sessions Judge in exclaiming consideration for his judgments must remember that the Court are under equal responsibilities for theirs.

The following Fouzdaree Miscellaneous Petitions are rejected, Viz: Nos 34, 61, 76 and 82, 77, 79, 83 and 84 of 1859.

Circulars. In pursuance of instructions received from the Government, the Court of Fouzdaree Udalut direct that all Joint Magistrates appointed under Act IV of 1847, be furnished with Specimens of the several Criminal Statements which the Magistracy are required to submit periodically to the Sessions Courts, viz, the A and B Reports, and Quarterly Petty Calendars, with the necessary information as

to their mode of preparation; and that they be called upon to fill up and forward such Statements in common with the rest of the Magistracy.

Circulars. 1. With reference to para. 8 of their proceedings of the 26th February last, the Court of Fouzdaree Udalut direct that cases in which the Magistracy have merely power to hold the preliminary investigation previous to commitment, be exhibited in the B Reports, whether the accused parties be committed or discharged; and that in the latter case, that is, whenever the defendants are released, a report in the Form A be submitted to the Sessions Judge, but not in cases where the defendants are forwarded to the Criminal Courts.

2. The Court of Fouzdaree Udalut further direct that petty cases tried by the Police, and reported to the Magistracy for their orders, be entered in the Monthly Statements submitted by the Police to the Sessions Courts.

Read

18th June 1859.

Read Miscellaneous Petition received on the 11th May 1859 through the Sessions Judge of Nundial from Tumballa Veerunnah of that Zillah.-

/Here enter F. Mc. P. No. 73 of 1859./

1. The contents of this address do not enable the Foujdaree Adalut to trace the case in which the Petitioner was sentenced.- Mr. Phillips.

2. No. 7 of 1858 on the file of the late Agency which, the Court observe, is noted on the address in question by the Sessions Judge of Nundial, does not supply a clue, and would seem not to be the trial in which Petitioner was concerned.-

3. The Court of Foujdaree Adalut therefore resolve to send a copy of the translate of this petition to the Sessions Judge of Nundial, and request that officer to supply such particulars as to No. and dates as will meet the above stated difficulty.-

Precept returnable within V days from and after its receipt.- S

E.P. E.P.

C. H. Cramer

F. Mc.

Monday 20th June 1859. At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esquire.
J. Sc. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges.

Read return dated 10th June 1859, from the Agent at Vizagapatam, to the precept of this Court under date the 3d idem, returning for amendment the Criminal Reports for the year 1858.

/Here enter F. Mc. No. 1061 of 1859./

The Court of Foujdaree Adalut

1. .but observe that the entry in Column 3, under head District Police in statement No. 10, should be transferred to Column 28.

2. The attention of the Agent is drawn to the foot note given in the statement No. 10, and he is requested to transfer the aggregate of the entries in Columns 25. 26 and 27 to Column 28.

3. The above remark will affect the statement No. 13 of Bengal form.

The

20th June 1859.

4. The agent is requested to enter in Columns 36, the aggregate of the entries in Columns 7-8-31-32-33-34 and 35, to tally with Column 6 of the statement No. 13 of Bengal forms.

5. The above alterations have been made in the Register's Office.

Read letter dated 11th June 1859, from the Session Judge of Trindial, returning the Criminal statement for the year 1858, amended.

/Here enter F. M. No. 1063 of 1859./

1. The Court of Foujdaree Adalut observe that the aggregate of the entries in Columns 25-26 and 27 under head Session Judge in statement No. 10, should be transferred to Column 28 in accordance with the foot note given in the above statement.

2. The above remark will affect the statement No. 13 of the Bengal forms.

3. The above alterations have been made in the Register's Office.s

Ed.
E.T.

C. J. Chamier

8

F. M.

Tuesday
21st June 1859

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire.
J. L. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges.

Read Petty Calendars of the Magistracy for the first quarter of 1859 submitted by the Session Judge of Coimbatore.

/Here enter F. M. No. 1060 of 1859./

Assistant Magistrates No. 1 "Vagrancy"

The Court have doubts as to the legality or propriety of the sentence in this case; the Regulation under which the first sentence was passed on the prisoner provides for his release at the end of a year, and if his release at the end of that period appears to the Magistrate to be inexpedient, he should be dealt with under the provisions of Clause 3, Section VIII, Regulation XI of 1827, if he is a dangerous character, such as is therein described. The Session Judge is requested to call for the record and pass such

orders

orders as he may deem fit reporting the same to this Court.

Read letter dated 3d June 1859, from the Session Judge of Honore, submitting for the final judgment of the Foujdaree Udalut the record of Case No. 13 of 1859 on the Calendar of the Session Court.

/Here enter F. Mc. No. 1047 of 1859/

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

Mahabalaya

is sufficient to convict him of the offence charged, 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.—S

Murder and Robbery

E.D.D.R.

C.S. Channi

F. C.

Wednesday, 22d June 1859.

At a Court of the Foujdaree Udalut.—

Present

G. L. Hooper, Esquire
L. L. Strange, Esquire
F. O. Phillips, Esquire

} Puisne Judges.

Read Calendar of Case No. 31 of 1859 on the file of the Session Court of Salem.

/ Here enter F. C. No. 1095 of 1859./

Unless the record laid before the Session Judge, afforded clear proof of the 20 Rupees which the Prisoner's servant brought to the 1st witness, being the identical coins received by the latter from his master, the Foujdaree Udalut are of opinion that no commitment to the Session Court should have been made.—

Read Criminal Report B for the month of May 1859, submitted by the Session Judge of Guntur.

/ Here enter F. C. No. 1081 of 1859./

Adverting to the character and circumstances of the charge in case No. 29, it appears to the Foujdaree Udalut that the Prisoner Tammadoo has not been adequately punished.—

Read Calendar of case No. 21 of 1859.

on

on the file of the Session Court of Mangalore.

/ Here enter F. C. No. 1086 of 1859. /

As herein recommended, the Court of Fouzdaree Adalut, resolve to authorize the Session Judge, to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.

× 1. Rama alias Ramma
2. Babu
3. Ramma alias Ramayya
4. Appanna.
Seven years.

Read Calendar of case No. 27 of 1859 on the file of the Session Court of Salem.

/ Here enter F. C. No. 1091 of 1859. /

As herein recommended, the Court of Fouzdaree Adalut, resolve to authorize the Session Judge, to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.

× 1. Lt Kora Comittee alias Colundagoundo
2. Rutchama.
Five years.

Read Criminal reports for the month of May 1859, submitted by the Acting Session Judge of Bellary.

/ Here enter F. C. No. 1082 of 1859. /

The Court have to observe that the mere attempt to escape, unless accompanied by violence, is not criminally punishable. If there was no actual escape, the sentence in this case must be cancelled.

No. 4. attempt to escape

Read

Read Criminal reports of the Magistracy for the month of May 1859, submitted by the Session Judge of Masulipatam.

/ Here enter F. C. No. 1070 of 1859. /

Read Extract from the Proceedings of Session Court of Masulipatam dated 14th June 1859.

/ Here enter F. C. No. 1070 of 1859. /

It is unnecessary for the Session Judge to hold any proceedings on the Criminal reports when they do not call for remarks. It is sufficient in such cases that the report be countersigned by the Session Judge.

Read Petty Calendars of the Magistracy for the first quarter of 1859, submitted by the Session Judge of Salem.

/ Here enter F. C. No. 1080 of 1859 /

Joint Magistrate Nos. 8, 12, 21 "Fraud".

1. The prisoners are only charged with a Breach of contract of which the Magistrate cannot take criminal cognizance. The sentences in these cases must therefore be cancelled.

2. The Session Judge is requested to forward these Calendars at an earlier date in future

Read Criminal report for the month of January, submitted by the Session Judge of Chingleput.

/ Here enter F. C. No. 1083 of 1859. /

The

22nd June 1859.

