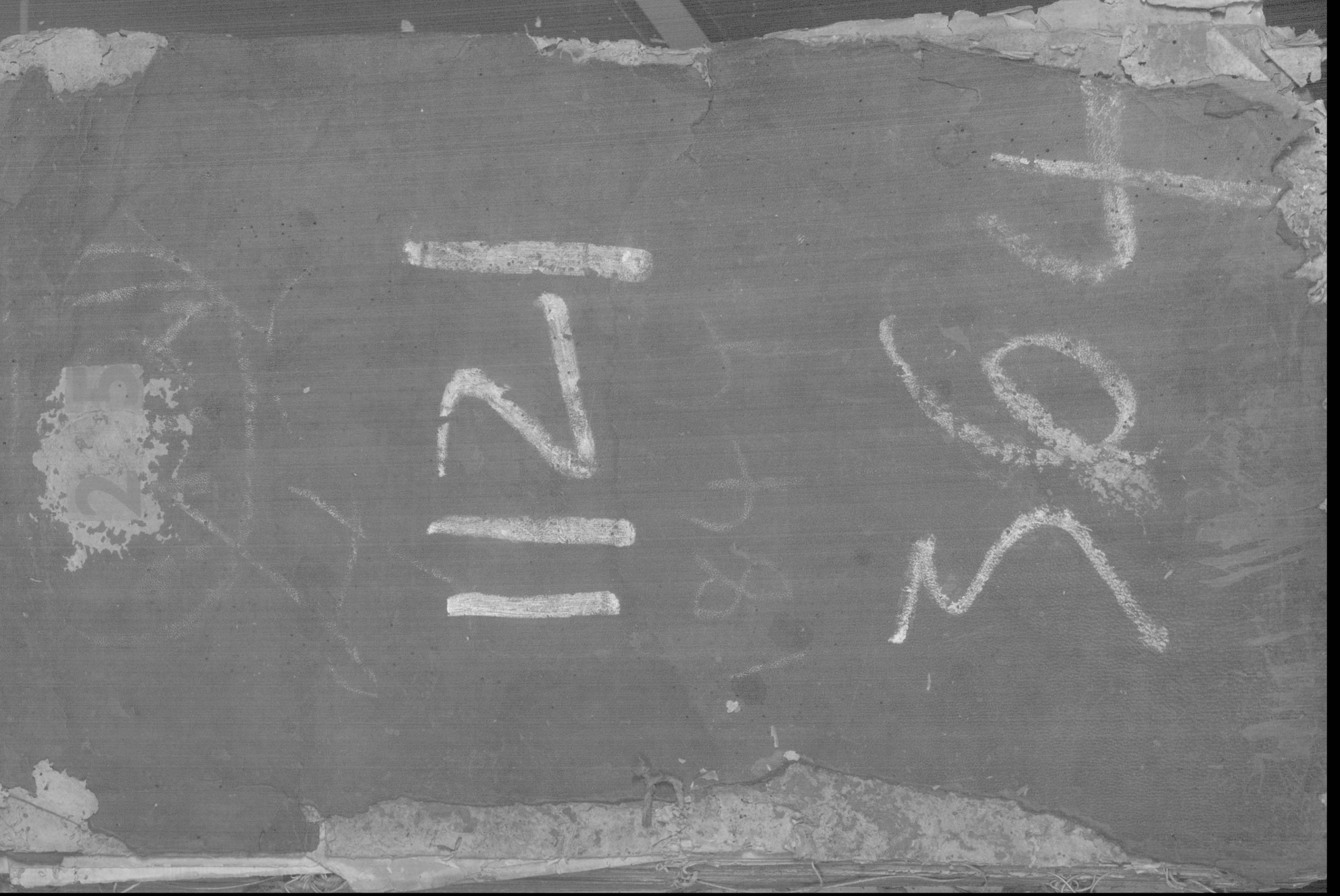


Read letter dated the [illegible]

Ultimo from the Registrar of the

offering explanations with regard to the

delay in Case Nº 6th of the Extracts from

Proceedings of the Court of Sessions

Udalut dated 25th May last.

(Vide entry F. No. 1855.)

Read returns dated the [illegible]

Ultimo from the Subordinate Judge of

Coelicut to the Receipt of the Sessions

Udalut of the 11th idem directing him

modify the sentences passed against the

Prisoner in Nº 41 of the Supplemental

Report, by the remission of the corporal punishment

Stripes awarded against him, and to

requiring conformity to the Circular

Order of the 12th July 1830 if necessary

ejects for submission of the report thereon

required.-

(Vide entry F. No. 1856.)

Read return dated the [illegible]

Ultimo from the Sessions Judge of Coimba

to the Receipt of the Sessions Udalut

of the 18th idem directing how to

final part of the sentence on the Prisoner
Case No 28 in the Criminal Side which
direct labor in irons.

(Vereenten F.H.C. No 1567.)

Read return dated the 18th
Ultimo from the Acting Sessions Judge of
Tanjore to the Precept of this Fouzdaree
Adalut of the 11th idem, calling on him to
explain why the sentence in Case No 8 of 1846
was passed before the final return was
received to the reference made to the Magistrate
regarding the alleged insanity of the
prisoner.

(Vereenten F.H.C. No 1567.)

Read letter dated the 22nd
Ultimo from the Acting Magistrate of
Tanjore informing that no persons have
been tried under Section XIV. Act VIII of 1845
during the month of May last.