1. The Sentence in this case is inadequate looking to the value of the property stolen which is not sufficient to call for a heavier punishment even although the theft was not attended by aggravating circumstances. No 33. "Theft"

2. This case might have been discovered by the Magistracy. The previous convictions for smuggling and the being held to security by the Magistrate did not form grounds for a second court. As the value of the property stolen is small the Court consider the period of imprisonment the prisoner has already undergone is a sufficient punishment for the offence, and resolve to cancel the remainder of the sentence. No 35 "Theft"

3. The Sentence in this case must be cancelled and the prisoner committed as directed by the Court in their Circular of 10th June 1858. No 42 "Escape"

E.P. E.P.

F. No.

Thursday 23d June 1859.

At a Court of the Foujdaree Adalut.

Present.

G. S. Hooper Esquire.
J. Le. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges.

Read letter dated 17th June 1859 from the Acting Session Judge of Salem, submitting for the final judgment of the Foujdaree Adalut, the record of case No 25 of 1859 of the Calendar of the Session's Court.

[Here enter F. No. No 1089 of 1859]

1. The trial of this case, before the Session Court, occupied, the Foujdaree Adalut observe, a period of only two days, viz: from the 2d to the 3d instant.

2. It is, however, further observed that although the record reached on the Subordinate Court on the 19th ultimo, nothing was done there in respect of proceeding with the trial, until the following 30th on which day the Prisoner and

and witnesses were all re-examined as to the correctness of their Police depositions.

3. The Foujdaree Adalut request the Session Judge will ascertain and report the circumstances under which a delay of thirteen days occurred in the Subordinate Court in a case of the simple nature of the one under notice.

Precept returnable within III days from and after its receipt.

Read letter dated the 13th instant, from the Magistrate of Vizagapatam, enquiring whether the Subordinate Judge of Chicacole is competent to take cognizance of criminal cases in the capacity of Justice of the Peace, where such may arise within his jurisdiction in the Town of Vizagapatam.

/Here enter Fl. Mo. No. 1099 of 1859/

The fact of his appointment, as published in the Official Gazette or being that of Subordinate Judge of Chicacole, does not, in the opinion of the Foujdaree Adalut, divest the Subordinate

Judge

Judge of authority to act as Justice of the Peace (if he has qualified) within the limits of his ordinary jurisdiction in the town or district of Vizagapatam.

Read letter dated 17th June 1859, from the Acting Session Judge of Salem, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 25 of 1859 on the Calendar of the Session Court.

/Here enter Fl. Mo. No. 1089 of 1859/

Messrs. Strange and Phillips

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,

Goroomoorthy Gaum.

Murder and Robbery

is sufficient to convict him of the offence charged, 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.

E. & Ellt.

C. S. Chamier

F. No

Friday 24th June 1859.

At a Court of the Foujdaree Adalut.

Present.

G. A. Hooper Esquire. }
J. Le. Strange Esquire. } Puisne Judges.
H. D. Phillips Esquire. }

Read letter from the acting Session Judge of Bellary, dated 14th June 1859, forwarding certain proceedings connected with Case No 71 on the file of the Subordinate Court.

/Here enter F. No. No 1069 of 1859/

Prisoner in No 71 on the file of the Subordinate Court of Bellary having been charged with embezzlement was discharged by the Subordinate Judge without trial, as the facts of the case did not appear to that officer to render him liable to a criminal prosecution. On recommittal by order of the Session Judge the prisoner was put upon his trial and acquitted by the Subordinate Judge on the same grounds as he had previously

previously discharged him, and the Session Judge being of opinion that the acts alleged against the prisoner were sufficient under the Mahomedan law and Act XIII of 1850 to render him criminally liable, now refers the question for the opinion of the Fouj. daree Udalut.

2. From the Report of the case forwarded with these proceedings it appears that the prisoner received two gold rings in pledge from the prosecutor advancing him a sum of 30 rupees on this security; that the prosecutor shortly after repaid the money when one gold ring was returned to him, the prisoner promising to give back the other when he had redeemed it from another party to whom it was pledged; and that he afterwards refused to do so stating that he had only received one ring.

3. The Court of Fouj daree Udalut are of opinion that under these circumstances the prisoner was only liable to a Civil action for breach of contract,

and

and could not be criminally prosecuted either under the Mahomedan law or Act XIII of 1850.

Read Criminal reports for the month of May 1859, submitted by the Session Judge of Cuddapah.

(Here enter F. No. No. 1087 of 1859)

Magistrate's Report No. 5. "attempt to poison cattle"

This case should have been committed to the Criminal Court, a Magistrate not being competent to punish such offences under the vested powers.

C. S. Chamier

Ex. Edn.

F. Ille.

Saturday 25th June 1859.

At a Court of the Foujdaree Adalut.

Present

G. S. Hooper Esquire
J. L. Strange Esquire } Puisne Judges.
H. D. Phillips Esquire

Read Criminal Reports for the month of May 1859, submitted by the Session Judge of Calicut.

(Here enter F. Ille. No. 1104 of 1859.)

Subordinate Judge.
No. 59 of 81.
"False complaint."

It is not sufficient to charge the prisoner with having made the false complaint "without probable cause" - he must be charged with having made it falsely and maliciously.

Magistrate's Report.
No. 11.
"Cattle Stealing."

The Court, with reference to the explanation of delay in this case, have to point out that the Magistrate is not competent to review the proceedings of an Assistant Magistrate when acting under the extended powers.

If a sentence of acquittal was passed by

by the Assistant Magistrate in this Nº, the sentence of the Magistrate must be cancelled.-

Read Criminal Report for the months of May 1859, submitted by the Sessions Judge of Chicacole.-

/Here enter F. Gl. Nº 1109 of 1859./

1. As the prisoner was under sentence only of a Head of Police on account of a petty offence, he was not liable to be tried under the Regulation quoted. Sentence must therefore be cancelled.- — Sessions Judge. Nº 14. "Escape."

2. It is presumed the 2d Prisoner was sentenced to find security on under clause I Section IV Regulation II of 1822, and not under Section VIII Regulation VII of 1827, as entered in the Report.- — Nº 15. "Theft."

Read Calendar of Case Nº 20 of 1859 on the file of the Sessions Court of Coimbatore.-

/Here enter F. Gl. Nº 1123 of 1859./

As herein recommended, the Court of Foujdarry Adalut resolve to

to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said case.-

× 1st Rupee
2d Rupee.
Eight years.

Read Calendar of Case Nº 14 of 1859, from the Sessions Judge of Chittoor.-

/Here enter F. Gl. Nº 1110 of 1859./

The Court feel doubtful of the propriety of the conviction in this case, and resolve therefore to call for a translate of the proceedings held thereon.-

Precept returnable within V days from and after its receipt.-

Read Criminal Report B, submitted by the Acting Sessions Judge of Trichinopoly, for the month of May 1859.-

/Here enter F. Gl. Nº 1113 of 1859./

1. In a case of cattle stealing, in another of theft, and in a

as to call for his dismissal, and communicate his opinion on the subject also to the Magistrate with a copy of the report now made to the Foujdaree Udalut. The Magistrate will then proceed to address the Court on the matter.—

Read letter dated 18th April 1859, from the Acting Session Judge of Bellary, submitting for the final judgment of the Foujdaree Udalut, the record of trial in case No. 9 of 1859 on the Calendar of the Session Court.

(Here enter P. Rc No. 724 of 1859.)

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

Shaik Emom,

is sufficient to convict him of the offence charged, do convict him thereof; and under the provisions of Clause 3d, Section VII, Regulation XV of 1803, sentence him to be Attempt at murder.

imprisoned

imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (2) two years.—

Ex. Elk.

19th April 1847.

1.

The Petitioner took the relevant
the 1st 2d and 3d Prisoners in Case Nos 3 of the Cal
=dar of the Sessions Court of Mauritius for 1847.

2.

They affirm that the surname of
the prostitution is unmarked and unintelligible

3.

The Court of Sessions Constituted
that English Translations of the Petitioners Affy
and they shall be submitted the Session Judge of Mauri
with instructions to state the causes of the
attack made upon the prisoner, which is not
distinctly shown in the Proceedings in the
Calendar and in regard to the Petitioner that the truth of the cause
was not the result of malice and to that
statement that the Petitioner signed in Creole that
before that he could not tell what had of
caused his death to confirm fully the evidence
that satisfies him that the prisoner did not
from malice and on the charge mentioned
that some of the Prisoners has threaten to attack
petitioner any of the further circumstances before that
has been mentioned.

Ordered that Contract proceedings be sent to the Session Judge

F.R.

19th April 1847

of Mauritius by Precept returnable within ten
days from and after its receipt.-

(Sent following Precept No 523)

Read letter dated the 24th February
1847 from the officiating Session Judge of
Pamplemousses transmitting Criminal Report B
received from the acting Magistrate of this
District for January 1847.-

(Here Enter Fl. No 608 of 1847)

Read Calendar in Case No 30 of 1847
submitted by the Session Judge of Guntoor
under date the 19th ultimo.-

(Here Enter Fl No 890 of 1847)

Read Calendar in Case No 1 of 1847
submitted by the Session Judge of Bellary
under date the 2nd ultimo.-

(Here Enter Fl No 915 of 1847)

Read letter dated the 23d ultimo
from the officiating Session Judge of Coim-
=batore forwarding a Duplicate copy of Descri-
=tive Roll of 50 Prisoners transferred to the
subordinate Judge of Combaconum.-

(Here Enter Fl No 925 of 1847)

Read return dated the 30th ultimo

19th April 1847.

1.

The Petitioner took the relevant
the 1st 2d and 3d Prisoners on Case No 3 of the
-sent of the Sessions Court of Madura for Feb

2.

Say to point that the evidence of
the prosecution is unsatisfactory and unworthy of

3.

The Court of Sessions States that
that English Translations of the Petitions of
and 32 has been sent to the Sessions Judge of Madura
with instructions to state the grounds of the
attack made upon the accused, which is not
distinctly shown in the Records, and in regard to the petition
in this Petition that the death of the accused
was not the result of violence and to the
statement that the Petitioner is living but
desires that he could not file what had
caused his death to enable fully the undersigned
that satisfies him that the accused died
from violence, such as the alleged maltreatment
that some of the Prisoners has shewn to what
a letter copy of the further testimony before the
has been made by

Ordered, that the said proceedings be sent to the Sessions Judge

S.K.
19th April 1847.

of Madura by Precept returnable within ten
days from and after its receipt.-

(Sent following Precept No 523)

Read letter dated the 24th February
1847 from the officiating Sessions Judge of
Chingleput transmitting Criminal Report B
received from the acting Magistrate of this
District for January 1847.-

(Here Enter S.K. No 608 of 1847)

Read Calendar in Case No 30 of 1847
submitted by the Sessions Judge of Guntoor
under date the 19th Ultimo.-

(Here Enter S.K. No 609 of 1847)

Read Calendar in Case No 17 of 1847
submitted by the Sessions Judge of Bellary
under date the 22d Ultimo.-

(Here Enter S.K. No 915 of 1847)

Read letter dated the 23d Ultimo
from the officiating Sessions Judge of Coimba-
-tore forwarding a Duplicate copy of Descrip-
-tive Roll of 50 Prisoners transferred to the
subordinate Judge of Combaconum.-

(Here Enter S.K. No 925 of 1847)

Read return dated the 30th Ultimo

19th April 1847.

from the Sessions Judge of Chittoor to the precepts of the Sirgaree Cowle under date the 22d March 1847 requiring that a limited period should be fixed for the termination of the Security required from Chokanah, alias of Appavoo Mauety, in the matter regarding certain property belonging to the late Canaratnamanah Mauety for which settlement and her son were bound by the Acting Joint Magistrate to prefer a suit in the Civil Court

(Here Enter F.H. No 950 A of 1847)

Read return dated the 29th March from the Sessions Judge of Chittoor to the precepts of the Sirgaree Cowle under date the 30th March 1847 containing remarks on the Criminal Reports for the Month of February 1847.

(Here Enter F.H. No 990 of 1847)

Read return dated the 5th instant from the Sessions Judge of Chittoor to the precepts of the Sirgaree Cowle under date the 30th March 1847 intimating that of the prisoner in Case No 5 on the Criminal Reports for November 1846 now in confinement in default of finding Security he has commenced a suit at Law in the

19th April 1847

Civil Court against the Complainant for the said bonds be cancelled.

(Here Enter F.H. No 989 of 1847)

Read return dated the 29th March 1847 from the Acting Sessions Judge of Honore to the precepts of the Sirgaree Cowles under date the 2d March 1847 conveying remarks on the Criminal Reports for February 1847.

(Here Enter F.H. No 992 of 1847)

Read letter dated the 1st instant from the Chief Magistrate and Superintendent of Police at Madras reporting of a case tried by him under Act XXII of 1837 in the Month of March 1847 that

(Here Enter F.H. No 1000 of 1847)

1847 from the Sessions Judge of Trichinopoly to the precepts of the Sirgaree Cowles under date the 30th March 1847 directing him to explain under what circumstances the Proceedings held by his Court in (Report B) Criminal Case No 2 on the file of the Principal Sudr Ameen Court were referred to the 3d Instance, the sentence having been passed by the Principal Sudr Ameen on the 2d February preceding.

(Here Enter F.H. No 1001 of 1847)

19th April 1847.

19th April 1847

the said bonds be cancelled—

(Here Enter F.H. No 989 of 1847)

Read return dated the 29th March 1847 from the acting Sessions Judge of Honore to the precept of the Superior Court under date the 2d March 1847 conveying remarks on the Criminal Reports for February 1847—

(Here Enter F.H. No 992 of 1847)

Read letter dated the 1st instant from the Chief Magistrate and Superintendant of Police at Madras reporting of a case tried under act XXII of 1837 in the Month of March 1847

(Here Enter F.H. No 1000 of 1847)

Read return dated the 5th April 1847 from the Sessions Judge of Trichinopoly to the precept of the Superior Court under date the 30th March 1847 directing him to explain under what circumstances the Proceedings held by his Court in (Report B) Criminal Case No 12 on the file of the Principal Sudr Ameen Court were referred to the 3d Petition, the sentence having been passed by the Principal Sudr Ameen on the 2d February preceding—

(Here Enter F.H. No 1001 of 1847)

from the Sessions Judge of Cuddapah to the Superior Court of the Sessions Judge dated 2d March 1847 requiring that a Bond for should be given for the Commitment of the Lunatic Ragunadh from Chukanah, also the Sessions Judge in the right to property certain property belonging to the late Criminal Prisoner forwarded petitioned and he does not consider by the Acting Magistrate to be given and in the Civil Court

(Here Enter F.H. No [illegible] of 1847)

from the Sessions Judge of Chittoor to the Superior Court of the Sessions Judge dated 30th March 1847 Containing remarks on the Criminal Reports for the Month of February

(Here Enter F.H. No [illegible] of 1847)

Read return dated the [illegible] from the Sessions Judge of Coimbatore to the Superior Court of the Sessions Judge dated [illegible] requesting that if the Prisoner in Case No [illegible] on the Criminal Reports for December 1846 be confirmed and [illegible] to the Commitment

19th April 1847

Certificate to be sent to the Collector Calcutta of the Court to return the enclosures in the Miscellaneous Petition dated 19th 1847

Ordered accordingly

Fol

Monday 20th April 1847

At a Court of the Foujdaree Adalat

Present

J.H.A. Macnaghten Esqr ——— 1st Puisne Judge

C.R. Hodgson Esqr ——— 2d Puisne Judge

W.B. Bayley Esqr ——— 3d Puisne Judge

Read the Calendar of Sessions for the Division of Chittagong for the month of March 1847

Also the Sessions Calendar for the Division of Dacca Jelalpore for the month of March 1847

Also the Sessions Calendar for the Division of Moorshedabad for the month of March 1847

In the case of Prisoners charged with Gang Robbery by Force

Read the Letter from the Magistrate of Chittagong dated the 6th April 1847 forwarding the Proceedings held by him on the trial of the above prisoners and stating that he has committed them for trial on the charge preferred against them

Ordered that the Prisoners be brought to the Bar

The Court having heard the evidence for the Prosecution and for the Prisoners and the Defence made by the Prisoners