(Vereenten F.H.C. No 1568.)

Read return dated the 27th
Ultimo from the Acting Subordinate Judge of
Madura to the precept of this Fouzdaree Adalut
of the 31st May last, remarking on this Criminal
Reports for the month of April last.

Mr. Maclean

No. 16.

Saturday
2nd July 1846.

At a Court of the Fouzdaree Adalut

Present:

The Honble James Cavanagh Esqre Agt 1st Principal
Malcolm Lewin Esqre Agt 2nd Principal
Alexander Maclean Esqre Agt 3rd Principal

Read letter dated the 2
Ultimo from the Sessions Judge of
Mangalore submitting the trial in Case No 2
of 1846 on the Calendar of the Sessions held
Court for the final sentence of the
Fouzdaree Adalut.

(Vereenten F.H.C. No 1611.)

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
Jamal
is sufficient to convict him of the
of Murder, do convict him thereof, but
being of opinion, under the circumstan
of the case, that the punishment

July 1844.

the prisoner is liable to under the provisions of Section X Regulation VIII of 1802, would, in this instance, be too severe, the Court, under the provisions of Clause third of Section III Regulation I of 1825, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of ten years.

(Sent following letter No 755)

Read Criminal Reports, submitted by the Principal Civil Judge of Vizagapatam for the month of May 1844.

(Vide letter from Fl. No 1508)

Report No V. Cases No 14.

1. The Court of Zoujdaree Udalut observe that this case was delayed in the Zillah from the 11th to the 22nd May in consequence of the Head of Police having referred it to the Acting Principal Assistant Magistrate, in conformity with a circular order issued by that Officer on the 24th January last.

2. The precise point of reference

2nd July 1844.

upon which the Head of Police the orders of the Acting Principal Magistrate must in conformity with the Circular Order No 63 of this Court be stated.

3. As the Circular Order of the Assistant Magistrate to above alluded to, is apparently at variance with the orders issued by this Court as to the references of cases by Heads of Police to the Magistrates, this Court directs that the Magistrate will satisfy himself on this point, and report any order he may pass in consequence.

Cases No 20.

4. The Principal Civil Judge observes considering the charge fully established against the prisoner, who, it is observed, is a female, has sentenced her to 20 months imprisonment with hard labor without irons under clause 4th Section III Regulation VII of 1822.

5. The above sentence of hard labor to a prisoner of the female sex is irregular - it must be modified by making the sentence, labor suited to

hereby.-

6 We cannot see any necessity for inserting in the column of charges in the monthly Reports the Fasli dates corresponding with those of the English Calendar, and accordingly direct that that insertion be omitted in future.-

Ordered that Extract of these proceedings be forwarded to the Principal Sudr Ameen of Vizagapatam by precept returnable in X days, and for communication of paras: 1 to 3 to the Magistrate of Vizagapatam who will transmit the required information direct to this Court.

(Sent following precept No 786.)

Read Extract from the Proceedings of the Sessions Court of Cuddalore dated the 11th May 1844 submitting with reference to the Proceedings of the Tongidaree Udalut of the 22d April last certain observations respecting the conduct of the Jahsildar and other Subordinate Police Officers of Cuddalore.-

(Hereunto No 1207.)

Adverting to the closing para:

of the above communication which the Magistrate of Cuddalore is to refer to this Court, under the provisions of Act XXIX. Act VII of 1843, any explanation he may deem proper; the Judges of the Udalut resolve to call upon the Magistrate to lay before them without delay the explanation which, adverting to the remarks recorded by the Acting Sessions Judge appears to be required.-

Ordered that Extract from these proceedings be forwarded to the Magistrate of South Arcot by precept returnable in V days from arrival after its receipt.-

(Sent following precept No 787.)

Read again Calendar submitted by the Acting Sessions Judge of Masulipatam, of Cause No 3 of 1844 on the file of the Sessions Court of Masulipatam.

(Hereunto No 826.)

Read also Letter dated the 15th June 1844 from the Acting Sessions Judge of Masulipatam submitting a reference connected with this Court's proceedings of

her etc -

6 The Court see no necessity for inserting in the column of charge in the monthly Reports the Fuslee dates corresponding with those of the English Calendar; and accordingly direct that that insertion be omitted in future -

Ordered that Extract of these proceedings be forwarded to the Principal Sudr Ameen of Vizagapatam by precept returnable in X days, and for communication of paras 1 to 3 to the Magistrate of Vizagapatam who will transmit the required information direct to this Court

(Sent following precept No 786)

Read Extract from the Proceedings of the Sessions Court of Cuddalore dated the 11th May 1844 submitting with reference to the Proceedings of the Tongidaree Adalut of the 22d April last certain observations respecting the conduct of the Tahsildar and other Subordinate Police Officers of Cuddalore -

(Here enter No 1207)

Adverting to the closing para:

of the above communication which has been the Magistrate of South Arcot to submit to this Court, under the provisions of Sec XXXX Act VII of 1843, any explanation he may deem proper; the Judges of the Sudr Adalut resolve to call upon the Magistrate to lay before them without delay the explanation which, adverting to the remarks recorded by the Acting Sessions Judge appears to be required -

Ordered that Extract from these proceedings be forwarded to the Magistrate of South Arcot by precept returnable in V days from date after its receipt -

(Sent following precept No 787)

Read again Calendar submitted by the Acting Sessions Judge of Masulipatam, of Cases No 3 of 1844 on the file of the Sessions Court of Masulipatam

(Here enter No 826)

Read also letter dated the 13th June 1844 from the Acting Sessions Judge of Masulipatam submitting a reference connected with this Court's proceedings

the 8th idem on the above Calendar.