Ordered that the Prisoners be acquitted and discharged

In the case of Prisoners charged with Gang Robbery by Force

Read the Letter from the Magistrate of Chittagong dated the 6th April 1847 forwarding the Proceedings held by him on the trial of the above Prisoners and stating that he has committed them for trial on the charge preferred against them

Ordered that the Prisoners be brought to the Bar

The Court having heard the evidence for the Prosecution and for the Prisoners and the Defence made by the Prisoners

Ordered that the Prisoners be acquitted and discharged

In the case of Prisoners charged with Gang Robbery by Force

Read the Letter from the Magistrate of Chittagong dated the 6th April 1847 forwarding the Proceedings held by him on the trial of the above Prisoners and stating that he has committed them for trial on the charge preferred against them

Ordered that the Prisoners be brought to the Bar

The Court having heard the evidence for the Prosecution and for the Prisoners and the Defence made by the Prisoners

Ordered that the Prisoners be acquitted and discharged

In the case of Prisoners charged with Gang Robbery by Force

Read the Letter from the Magistrate of Chittagong dated the 6th April 1847 forwarding the Proceedings held by him on the trial of the above Prisoners and stating that he has committed them for trial on the charge preferred against them

Ordered that the Prisoners be brought to the Bar

The Court having heard the evidence for the Prosecution and for the Prisoners and the Defence made by the Prisoners

Ordered that the Prisoners be acquitted and discharged

In the case of Prisoners charged with Gang Robbery by Force

Read the Letter from the Magistrate of Chittagong dated the 6th April 1847 forwarding the Proceedings held by him on the trial of the above Prisoners and stating that he has committed them for trial on the charge preferred against them

Ordered that the Prisoners be brought to the Bar

The Court having heard the evidence for the Prosecution and for the Prisoners and the Defence made by the Prisoners

Ordered that the Prisoners be acquitted and discharged

In the case of Prisoners charged with Gang Robbery by Force

Read the Letter from the Magistrate of Chittagong dated the 6th April 1847 forwarding the Proceedings held by him on the trial of the above Prisoners and stating that he has committed them for trial on the charge preferred against them

Ordered that the Prisoners be brought to the Bar

The Court having heard the evidence for the Prosecution and for the Prisoners and the Defence made by the Prisoners

Ordered that the Prisoners be acquitted and discharged

In the case of Prisoners charged with Gang Robbery by Force

Read the Letter from the Magistrate of Chittagong dated the 6th April 1847 forwarding the Proceedings held by him on the trial of the above Prisoners and stating that he has committed them for trial on the charge preferred against them

Ordered that the Prisoners be brought to the Bar

The Court having heard the evidence for the Prosecution and for the Prisoners and the Defence made by the Prisoners

Ordered that the Prisoners be acquitted and discharged

20th April 1847

the nature of the property
found in his possession previous
thereto that he could have been upon
want of the way in which it was
obtained.

Ordered that Cotgrave
from these Proceedings be sent to the
Supreme Court of Gibraltar for his information
(Sentence No 526)

Read upon Extract
from the Minutes of Consultation
of the Judicial Department under date the
18th November 1846 No 705 communicating
the observations and orders of Government
on a Communication of a former Letter
from the Honorable the Board of
Directors under date the 23d July 1846
No 18:-

(Also Letter Fort St George 8th Ulto
(Rec'd 1st inst
the 5th Instant from the Magistrate of
Salem to the Receipt of the Court of
Forgeries Resolut under date the 18th

24th April 1847

Court of
records appo
Serishtadar
assistants (

expenses of the
order to augment the salary of the

latter in the manner indicated in
the Minutes of Consultation dated
date the 22d July and 10th November
1846 respectively - and to also to report
what further measures have been
taken for the detection of the perpe-
trators of a robbery committed
in the Duration of the Joint Magis-
trate

(Here Letter Fort St George 15th May

The Magistrate of Salem
states that the records of his office
shew that between the 1st & 15th May
of Shankaragoody was suspended
on the 8th May 1846 by order of the
Court of Forgeries Resolut, enclosing
the proceedings of the 15th April 1841

Ref to
Forgery subscribed
by Sankaragoody

and his Situation was kept up to 6th August 1841, the duties thereof being conducted by the Serishtadar of the same Talook but as inconvenience was experienced in the personal management by the suspension of the Talookdar. Mr Grey the late Magistrate, brought the circumstance to the notice of the Fougdaree Adalut in his letter dated 10th July 1841 in reply to which the Court in their letter of the 23d of the same month, expressed their opinion that another person should be appointed to act for the suspended Talookdar, pending the receipt of their orders on the receipt of the above letter on Rama Row the then Assistant of the Talooka of Paramutty was appointed on the 7th August 1841 as Acting Talookdar of Shankerydroog and was paid the full amount of the Talookdar's salary from the 6th January 1841 date of his appointment to the date on which Bheema Row was reinstated in his

his Office by an Order of the Court of Fougdaree Adalut. The person appointed to act for the Paramutty Serishtadar and for a Hoozoor Goomastah (the Hoozoor Goomastah being the person appointed to act for the Paramutty Serishtadar) also received the full pay of their respective appointments so that the amount of salary for the period during which no other person was appointed to act for the Talookdar, or from 5th May to 6th August 1841 was the only sum that remained to be deposited, which was subsequently carried to account.

* Proceedings dated 21st December 1841.

Rl 296. 12. 8

2. After they when granted by Minutes of Consultation were dated the 28th September 1841 when the full pay was given to the Acting incumbent when it is usual in such cases only to give half the anticipated amount, replied this letter to Government of the 4th October 1841 to

the effect that this has not been hitherto
the practice here. I am not aware of
any instructions having been received
on this point, in case of a suspension,
and as they would imply either to have
cast the duty of the party suspended,
I have always given to the person em-
ployed the authority pay of the situa-
tion to the explanation that
which Mr Clay has given can be ad-
vanced in regard to the rate at which
the Acting Incumbent was paid. If
Mr Evans Rs should be passed a sum
the arrears of salary for the period of his
suspension, the Magistrate states
that the only manner in which it
can be expected that Mr Evans
should be obtained for paying the
amount and Government can be
the payment of Rs 1 Rupees 8 Rs 5 Rs
paid from the Treasury

3 In regards to the delay
on the part of the Sergeant Mr Evans in

passing orders for the restoration of
the Takseldar to his situation the
present Judges (not one of whom was
in Court at that time) can only state
that from the notes and memoranda
in the Calendars of the cases and
on the papers connected with
this matter it appears that the delay
originated in an unfortunate over-
sight of one of the then Judges who
must have mentally kept the
Records by him until the matter
was forgotten by the other members
of the Court and it was not
discovered until several months
afterwards. This Gentleman is not
only not now a member of the
Court but he has also retired
from the service

In regards to this matter
the Magistrate has submitted a
Report from the Sonk Magistrate
who states that the sentence of his
Punishment did not BE to the Court

4 Remarks relative to the case of Mr Evans in the Dinajpur Sonk Magistrate's Office

the effect that this has not been the case in the practice here. I am not aware of any instruction having been received on this point, in case of a suspension, and do not think it necessary either to have cast the duty of the party suspended, I have always given to the person employed the authority for doing the service, to no other explanation than that which the Law has given can be advanced in regard to the rate at which the Acting Incumbent was paid. If Bhima Rao should be paid a part of the arrears of salary for the period of his suspension, the Magistrate states that the only manner in which it can be objected to, that Government should be entitled to charge the amount as paid, to account, and for the payment to Mr Ruppell of the sum of Rupees 69 12 5 to be paid from the Treasury

3 In regard to the salary of the post of the Sirastadar during the period

20th April 1827

passing orders for the restoration of the Tahseeldar to his situation. The present Judges (not one of whom was in Court at that time) can only state that from the notes and memoranda in the Calendars of the cases and on the other papers connected with this matter it appears that the delay originated in an unfortunate oversight of one of the then Judges who must have unwittingly kept the Records by him until the matter was forgotten by the other members of the Court, and it was not discovered until several months afterwards. This Gentleman is not only not now a member of the Court, but he has also retired from the service

In regard to this matter the Magistrate has extracted a Report from the Sirastadar who states that the sentence of the Punchayet did not call upon

4 Remarks relative to the case of Mr Ruppell in the Decision of the Court of Sudder Adawlut

5

20th April 1847.

of any of the perpetrators of the Murder. While Mr Brett the Sub Joint Magistrate was investigating the case, it appears that information was given to him which implicated ten persons in the charge, but instead of these persons proving guilty of the Murder the whole charge was proved to be a conspiracy, and perjury to fix the crime upon innocent persons, and to divert suspicion from the real perpetrators. The Sub Joint Magistrate believes that the authors of this charge were themselves implicated in the murder. They were forwarded to the Court on charges of Conspiracy and Perjury. And two Chiefs an Arbitrary and Petty Jemadar were convicted and sentenced to imprisonment for three years and the rest were discharged for want of proof.