(Herewith F.No. 1492)

The Acting Sessions Judge in the above letter desires to be informed whether he is to infer from the Court's proceedings on the above Calendar, that it is not competent to a Sessions Judge to decide on the record submitted by the committing Officer, as to whether or not the aggravation of the offence was of a character to remove it from the cognizance of the lower Court.

2. The Acting Sessions Judge further states that as the amount of violence committed was distinctly stated in evidence before the Principal Sudr Ameen, he was fully able to appreciate the nature of the offence with which the prisoners could be charged, and upon consideration of which the case was returned by him.

3. It is no doubt competent to a Sessions Judge to decide that a case is improperly committed on the evidence taken by the committing Officer, and to send it back to be disposed of by that

Officer, in the case in question the circumstance that the abduction of the property was attended with violence made it proper to commit; the degree of violence and the punishment suitable to it was to be determined at the trial by the Sessions Judge. This was the meaning of the Court's proceedings of the 8th June, which appear to have been misapprehended by the Sessions Judge.

Ordered that Extract of these proceedings be forwarded to the Acting Sessions Judge of Masulipatam for his information and future guidance.

(Sent in No. 788)

Rad Criminal Reports,

submitted by the Principal Sudr Ameen of Cuddalore for the months of March 1844.

(Herewith F.No. 1531 of 1844.)

Report No. V.
Case No. 25.

The charges brought against the respective prisoners in this case should have formed separate cases in the Report.

Case No. 26.

2. The mode by which the Prisoner

2nd July 1846.

Prisoner effected an entrance into the Prosecutors house, is not stated in the charge. The omission must be supplied.

3. The explanation given by the Head of Police of the 20 days delay of this case in the Talook is considered insufficient. he must be called upon for a further explanation.-

Case No 28. 4. The mode by which the prisoner effected an entry into the Prosecutors house, has also, been omitted in the drawing up of this charge. The omission must be supplied.-

Case No 30. 5. The precise point of reference upon which the Head of Police solicited the orders of the Magistrate, must in conformity with the Circular Order No 62, be stated.-

Ordered that Extract of these proceedings be forwarded to the Principal Sudr Ameen of Cuddalore by precept returnable in V. days from and after the receipt, and for communication of paras 3 and 5 to

2nd July 1846. to the Magistrate of Cuddalore, who will transmit the required information directed to this Court.-

(Sent following Precept No 789)

Read return dated the 22nd Ultimo from the Acting Sessions Judge of Masulipatam to the precept of the Tahsildar of Ellore of the 18th idem, directing the sentence of the Prisoner in Case No 4 of 1846 to be altered to six years, instead of four.-

(Here enter No 15 78.)

Read letter dated the 21st Ultimo from the Sessions Judge of Tinnevelly reporting the execution of the sentence of death passed upon the Prisoner in Case No 1 on the Calendar of the Sessions Court of Tinnevelly for 1846.-

Ewho Ks (Here enter No 1579.)

Read return dated the 17th Ultimo from the Magistrate of Bellary to the precept of the Tahsildar of Adoni of the 12th idem, directing him to explain, under the

Regulation

2nd July 1846.

Prisoner effected an entrance into the Prosecutors house, is not stated in the charge. The omission must be supplied.

3. The explanation given by the Head of Police of the 20 days delay of this case in the Talook is considered insufficient. he must be called upon for a further explanation.-

Case N.28 4. The mode by which the prisoner effected an entry into the Prosecutors house, has also, been omitted in the drawing up of this charge. The omission must be supplied.-

Case N.30. 5. The precise point of reference upon which the Head of Police solicited the orders of the Magistrate, must be in conformity with the Circular Order N.62, be stated.-

Ordered that Extract of these proceedings be forwarded to the Principal Sudr Ameen of Cuddalore by precept returnable in V. days from and after its receipt, and for communication of paras 3 and 5 to

N.46.

2nd July 1846.- to the Magistrate of Cuddalore, who will transmit the required information direct to his Court.-

(Sent of drawing Precpt & N.789)

Read return dated the 22nd Ultimo from the Acting Sessions Judge of Masulipatam to the precept of the 7th dated the 18th idem, directing the sentence of the Prisoner in Case N.4 of 1846 to be altered to 14 years, instead of four.-

(Here enter Tlle. N.1578.)

Read letter dated the 21st Ultimo from the Sessions Judge of Tinnevelly reporting the execution of the sentence of death passed upon the Prisoner in Case N.1 on the Calendar of the Sessions Court of Tinnevelly for 1846.-

2nd July 1846 (Here enter Tlle. N.1579.)

Read return dated the 17th Ultimo from the Magistrate of Bellary to the precept of the 7th dated the 12th idem, directing him to explain, under what

Regulation

2d July 1844.

Prisoner effected an entrance into the Prosecutors house, is not stated in the charge. The omission must be supplied.

3. The explanation given by the Head of Police of the 20 days delay of this case in the Talook is considered insufficient. he must be called upon for a further explanation.

Case No 28

4. The mode by which the prisoner effected an entry into the Prosecutors house, has also been omitted in the drawing up of this charge. The omission must be supplied

Case No 30.

5.

No 86.

2d July 1844.

to the Magistrate of Cuddalore, who will transmit the required information directed to this Court.

(Sent for Clearing Receipt No 789)

Read return dated the 22d Ultimo from the Acting Sessions Judge of Masulipatam to the precept of the 7th dated 18th idem, directing the sentence of the Prisoner in Case No 4 of 1844 to be altered to 14 years, instead of 7 years.

(Forwarded Vide No 1578)

Report No V

Case No 17.

The Hon'ble the Puisne Judge by letter dated the observe that it was not competent for the Principal Sudr Ameen to examine the witnesses for the prisoners in this case Section II Regulation XIII of 1832 the only enactment which gave him authority to examine witnesses for a prisoner being expressly rescinded by Section XXVIII Act VII of 1843.

Case No 18

2. Adverting to the grounds on which the prisoners in this case have been committed to trial the Court

July 2nd July 1844.

Regulations the trivial cases referred to by them are sent up by the Military Police and taken cognizance of by him.—

(Here enter F. Ud. № 1529)

F. Ud

Wednesday, 3rd July 1844. At a Court of the Foujdaree Udalut.

Present,

Gpa. S. Casamajor Esqre. Agt. 1st. Princl. Judge.

Malcolm Lewin Esqre. Agt. 2nd. Princl. Judge.

Alexr. Maclean Esqre. Agt. 3rd. Princl. Judge.

Read Criminal Reports for the month of May 1844 submitted by the Principal Sudr. Ameen of Masulipatam.—

(Here enter F. Ud. № 1418)

Report № V
Case № 17.

The Court of Foujdaree Udalut observe that it was not competent to the Principal Sudr. Ameen to examine the witnesses for the prisoners in this case. Section II. Regulation XIII of 1832 the only enactment which gave him authority to examine witnesses for a prisoner being expressly rescinded by Section XXVIII Act VII of 1843.—

Adverting to the grounds on which the prisoners in this case have been committed to trial the Court

Case № 18

2

3d July 1844.

Court of Fouzdaree Udaulut direct that the Principal Sudr Ameen be informed that it has been repeatedly ruled that the admission of a prisoner is of no avail except against himself and therefore that it cannot form a ground of commitment.

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Masulipatam for his information.—

(Sent in No. 792.)

Read again report of cases tried by the Magistracy of Bellary under the provisions of Section IV Act VII of 1843 during the month of April 1844.—

(Here enter F. C. No. 1292.)

Read also return dated the 17th June 1844 made by the Magistrate of Bellary to the precept of this Court dated the 17th idem, calling for an explanation of the delay which occurred in the Talook in the transmission of cases Nos. 7 and 8 of the above Report.—

(Here enter No. 1528.)

Case No. 7. In the above return it is stated that the prisoner was apprehended on the 24th March and reached the Talook station on the 27th when the witnesses did not assemble until the night of the 1st April, and that the absence of the Head of Police on other duty prevented the case from being forwarded to the Court until the 4th April.—

The failure appears to have been on the part of the Village Police, who appear not to have attended to the provisions of Clause 1 Section 1 Regulation XI of 1816, and who should be called to account for it.—

Case No. 8. 3. The delay in this case, is stated to have occurred chiefly in consequence of the Son of the Peon, Sentry, and the several witnesses not having accompanied the prisoner when he was first brought before

the

the Head of Police-

4. The same remarks apply to this number also- Unless the Regulations are observed at every link of the chain, delay and confusion must be the consequence-

Ordered that Extract of these Proceedings be forwarded to the Magistrate of Bellary for his information and guidance-

(Sent in No. 793)

Read again Report of cases tried by the Magistracy of Salem under the provisions of Section LIV, Act VII of 1843 during the month of April 1844-

(Here enter F. Ca. No. 1244)

Read also return dated the 15th June, 1844 made by the Sessions Judge of Salem, to the precept of this Court, dated the 11th Instant desiring him to call for the Assistant Magistrates proceedings in Case No. 2 of the above Report, and pass such orders

orders on them as should appear proper reporting the same-

(Here enter F. Ca. No. 1187)

The Court observe that the Sessions Judge has not conformed to the exigency of their precept of the 11th June, and direct that he will do so forthwith-

Ordered that Extract of these proceedings be forwarded the Sessions Judge of Salem by precept returnable without delay-

(Sent in No. 794)

Read Report dated 20th ultimo of casualties and of prisoners released in the month of May last in the Jail at Cuddalore-

(Here enter No. 1543 of 1844)

In the communication which accompanies the above Report the Acting Sessions judge states that since the despatch of his letter, dated 12th January last, on the subject of a change of Diet which

was

the Head of Police -

4. The same remarks apply to this number also - Unless the Regulations are observed at every link of the chain, delay and confusion must be the consequence -

Ordered that Extract of these Proceedings be forwarded to the Magistrate of Bellary for his information and guidance -

(Sent in No. 793)

Read again Report of Cases tried by the Magistracy of Salem under the provisions of Section IV, Act VII of 1843 during the month of April 1844 -

(Here enter F. U. No. 1244)

Read also return dated the 15th June, 1844 made by the Sessions Judge of Salem, to the precept of this Court, dated the 11th Instant desiring him to call for the Assistant Magistrates proceedings in Case No. 2 of the above Report, and pass such orders

orders on them as should appear proper reporting the same -

(Here enter F. U. No. 1187)