R

20th April 1847.

F4c

5 The Joint Magistrate states that after this failure to ascertain the real perpetrators, no clue to the discovery of the Murderers has been found. That the matter has never been lost sight of, that instructions have been issued to the Heads of Police to be on the alert. The Joint Magistrate adds however the expression of his apprehension that in this country the discovery of the real criminals is an almost hopeless

Ordered, that Extract from these Proceedings be sent to the Secretary to Government in the Judicial Department to be laid before the Governor

(Sent in No 527)

6th Read Calendar of Cases No 7 of 1847 submitted by the Officiating Superintendent of Chingleput under date the 22d Ultimo.

(Here enter Proc No 907 of 1847)

Read return dated the 31st Ultimo

20th April 1847.

Read Calendar of Cases
No 6 of 1847 submitted by the Superintendent of Customs

(Vide Order Book No 914 of 1847.)

Read Report submitted by the Agent to the Governor of Port St. George at Vizagapatam under date the 20th Ultimo, of Informations apprehended in the separate books of Vizagapatam which were delivered to the Agency Custom Cash during the month of February 1847.

(Vide Order Book No 920 of 1847.)

Read Calendar of Cases submitted by the Acting Superintendent of Customs under date the 19th March 1847.

(Vide Order Book No 930 of 1847.)

20th April 1847.

Petitions from the Inhabitants of Chicacole addressed to the Board of the Honble the Governor in Council praying that the Salt Monopoly may be abolished, and that the Duty on Salt may be reduced to Rupees Two per Candy of 500 lbs.

(Vide Order Book No 916 of 1847.)

Read Letter from the Collector of Customs at Ganjam submitting by the Board to the Honble the Governor in Council a Report from the Acting Collector of Ganjam dated the 20th Ultimo, of Informations apprehended in the separate books of Ganjam which were delivered to the Agency Custom Cash during the month of February 1847.

(Vide Order Book No 920 of 1847.)

J. W.

Wednesday
21st April 1847

At a Court of the Tongaroo Adalat.

Present

G. L. Hooper Esqre ——— 1st Puisne Judge,
C. P. Thompson Esqre —— 2d Puisne Judge,
W. A. Morehead Esqre — 3d Puisne Judge,

Read a Letter dated the 31st January, received on the 10th instant from the Assam Judge of Salem, referring for the final Judgement of the Tongaroo Adalat the Records of case No 100 of the Calendar of the Assam Court for 1846

(Vide Order No. 108 of 10th)

Mr C. P. Thompson and Mr W. A. Morehead

The Court of Tongaroo Adalat sat on a deliberate consideration of all the circumstances of the case as exposed before them being of opinion that the proof against the Prisoners,

Cotandypeen,

is sufficient to convict him of the Crime of Wilful Murder, do convict

J. N.

Wednesday
21st April 1847

At a Court of the Fingoe Levee held

Present

G. S. Hooper Esqre ____ 1st Puisne Judge,
C. D. Thompson Esqre ____ 2d Puisne Judge,
W. A. Morehead Esqre ____ 3d Puisne Judge,

Rex de Late held the 21st January, removed on the 10th instant from the Supreme Judge of Salem, preferring for the final Judgment of the Fingoe Levee, the Records of case No 100 of the Calendar of the Supreme Court for 1846.

(Here Enter Title No 100 of 1847)

Mr C. D. Thompson and Mr W. A. Morehead

The Court of Fingoe Levee, doth on a deliberate consideration of all the circumstances of the case as evinced before them being of opinion that the proof against the Prisoner,

Cornelius Jeffers,

is sufficient to convict him of the Crime of Wilful Murder, do convict

J. N.

Wednesday
21st April 1847

At a Court of the Fingoe Tribunal

Present,

J. D. C. Hooper Esqre ——— 1st Puisne Judge,
C. P. Thompson Esqre ——— 2d Puisne Judge,
W. A. Morehead Esqre — 3d Puisne Judge,

Rex de Late dated the 31st January, forwarded on the 10th instant from the Assessor Judge of Tolen, referring for the final Judgment of the Fingoe Tribunal the Records of case No 100 of the Calendar of the Assessor Court for 1846.

(Vide Entry in J. N. No 10th of 1847)

Mr C. P. Thompson and Mr W. A. Morehead

The Court of Fingoe Tribunal doth on a deliberate consideration of all the circumstances of the case as evinced before them being of opinion that the proof against the Prisoners,

Tolen and Jeffery,

is sufficient to Convict Them of the Crime of Wilful Murder, do convict

T. N.

Wednesday
21st April 1847.

At a Court of the Fingoe Tribunal.

Present.

G. S. Hooper Esqr. ——— 1st Fingoe Judge,
C. D. Thompson Esqr. ——— 2d Fingoe Judge,
W. A. Muirhead Esqr. — 3d Fingoe Judge,

Regis Letter dated the 21st January, served on the 10th instant from the Supreme Judge of Natal, referring for the final Judgment of the Tongaree Tribunal, the Records of case No 100 of the Calendar of the Supreme Court for 1846.

(Other Cases Nos 101 & 102 of 1847)

Mr C. D. Thompson and Mr W. A. Muirhead

The Court of Tongaree Tribunal after a deliberate consideration of all the circumstances of the Case as evinced before them being of opinion that the proof against the Prisoner,

Cetshwayo,

is sufficient to convict him of the Crime of Wilful Murder, do convict

and the result of a single blow which might have been done in a fit of passion, but as the Prisoner says himself that the 1st Cut he (the deceased) was standing at the 2d he fell down and at the 3d he lay down on his face and died.

The Court are of opinion that the prisoner is fully convictable of wilful Murder but upon a consideration of all the circumstances of the case, they are of opinion that the ends of Justice will be answered by inflicting upon him the lesser penalty of the Law: and the Court have therefore sentenced him to be Transportation for Life.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Salem for his information.

(Sent in No 529)

The Records of this trial in Case No 2 on the Calendar of the Sessions Court of Coimbatore for 1847, were referred to the Foujdaree Adalut and

Copy

between them, 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 XII of 1817, would be an adequate one for the crime, the Court under the provisions of Clause 3rd Section III Regulation 7 of 1835, sentence him to be transported to such place as shall hereafter be appointed by the Most Noble the Governor General of India in Council for the remainder of his natural life.

The Court of Foujdaree Adalut cannot communicate this Judgment without the Sessions Judge returning the Record of the Case.

Published Records.

The Prisoner was fully proved to be under the influence of Ganja

21st April 1847

having been got submitted to the Court

Ordered that the Superintendent of Cuddapah be directed to transmit peturnable in 3 days from and after the receipt, to shew what progress has been made in the preparation of the English translation of the Urdu questions, and to explain the cause of the delay in forwarding the

(Sent following transmit No 500)

The Records of the trial in Case No 7 of 1847 on the Calendar of the Superior Court of Rajahmundry and referring to the Zemindaree Adawlut and having been submitted to the Court

Ordered that the Superintendent of Rajahmundry be required to transmit returnable in 3 days from and after the receipt to shew what progress has been made in the preparation of the English translation of the Urdu questions, and to explain the delay in forwarding the

F.46

21st April 1847

Ordered also that a Extract from these Proceedings be sent to the Superintendent of Rajahmundry.