The Court observe that the Sessions Judge has not conformed to the exigency of their precept of the 11th Inst., and direct that he will do so forthwith -

Ordered that Extract of these proceedings be forwarded to the Sessions Judge of Salem by precept returnable without delay -

(Sent in No. 794)

Read Report dated 20th ultimo of casualties and of prisoners released in the month of May last in the Jail at Cuddalore -

(Here enter No. 1543 of 1844)

In the communication which accompanies the above Report the Acting Sessions Judge states that since the despatch of his letter, dated 12th January last, on the subject of a change of Diet which

was

was therein reported, no deaths have occurred among the Prisoners and that their general health has considerably improved.—

2. The result which seems to have been thus obtained is considered by the Judges of the Tonjdanee Cadalut to be of much importance, and in order clearly to ascertain whether it should be attributed solely to the innovation on the previous system of diet, introduced by Mr. Lavelle, they resolve to direct that a transcript of the above statement and letter be forwarded by the Acting Sessions Judge to the Officer under whose Medical charge the Prisoners were placed during the period adverted to, with a view to his stating for the information of this Court whether he has at any time had reason to find fault with the diet allowed, whether up to January last among and what sickness prevailed among th

amongst the inmates of the Jail at Cuddalore and what general measures were taken to remove it.—

3. If the Medical Officer permanently attached to the Jail at Cuddalore is, as it is believed, still absent, the Judges are desirous of being favored with his opinion on the points indicated as well as with that of the Gentleman who may be officiating Civil Surgeon.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Cuddalore by Precept returnable in 3 weeks from and after its receipt.—

(Sent following Precept No. 795)

Read again Calendar submitted by the Acting Sessions Judge of Chittoor of Case No. 200 of 1846 on the file of the Sessions Court at Chittoor

(Here enter F. C. Re. 1408)

Read also return dated the

3rd July 1844.

the 19th June 1844, made by the Acting Sessions Judge of Chittoor to the precept of this Court of the 17th idem, calling upon him to state distinctly the crime he considered established against the prisoner in the above case:—

(Here enter F. U. No. 1517)

The Acting Sessions Judge in the above return states that the Prisoner was convicted in the tenderer of theft.—

2. Adverting to the above circumstance and to the value of the stolen property having exceeded the sum of Rupees 300, the Court of Sonjdaree Udalut consider the sentence should have been passed under Section XI Regulation VII of 1802, and Section IX Regulation I of 1825. The Regulation quoted by the Acting Sessions Judge in support of the sentence was inapplicable.—

Ordered that Extract of

3rd July 1844.

of these Proceedings be forwarded to the Acting Sessions Judge of Chittoor for his information and guidance.—

(Sent in No. 796)

Read Criminal Report for the month of May 1844 submitted by the Subordinate Judge of Chittoor

(Here enter F. U. No. 1516)

Supplemental Report Cases Nos. 52 and 53.—

1. These cases have been before the Sudr Ameen Monthly since the 13th April unless the prisoners should be guilty in 53 the Court of Sonjdaree Udalut deem it just to order their release. the imprisonment already undergone being more than sufficient for the first offence.—

2. The Court of Sonjdaree Udalut consider such a delay to be highly objectionable and as calculated entirely to frustrate one of the main objects of Act VII of 1843. The Sudr Ameen is required to explain what prevents the immediate disposal

3rd July 1844 — disposal of these cases and to specify the date of the last application for witness

Nos 63 and 64 — 3. The Court of Toydaree Udalut consider the punishment of 7 months imprisonment awarded to the Prisoner Gungoo quite inadequate to the offence charged and proved against him in cases Nos. 63 and 64.—

Report No V 4 A copy of this case as
Case No. 69. it stands in the Report and of the Subordinate Judge's remark will be furnished to the Magistrate who will be pleased to warn the Police Ameen of Pulicat against sending up to the Criminal Court a case on such insufficient evidence.—

Case No. 70 5. A copy of this case will also be furnished by the Subordinate Judge to the Magistrate who will ascertain and report to this office direct the cause of the delay which occurred between the apprehension of the prisoner and the receipt by the Tahsildar of the Inoniyar's report.—

3rd July 1844 — 6. The Court of Toyd
Case No. 72 Udalut seeing reason to doubt the propriety of the Sentence passed in this case resolve to direct the Sessions Judge to call for the proceedings held in it and to dispose of it as he may deem proper reporting the result for the information of the Toydaree Udalut

The delay of 13 days in
Case No. 74 this case is not at all satisfactorily accounted for, the Court of Toydaree Udalut desire the Magistrate will call for and submit direct to this office any further explanation that the Head of Police may have to offer.

Case No. 76 8. The Magistrate is also desired to ascertain the cause of the delay in this case, and should the prisoner not appear to him satisfactory he is required to take such notice of the conduct of the Head of Police of Satagoda as may appear to him proper reporting the result to the Toydaree Udal

3rd July 1844
Case No 80

9 A copy of this case as it stands in the Report will be furnished by the Subordinate Judge to the Magistrate who will be pleased to take such notice of the conduct of the Poligar of Manmundoor for detaining the case as he may deem proper reporting the result for the information of the Foujdaree Udalut.

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Chittoor for his information and for communication of paras 4-5-7-8 and 9 to the Magistrate by Precept returnable in 5 days from and after its receipt.—

(Sent following Precept No 797)

Ordered also that Extract from these Proceedings (para 6) be sent to the Session Judge of Chittoor for his information by Precept returnable in X days from and after its receipt.—

(Sent following Precept No 797 A)

Ent Wh

No 116.