(Sent following Transmit No 501)

Ext. Ltr.

R.B. Letter dated the 9th Instant from the Superintendent of Rajahmundry, referring for the final judgment of the Zemindaree Adawlut, the Records of Case No 22 of the Calendar of the Superior Court for 1846.

(Here Enter Mr No 949 of 1847)

Mr C. R. Thompson

The Court of Zemindaree Adawlut, on a deliberate consideration of all the circumstances of the case as it comes before them, being of opinion that the prisoners,

1st Ille Lutcheraddy

2nd Do Pundareddy

3rd Do Lakumareddy

4th Do Ramareddy

5th Gollay Rayah Naicke

6th Swamida Wandu

7th Gualagonda Podaya

8th Pitty pauty Ramudoo

9th

Abdarahman Lyggatpatel &
Kuttaly Saheeby

are not convicted on predumptive proof
or on the evidence of accomplices
or other confederates of the crime charged
against them accordingly, and direct
that they be acquitted thereby, so far as
it regards this Charge.

1 The Court of Enquiry
(Assistant Magistrate) the evidence adduced
found to justify the undertaking of
search for any of the Prisoners
in this case, that they have therefore
exceeded their authority and
for as regards the charge of offence
which forms the subject of this trial

2 The Court observe that
the Prisoners are entitled to a copy
and the proceedings of the Court
from their being put upon their
the Magistrate to whom the Order of
this reference might be made for same,
as of the Charge preferred in respect of the

in the manner laid down by Law.

3 The Court observe that
the Superior Judge has put no less
than 20 to 40 Questions
to the prisoners when on their defence.
This Course is incorrect and must
be abandoned. It savours of cross
examination which is never permitted
in the case of an accused person
in his defence.

4 The Superior Judge is re-
quested in future to have the Police
and Subordinate Judges Proceedings
in preferred trials, written more legibly
and on better papers.

5 The trial of this case
closed on the 14th November 1846 and
the Record was not received by the
Sessions Court until the 5th April
1847. being a period of nearly five months
and should the accused (those who are
concerned in Case No 21 of which an En-
glish translation has been called for) be

confined

1st April 1847.

F. N.

Thursday. 22d. April 1847

At a Court of the Singhalese Nilakaha

Present,

G. L. Hooper Esqr 1st Puisne Judge,
C. P. Thompson Esqr 2d Puisne Judge,
W. A. Morehead Esqr 3d Puisne Judge,

Read the Calendar of Cases

No 1 of 1847 of the Session Court of

Chilaw.-

(Here enter F. N. No 1108 of 1847)

In this case, two prisoners

1. were charged with having the 1st Prisoner robbed the Prosecutrix, at night, on the Highway, and taken from her, property of the value of Rupees 3-8- and the 2nd prisoner with having knowingly purchased and melted a part of the stolen property.-

The 1st Prisoner is convicted,

2. and has been sentenced by the Session Judge to Imprisonment with Hard Labor, in Irons for fourteen years.-

The 2nd Prisoner was

3. acquitted, but as he was [illegible]

to labour under strong presumption, he has been required to find security

4th The Court of Kingstown Malabar observing that the Robbery was not attended with any aggravating circumstances, are of opinion that the ends of Justice will be attained by a less severe sentence than that passed by the Assistant Judges, and accordingly with reference to the Provisions of Section XXXV. Act VII of 1843, direct that the Prisoner,

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.

5th The Court direct that the statement of the Constable which the Prosecutor was carrying for his protection might not be given, might with advantage have been omitted from the charge, as having no necessary connexion with the offence committed by the Prisoner.

Ordered that Extract from these proceedings be forwarded to the Assistant Judge of Coimbatore by Despatch

returnable within three days from and after its receipt.

(Next following proceeds No 500)

Read letter under date the 3rd Instant from the Special Commissioner at Tondiapet, submitting for the consideration and final judgment of the Kingdom Malabar an English translation of the proceedings of Case No 37 on the Calendar of the present Court.

(Here enter No 9765)

The prisoner in this case was charged with having been accessory to the crimes of Rebellion, Murder, and Robbery, on three occasions, viz. with having conducted with the rebels under Mooroo Reddy, and with having aided and abetted that individual in the murder of the Police Havildar and two Burmans of the Village of Porle, and for plundering the house of one Pakle Pitchay Pattegar inhabitant of the same Village on the [illegible] of the 17th August 1846.

The witnesses for the prosecution [illegible]

22d April 1847.

petrated the depositions given by them on solemn affirmation before the Acting Magistrate, the Session Judge considers the evidence insufficient to the full conviction of the prisoners, but being of opinion that no moral doubt can exist as to their actual participation in the crimes laid to their charge, he suggests that they be detained in confinement as state prisoners under the provisions of Regulation II of 1819, or be annually required to produce two puraties in the sum of Rupees 500 each for their good conduct and appearance, when required for a period of three years, or in default be imprisoned for a similar period.

3. Before finally disposing of this case, the Court of Foujdaree Udalut

1st Goondadoorty Schwatham.
2d Goondaromta Narsuppah.
3d Vamsurty Ramiah.

peruse to direct that the 1st 2d and 3d Prisoners in custody on the file of the Special Commissioner Court be examined under the provisions of Act XIX of 1837, with reference to the charge preferred against the prisoners in this case, the Court of Foujdaree Udalut being of opinion, that the evidence of

F. U.

22d April 1847.

the individuals referred to will prove most material to the issues of the case now under reference.

4. The Court of Foujdaree Udalut observe, that the provisions of Regulation II of 1819, which expressly refer to persons against whom it is expedient to institute any judicial proceedings, cannot legally be applied to the prisoners in this case, who have been subjected to a criminal trial, and are therefore entitled to a sentence according to the result.

5. The Court of Foujdaree Udalut remark in the opinion recorded by the Session Judge, that the 1st witness in this case cannot be placed on his trial for Perjury.

Ordered, that Extract from these proceedings be forwarded to the Special Commissioner at Cuddapah for his information and guidance by first opportunity.

Sent following precept No 504

for upwards of twenty five days from the date of Commitment.

(Here enter F.N. No 984 of 1847.)

1. The Court of Foujdaree Adawlut observe that on the 22d ultimo, there were no fewer than fourteen Cases, in which the final sentence had not been passed, in consequence of the Futwah not having been delivered by the Mahummudan Law Officer of the Court of Session.

2. The Court have very recently animadverted on the delay in other cases which appeared on the last Report, but they were fewer in number, and the Court has hoped that the delay was unavoidable. This Report would, however, seem to show that it is sometimes needless and therefore unnecessary to notice the subject more in detail.

3. Reference first, Section XV Regulation VII of 1832 prescribes the manner in which the trial of prisoners is to be conducted, and declares that the charge, the plea, the evidence having been all heard before the Judge, the Law Officer or Moonshy who

F. No.

is to be present during the whole of the Trial, is to write at the end of the Record of the Proceedings, the futwah or Law as applicable to the circumstances of the case ... and the Court, if it approve of the Futwah, and it be competent to pass sentence, is to cause it to warrant without further reference or delay". -

4. This Provision proves beyond a doubt that the Legislature contemplated the delivery of the Futwa immediately or almost immediately after the close of the Proceedings. -

5. How is further shown by the Provisions of Section XXVIII of the same enactment, which declares, that the Courts of Circuit are to transmit to the Foujdaree Adawlut copies and translates of the proceedings on the trial of all prisoners liable to suffer death ... "within ten days after the trial is completed, or as much earlier as from the state of business may be practicable".

6. How clear, that the Record of such cases could not be forwarded

Read Letter dated the 6th instant from the Agent of the Governor in Vizagapatam reporting for the final judgment of the Sessions Court the several proceedings of the evidence taken before them in a case, wherein a woman named Mawrapilly Nookondoo is charged with wilful Murder.

(Records A.D. 1833 of 1837)

1. The Prisoner was charged with having on the 23d February 1837 in the Village of Bongara in the Jurisdiction of Chittapur Pagoda Samundra on the high road running to and from by which the said Samundra immediately skirts

2. The Agent on perusing the evidence was impressed that the prisoner intended by them and with premeditation struck upon the deceased and with the knife he had in his hand inflicted the wound which seems to have caused the instantaneous death.