Thursday, 4th July 1844.—

At a Court of the Foujdaree Udalut.

—Present—

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

Read letter dated the 11th Ultimo from the Session Judge of Tellicherry submitting for the final sentence of the Foujdaree Udalut the record of trial in Case No 4 on the Calendar of the Sessions Court of Tellicherry.—

(Vide inter No 1537)

The Court of Foujdaree Udalut

Mr. M Lewin — and — Mr. A. Maclean. — on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

Chaliaty Mankomalcas Ameena

is sufficient to convict her of the crime of Murder do convict her thereof, but being of opinion under the circumstances of the case that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1820 would in this instance, be too severe, the Court under the provisions of Clause third Section

III

3rd July 1844
Case No 80

9 A copy of this case as it stands in the Report will be furnished by the Subordinate Judge to the Magistrate who will be pleased to take such notice of the conduct of the Poligar of Manmundoor for detaining the case as he may deem proper reporting the result for the information of the Foujdaree Adalut.

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Chittoor for his information and for communication of paras 4-5-7-8 and 9 to the Magistrate by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No 797)

Ordered also that Extract from these Proceedings (para 6) be sent to the Sessions Judge of Chittoor for his information by Precept returnable in X days from and after its receipt.—

(Sent following Precept No 798)

Ent Bk

No 16.

Thursday, 4th July 1844.

At a Court of the Foujdaree Adalut.

—Present—

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

Read letter dated the 11th Ultimo from the Sessions Judge of Tellicherry submitting for the final sentence of the Foujdaree Adalut the record of trial in Case No 4 on the Calendar of the Session Court of Tellicherry.—

(Here enter No 1537)

The Court of Foujdaree Adalut

Mr. M. Lewin and Mr. A. Maclean. on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

Chaliaty Mattoon alias Ameena.

is sufficient to convict her of the crime of Murder do convict her thereof, but being of opinion under the circumstances of the case that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1820 would in this instance, be too severe, the Court under the provisions of Clause third Section III

5

III Regulation I of 1825, sentence the prisoner to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to labor suitable to her sex, for, and during the period of her natural life.—

(Sent following letter No. 781.—

Read Madura Criminal Reports for the month of May 1844 dated 31st May but received on the 2d June 1844.—

(Here enter F. D. No. 1532.)

Insp. Report Case No. 8.— 1. The Court of Foujdaree Adalut observe that this case which is a committable one has been before the Acting Subordinate Judge for nearly 6 months.—

2. Such delays entirely frustrate one of the principal designs of the late change in the administration of justice.—

3. The Acting Subordinate Judge has also neglected to submit the explanation called for in Circular Order of the 11th April 1832 which requires that when a case remains undisposed of at the close of a Supplemental Report a full explanation must be given in the column headed "not examined".—

4. The Acting Subordinate Judge will now state what steps have been taken by him to dispose of

of this case and on what dates those steps were severally taken.—

Report No. V Case No. 76.— 5. An explanation of the causes which prevented the disposal of this case before the 31st of May is required.—

Case No. 84. 6. The Court of Foujdaree Adalut resolve to direct the Sessions Judge to call for and revise this case as it does not appear from the sentence of the Pundit Sudr Ameen, under what provocation "the wounding" for which the prisoner has been punished was inflicted.—

Case No. 89. 7. The Court of Foujdaree Adalut direct that a copy of this case as it stands in the and Report of the Subordinate Judge's remarks be furnished by that officer to the Magistrate of [illegible] who will be pleased to forward direct to this office the explanation required by Circular Order No. 62 stating the precise point on which the Police officer referred the case to the Magistrate instead of transmitting it direct to the Criminal Court.

8. The Court regret that this was not done on the requisition of the Subordinate Judge whose communications will they trust in future meet with prompt attention from the Magistrate.

9. The Court of Foujdaree Adalut observing

observing that in several of the cases in this Report the Tamil date has been inserted in the charge presolve to direct that the practice be discontinued as objectionable and inconvenient.

10. Adverting to the Abstract Statement of cases disposed of Vide the Court of Fouzdaree Udalut desire that a separate Column be no longer reserved for cases pending Vide before the just Session Judge and Sudr Ameen of Tinnevelly.—

11. In conclusion the Court direct that the attention of the Subordinate Judge be called to the 6th parah of their Circular Order No. 40 and that he be required in future strictly to conform to the injunction therein conveyed.—

Ordered that Extract from these proceedings be sent to the Subordinate Judge of Madura for his information and for communication of paras 7 and 8 to the Magistrate by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 802)

Ordered also that Extract from these proceedings (para 6) be forwarded to the Session Judge of Madura for his information by precept returnable in 5 days from and after its receipt.—

(Sent following precept No.

Read

2.

4th July 1845.—

Read Tinnevelly Criminal Reports for the Month of May 1845 dated 1st June 1845 and received on the 18th Idem.—

(Here enter No. 1482.)

Suppl. Report Case No. 56. 1. The Court desire that the nature of the "contempt of Court" for which the 1st witness in this case was fined may be explained.—

Case No. 57 Report No. V. 2. The grounds by which the Sudr Ameen arrived at the conclusion that 2 out of the 4 witnesses for the defence "are worthless people" must be given.—

3. The Court direct that in future similar cases the circumstances by which the credibility of witnesses is affected be succinctly stated in the abstract.

4. The Court of Fouzdaree Udalut direct also that a copy of the Session Judge's proceedings in the case be transmitted to the Magistrate of Tinnevelly who is required to take such notice of the conduct of the Police Ameen of Intavoin as may appear to him proper reporting the result for the information of the Fouzdaree Udalut direct to this office.—

5. The Court are of opinion that the circumstances represented in the Session Judge's proceedings render it questionable whether this Police

Ameen

4th July 1844.-

Ameen should be retained in his present office.-

Case No. 58.- 6. The detention of the prisoners in this case before the Talook not having exceeded 5 days the explanation given in the last column of the Criminal Report was superfluous and not required.-

7. The explanation called for in case No. 56 is also required in regard to the fine imposed on the Prosecutor in this case No. 58. and the 3d witness in Case No. 61.-

Case No. 61.-

Case No. 62. 8. An explanation is required of the delay which occurred in this case between the arrival of the parties before the Principal Sudr Ameen on the 15th May and the application for the attendance of the Deputy Jemadar on the 31st Idem.-

Case No. 65.- 9. Adverting to the explanation of the delay given in this case the Court of Foujdaree Udalut observe that the Head of Police should have exercised his own discretion as to the propriety of forwarding it to the Criminal Court and should not have referred to the Special Assistant for his instructions.-

10. The Magistrate will be pleased to discountenance as much as possible similar references. If the Head of Police is not competent to exercise his own judgment in such cases he is not fit for the office he holds.-

Adverting

4th July 1844.-

11 Adverting to the numerous cases in this and former Criminal Reports from Tinnevelly in which witnesses Vizt have been fined by the Principal Sudr Ameen for contempt of Court, the Court of Foujdaree Udalut direct that in future the manner in which the contempt has been shown be fully explained in the report.-

Ordered that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Tinnevelly for his information and guidance and for communication of paras 4. 5. 6. 9 and 10. to the Magistrate, by precept returnable in 5 days from and after its receipt.-

(Sent following precept No. 804).

Read Criminal Reports, submitted by the Subordinate Judge of Bellary for the month of May 1844.-

(Here enter F.H. No. 1481 of 1844.)

Report No. V Case No. 68. 1. This case appears to have been delayed in the Talook from the 16th April to the 23d May in consequence of the Head of Police having forwarded it without the Prosecutor and witnesses, on the 21st April to the Acting Head Assistant Magistrate who, after examining the parties concerned, forwarded the case to the Court on the 23d May.-

do.

4th July 1844.

2 No grounds whatever appear for a reference to the Assistant Magistrate the precise point of reference must be stated, and also the Assistant Magistrate's reply.-

Case No. 69. 3. The Head of Police states that the non attendance of the Prosecutrix was with the parties concerned the cause of the delay of this case in the Talook.-

4 From the above explanation, it would appear that the provisions of Clause I, Section V Regulation XI of 1816 have not been attended to.- The Head of the village should be called to account for this neglect.-

Ordered that Extract from these proceedings be forwarded to the Subordinate Judge of Bellary for communication to the Magistrate of Bellary who will transmit the required information direct to this Court.-

(Sent in No. 805/.

Read letter dated the 6th Ultimo from the Magistrate of Salem forwarding copy of a report from the Head Assistant Magistrate in charge of the Sub Division affording the explanation required in Case No. 29 of the Criminal Report for the month of April 1844.-

(Here enter No. 1444.)

Read

J. H.
4th July 1844.-

Read 5th Calendar dated the 19th Ultimo submitted by the Acting Sessions Judge of Trichinopoly of Prisoners in Case No. 5 of 1844.

(Here enter No. 1533.)

Read Calendar dated the 19th Ultimo submitted by the Sessions Judge of Calicut in Case No. 36 of 1844.-

(Here enter No. 1561.)

Read Calendar dated the 21st Ultimo submitted by the Sessions Judge of Bellary in Case No. 17 of 1844.-

(Here enter No. 1574.)

Read Calendars submitted by the Sessions Judge of Calicut in Cases Nos. 35 & 34 of 1844.-

(Here enter Nos. 1575 and 1576.)

Read return dated the 22nd Ultimo from the Sessions Judge of Chicacole to the precept of the Foujdaree Adalut of the 31st May 1844 directing that the punishment of the 1st and 2d Prisoners, as far as regards the stripes, be remitted.-

(Here enter No. 1589.)

Read Calendars submitted by the Sessions Judge of Madura in Case

No.

4th July 1844.—

Nos. 3. 4. 6. 7. 8. and B 11 of 1844.—

(Here enter Nos. 1593, 1594, 1595, 1597, 1598, and 1599.—)

End. H.

Friday 5th July 1844.

In Court of the Foujdaree Udalut.—

Present.

George James Casamajor Esqre.—Acting 1st Pusney Judge.

Malcolm Lewis Esqre.——Acting 2d Pusney Judge.

Alexander Maclean Esqre.—Acting 3d Pusney Judge.

Read letter dated the 22nd Ultimo from the Sessions Judge of Bellary submitting the record of trial in Case No 20 on the Calendar of the Session Court for 1844, for the final sentence of the Foujdary Udalut.—

(Here enter No. 1625.)