But the Agent would that it does

23d April 1837

seem to him that it was hardly [illegible] of the case to amount to the crime of Culpable Homicide and suggests that he be sentenced to seven years imprisonment.

4. The Court of Sessions Vizagapatam concur in the view taken of the case by the Agent, and convicting the Prisoner Mawrapilly Nookondoo of Culpable Homicide direct, that he be sentenced, under Clause third Section XV, Regulation of 1818, and Clause second, Section II Regulation XV of 1803. to imprisonment with hard labour in Irons for seven years.

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

(Sent in a Ltr. 535)

Read the Report dated the 31st instant from the Session Judge of Salem of cases pending on the 31st March 1837 before the Session Court,

advisable that he wait for the delivery of the Futwa in one case before he begins another Trial; or should this method not seem to him calculated to ensure the object in view, he will be pleased to offer any other suggestion which may occur to him - Some arrangement must be made and that immediately to put a stop to the present delays. -

10. The Session Judge will be pleased to peruse the Circular Order of the Sudder Adalut 24th December 1829 A, and write reference to it, will report whether the Moofty is acquainted with the Language of the Prisoner - It appears to the Sangdars Adalut that if the Moofty takes Notes of the Proceedings, he might, without the least difficulty, to be able to deliver his Futwa on the day immediately succeeding the Trial, or at the furthest within forty eight hours after the close of it. -

Ordered, that Extract from these proceedings be sent to the Session Judge of Salem by precept returnable within seven days from and after its receipt. -

(Sent following precept No 536)

22d. April 1847.

Read Calendar of Cases No. 87 of 1846 submitted by the Session Judge of Guntoor under date the 5th January 1847.

(Here enter F.M. No. of 1847.)

Read Calendar of Cases No. 84 of 1846 submitted by the Session Judge of Bellary under date the 9th January 1847.

(Here enter F.M. No. 136 of 1847.)

Read Calendars of Cases No. 5 and 6 of 1847 submitted by the Acting Session Judge of Chittoor under date the 8th and 11th February 1847.

(Here enter F.M. No. 452 and 513 of 1847.)

Read letter dated the 13th February last from the Session Judge of Mangalore, forwarding copy of the Report in Case No. 87 on the Criminal file, and that of an Extract from the Proceedings of the Session Court under date the 1st Idem.

(Here enter F.M. No. 528 of 1847.)

Ed. H.

Friday,
23d. April 1847.

F.M.

At a Court of the Foujdaree Adawlut.

Present:

Geo. S. Hooper Esqre. ——— 1st Puisne Judge
C.P.S. E.P. Thompson Esqre. ——— 2d Puisne Judge
W.H. W.A. Morehead Esqre. ——— 3d Puisne Judge

Read Criminal Reports under date the 15th Ultimo submitted by the Sessions Judge of Mangalore for the month of February 1847.

(Here Enter F.M. No. 874 of 1847.)

The Court of Foujdaree Adawlut

resolve to direct the Sessions Judge to submit an Extract from the proceedings held by him in the cases entered in these reports in which the sentences have been remitted by the

2 The Court of Foujdaree Adawlut desire that in future the proceedings held by the Sessions Judges may be entered in Form A beneath the reports of the cases to which they refer and that at the foot of the report of each case in Form B the date of the transmission to the Sessions Court be specified.

The

23d. April 1847.

Read Calendar of Cases No 497 of 1846 submitted by the Session Judge of Guntoor under date the 5th January 1847.

(Here enter F.R. No 76 of 1847.)

Read Calendar of Cases No 484 of 1846 submitted by the Session Judge of Bellary under date the 9th January 1847.

(Here enter F.R. No 135 of 1847)

Read Calendars of Cases Nos 8 and 6½ submitted by the Acting Session Judge of Cuddapah under date the 8th and 11th February 1847.

(Here enter F.R. Nos 452 and 513 of 1847)

Read letter dated the 13th February last from the Session Judge of Mangalore, forwarding a copy of the Report in Case No 87 on the Criminal file, and that of an Extract from the Proceedings of the Session Court under date the 10th Idem.

(Here enter F.R. No 528 of 1847.)

Ent'd

Friday

23d. April 1847.

F.R.

At a Court of the Foujdaree Adawlut.

Present:

Sir R. Gr. S. Hooper Esqre. ——— 1st. Puisne Judge

C.R.S. C.P. Thompson Esqre. ——— 2d. Puisne Judge

W.H. W.H. Morehead Esqre. ——— 3d. Puisne Judge

Read Criminal Reports under date the 15th Instant submitted by the Sessions Judge of Mangalore for the month of February 1847.

(Here Enter F.R. No 87 of 1847.)

The Court of Foujdaree Adawlut

resolved to direct the Sessions Judge to submit an Extract from the proceedings held by him in the cases entered in these reports in which the Sentences have been remitted by him

2. The Court of Foujdaree Adawlut desire that in future the proceedings held by the Sessions Judge may be entered in Form A beneath the report of the cases to which they refer and that at the foot of the report of each case in Form B the date of its transmission to the Sessions Court be specified

The

23d April 1847.

Read Calendar of Cause No 27 of 1846 submitted by the Session Judge of Guntoor under date the 5th January 1847.

(Here enter F.M. No 76 of 1847.)

Read Calendar of Cause No 84 of 1846 submitted by the Session Judge of Bellary under date the 9th January 1847.

(Here enter F.M. No 138 of 1847.)

Read Calendars of Cases Nos 8 and 62 of 1847 submitted by the Acting Session Judge of Cuddapah under dates the 8th and 11th February 1847.

(Here enter F.M. Nos 452 and 513 of 1847.)

Read letter dated the 13th February last from the Session Judge of Mangalore, forwarding copy of the Report in Case No 87 on the Criminal file, and that of an Extract from the Proceedings of the Session Court under date the 10th Instant.

(Here enter F.M. No 528 of 1847.)

Friday 23d April 1847.

F.M.

At a Court of the Foujdaree Adawlut

Present:

The Hon'ble G.S. Hooper Esqre ——— 1st Puisne Judge

C.P.S. E.P. Thompson Esqre ——— 2d Puisne Judge

W.A. W.A. Morehead Esqre ——— 3d Puisne Judge

Read Criminal Reports under date the 15th Instant submitted by the Sessions Judge of Mangalore for the month of February 1847.

(Here Enter F.M. No 87 of 1847.)

The Court of Foujdaree Adawlut are resolved to direct the Sessions Judge to submit an Extract from the proceedings held by him in the cases entered in these reports in which the sentences have been remitted by the

2. The Court of Foujdaree Adawlut desire that in future the proceedings held by the Sessions Judge may be entered in Form A beneath the report of the cases to which they refer and that at the foot of the report of each case in Form B the date of its transmission to the Sessions Court be specified.

The

F.M.C.

Wednesday 4th. May 1859.

At a Court of the Foujdaree Adalut.

Present.

G. L. Hooper Esquire.
J. L. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges.

Read again Criminal Report A. in Case No. 32 of 1859, submitted by the Session Judge of Nundial, for the month of April 1859.

/Here enter F.M.C. No. 688 of 1859/

Read also letter dated the 25th. ultimo, from the Session Judge, submitting explanation with reference to the Proceedings of the Foujdaree Adalut under date the 20th. idem, remarking that the crime in the above case was strictly House breaking with intent to steal.

/Here enter F.M.C. No. 767 of 1859/

The Court of Foujdaree Adalut did not observe that the Session Judge's opinion amounted to one that the Prisoner entered by an open door. In such case of course there was no breaking.

and

10th May 1859.

with the Court in the propriety of the mitigated sentence now proposed, the Sessions Judge will be pleased to submit an English translation of the entire Record of the case, for their consideration.—

Ed.
E.T.

C. Chamier

F. 66.

Wednesday 11th May 1859.

At a Court of the Foujdaree Adalut.

Present

G. L. Hooper Esqre.
J. L. Strange Esquire.
H. D. Phillips Esquire.
} Puisne Judges.

Read Criminal Reports submitted by the Sessions Judge of Combatoor for the month of March 1859.

/Here enter F. 66. No. 803 of 1859./

The Foujdaree Adalut conclude that the rejection by the Sessions Judge of the late Special Assistant Magistrate's request for a reconsideration of the order referred to, has been formally intimated to that officer.—

Read letter dated 30th April 1859 from the Sessions Judge of Calicut, submitting for the final judgement of the Foujdaree Adalut the record of Case No. 28 of 1859 on the Calendar of the Sessions Court.—

/Here enter F. 66. No. 793 of 1859./

The

11th May 1859.

Mofsrs Strange and Phillips.

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

Manan Allipoorakil Ramen,

is sufficient to convict him of the offence charged, do convict him of Murder. 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.-

C. S. Chamier

Ey. E.T.

F. Uc.

Thursday 12th May 1859.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esquire, J. L. Strange Esquire, H. D. Phillips Esquire, } Puisne Judges.

Read Petty Calendars of the Magistracy for the 1st Quarter of 1859, submitted by the Sessions Judge of Chittoor.

(Here enter F. Uc. No. 798 of 1859.)

No. 15. "Misdemeanor."

The Court of Foujdaree Udalut are of opinion that the act charged against the prisoners is insufficient to prove the ground of a criminal prosecution, and therefore resolve to cancel the sentence as illegal.-

Read Calendar of Case No. 11 of 1859 on the file of the Sessions Court of Honore.

(Here enter F. Uc. No. 795 of 1859.)

As herein recommended, the Court of Foujdaree Udalut resolve to

to authorize the Sessions Judge to issue his warrant for the imprisonment of the prisoner for the period specified in the margin, in mitigation of the sentence passed upon him in the said case.-

Read Calendar of Case No 17 of 1859 on the file of the Sessions Court of Cuddapah.-

/Here enter F. M. No 806 of 1859./

The second column of the above Calendar describes the prisoner charged, as one "Baaddagadoo." He is, however, referred to in the first line of the Sessions Judge's observations, as the "Prisoner Baaddagy Saib," a person named Baddagy Saib having, it is clear, been a principal in the fraud under trial.-

2. Again, in many of the observations adverted to, reference is made to the strong suspicion that the prisoner produced the letter; but further on mention is entered of the 1st "Prisoner" having left the Court &c.

The

To be Hanged

Five years.

The Sessions Judge concludes that an error of transcription has substituted the word "Prisoner" for "witness" in the latter sentence. It is nevertheless desirable that errors of the kind should not appear in communications of the important character of the one under notice.-

Ex Ed.

C. Casamajor

F. 76.

Friday, 13th May 1859. } At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper, Esquire. }
T. L. Strange, Esquire. } Puisne Judges.
H. D. Phillips, Esquire. }

Read Calendar of Case No. 25 of 1859 on the file of the Sessions Court of Tinnevelly.

(Here enter F. 76. No. 305 of 1859.)

As herein recommended by the Court of Foujdaree Udalut, resolve to authorize the Sessions Judge, to issue his warrant for the imprisonment of the prisoners for the period specified in the margin, in mitigation of the sentence passed upon them in the said Case.

× 1 Soattacunnooadoo.
2 Permallaswa.
One year.

Ept.
E. T.

C. S. Chamier

Saturday, 14th May 1859.

At a Court of the Fujdaree Adalut.

Present.

G. S. Hooper, Esquire
T. L. Strange, Esquire
H. D. Phillips, Esquire
} Puisne Judges.

Read Miscellaneous Petition presented on the 7th March 1859, by J. W. Branson Esqre, Pleader on behalf of Moottapamalinga Tever, of Zillah Madura.

(Here enter F. M. P. No 37 of 1859.)

Petitioner appeals from the order of the Acting Sessions Judge under date the 19th January 1859, confirming that of the Head Assistant Magistrate dated the 10th idem, whereby that Officer directed the land in Petitioner's possession, to be made over to his opponent, leaving Petitioner at liberty to establish his title thereto by a Civil action.

Mr. T. L. Strange, and Mr. H. D. Phillips.

The Judgments given in this matter, have gone altogether upon consideration

2.

of

of the title of the respective parties, and express no opinion upon any proof adduced as to which of them was in actual possession at the time that the disputes between them arose. The Court observes that the original Complainant, M. Ramalinga Thaver, was ploughing the land, when his opponent Ramaachariar interfered with him, — and that the onus has thereby fallen upon the latter to establish, that up to that time he was in occupation, and that M. Ramalinga Thaver came in, on the day in question, as a trespasser. The Court resolves to remand the case to the Head Assistant Magistrate in order that he may pronounce upon the above issue.

Read Miscellaneous Petition presented on the 10th March 1859, by J. W. Brandon Esqre, Pleader on behalf of Colundavaloo Chetty, of Tillah Chinglepet.

(Here enter T. M. P. No. 13 of 1859)

1. Petitioner appeals from the

M. J. L. Shiny and M. H. D. Philly

the order of the Sessions Judge under date the 28th January 1859, confirmatory of the Magistrate's decision, whereby the Petitioner was fined 25 Rs., for having forcibly taken away a buggy, and assaulted a Police Duffadar in the due Execution of his duty.

2. The Court cannot find in the sentences passed in this case by the Magistrate and the Sessions Judge, any facts proved against the accused, of a character to subject him to penal Consequences. It does not seem established that he employed force in the removal of the buggy; and his own allegation is that it was surrendered to him voluntarily. He lays claim to the buggy as his own, and the matter, on the face thereof, seems to involve Civil rights only. As to the alleged assault upon the Duffadar, no facts again are given as established in proof of such assault. The Court therefore set aside the sentence passed upon the Petitioner.

Read Petty Calendars for the 1st quarter of 1859, submitted by the Agent to the

the Governor at Ganjam.

(Here enter F.M. No 812 of 1859)

No I.
"Resistance to Magistrate's Process"

"The mere "refusal to obey a Summons" does not render a party punishable under the Regulation quoted. The sentence must therefore be cancelled.

Read Miscellaneous Petition presented on the 21st April 1859, by J. W. Branson Esqr; Pleader on behalf of Soobben, 29th Prisoner in Case No 62, 2nd Prisoner in Case No 63 A, and Prisoner in Case No 63 B of 1858; and Namasoo 30th Prisoner in Case No 62, and 1st Prisoner in Case No 63 A of 1858, on the file of the Sessions Court of Combaconum, appealing from the sentence passed upon them in the above cases.

(Here enter F.M.P. No 65 of 1859.)

Mr J. L. Shaw and Mr W. D. Phillips

The Court observe that the Prisoner Soobben, besides being guilty of taking part in the grain riot, showed violence towards the authorities and the prosecutor, when they came to seize him, having attempted to use a knife on the occasion - The Court in consideration of this circumstance will not reduce the sentence passed upon him below 18 months' imprisonment with hard labor in irons - The other prisoner Namasoo, is

is to be sentenced to one year's imprisonment with hard labor in irons on the grounds set forth in the order on petition No 55 of 1859.

Read Miscellaneous Petitions presented on the 17th February and 1st April 1859, by J. W. Branson Esqr; Pleader on behalf of Kristnum Chetty and 2 others, of Zillah Combaconum, appealing from the sentence passed upon them by the Sessions Judge in Case No 62 of 1858, wherein they are 1st 2nd and 3rd Prisoners.

(Here enter F.M. P.s No 54 & 55 of 1859.)

Read also Miscellaneous Petition presented on the 14th March 1859, by the same Pleader on behalf of Cadaramungalum Veeramoottoo Padiachy and others, appealing from the sentence passed upon them in the aforesaid Case, wherein they are 4th 5th 6th 10th 11th 12th 13th 14th 18th 25th and 37th Prisoners.

(Here enter F.M.P. No 63 of 1859.)

Mr J. L. Shaw and Mr W. D. Phillips

The Court see no ground to question the justice of the conviction, but it appears to them that the sentence passed upon the convicted prisoners is unnecessarily heavy. Beyond the fact that they took part in the riot, which was accompanied with plunder, there are no overt acts established against the