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

Vaccatagadoo.

is sufficient to convict him of the crime of Wounding, for which according to the Mahomedan Law, as declared in Fetwas of their Law Officers, discretionary punishment is awarded, do convict him thereof, and with reference to the provisions of Clause third Section VII Regulation XI of 1803, sentence him to be imprisoned

for

4th July 1844.—

Nos 3. 4. 5. 7. 8. and B 11 of 1844.—

(Have entered Nos 1593, 1594, 1595, 1597, 1598, and B 1599.—)

Ent. HH.

Case of No

Friday
5th July 1844.

At a Court of the Foujdaree Udalut.—

Present

George James Casamajor Esqre.—Officiating 1st Puisne Judge.

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

Alexander Maclean Esqre.—Officiating 3d Puisne Judge.

Read letter dated the 22nd Ultimo from the Sessions Judge of Bellary submitting the record of trial in Case No 20 on the Calendar of the Sessions Court for 1844, for the final sentence of the Foujdary Udalut.—

(Here enter No 1625.)

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

Vencatagoo

is sufficient to convict him of the crime of Wounding, for which according to the Mahomedan Law, as declared in Futwas of their Law Officers, discretionary punishment is awardable to convict him thereof, and with reference to the provisions of Clause third Section VII Regulation XII of 1803, sentence him to be imprisoned

for

Mr. G. J. Casamajor.

and

Mr. A. Maclean.

for and during the period of (2) two years.—

1. The only question in this case is as to the situation in which the Prisoner actually found his wife and the Prosecutor. The account given by the two latter cannot safely be received as it is contradicted by the evidence of Soobumma and Neelee. Pedda Tickee, another person said to have been present, was not examined; why, does not appear.— The Prisoner, before the Police, says that, as he passed Venkata Condadoo's house in the street, he saw his wife and the Prosecutor sitting near the front door. If this is true, it cannot be believed that they were in the act of adultery in so public a situation. Before the Sessions Court he states that a little girl told him that his wife was at P. Condadoo's house, and when he had entered the house he found his wife and the Prosecutor in a shed in the act of adultery.—

2. In such cases first accounts are most likely to be true, and the first account in this case is confirmed by the answer given by the Prisoner to the 7th question by the Head of Police— how he knew that there was an illicit connection between his wife the Prosecutor. He answered "It was talked of by the people of my village."

It

It cannot be believed that he would have returned this answer if he had just before actually seen them in the fact.—

3. The Joint Judges should therefore believe the account given by the Prisoner before the Police; and as this materially diminishes the provocation, it ought to increase the punishment.—

4. The Prisoner the Court think should be sentenced to 2 years imprisonment.—

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

(Sent following letter No. 807.—)

Ent'd H.

Saturday 6th July 1844.—

At a Court of the Sunjdaree Adalut.

Present.

George James Casamajor Esqre — Acting 1st Puisne Judge.

Malcolm Lewin Esqre — Acting 2nd Puisne Judge

Alexander Maclean Esqre — Acting 3d Puisne Judge

Read communication dated the 22d Ultimo from the Acting Sessions Judge of Chittagong (Here enter No 1550.)

With reference to Sunjdaree Adawlut proceedings dated 19th ultimo, the Acting Sessions Judge, Mr Lance in the above address, offers an explanation of the circumstances which he had arrived that he could not dispense with the attendance of the Mahommedan Law Officer at each trial when availing himself, in his capacity of Sessions Judge, of the assistance of assessors;— that Clause Second of Section XXXII Act VII of 1843 expressly declares "Provided that the Law Officer may be one of the Assessors."—

2. The Court observe that if it had been intended by Clause Second Section XXXII Act VII of 1843 to make it obligatory that the Law Officer should be one of the Assessors or Jury, the language would

The 1st prisoner was charged with having maltreated the Prosecutor whilst in custody, and received a bribe of 20 Rupees from his Mother, the 1st witness, promising at the same time to release him from confinement.

2. The Acting Subordinate Judge, considering the charge fully established against the 1st and 2nd prisoners sentenced the former to 3 months imprisonment under Clause I Section XVII, Regulation IX of 1822, and the latter to be fined 5 Rupees, in default of payment to be imprisoned for one month under Section VIII Regulation X of 1816.

3. The Court consider that the offence of

J. U.

Saturday 6th July 1844.

At a Court of the Sunjdarce Adalut.

Present.

George James Casamajor Esqre — Acting 1st Provincial Judge.

Malcolm Lewin Esqre — Acting 2nd Provincial Judge.

Alexander Maclean Esqre — Acting 3rd Provincial Judge.

Read communication dated the 22nd Ultimo from the Acting Sessions Judge of Chittoor.

(Here enter No. 1550.)

With reference to Sunjdarce Adalut proceedings dated 19th ultimo, the Acting Sessions placed them in the above address, offers as before released.—

6. The Court of Sunjdarce [illegible] the above not satisfied with the manner in which this case is disposed of, and direct the Sessions Judge to call for the record and pass such orders as shall appear proper, reporting the same.—

Case No. 123. 4. This cause it is observed was delayed in the Talook from the 28th April to the 13th May in consequence of a reference being made by the Head of Police to the Magistrate.—

8. The exact point of reference to the Magistrate it appears was a doubt as to the sufficiency

would have been "Provided that the Law Officer shall always be one of the Assessors or Jury". The expression "may be" &c clearly leaves it optional.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Chittoor for his information and communication to the late Acting Sessions Judge Mr. Lavie.-

(Sent in No 809).

Read Criminal Reports, submitted by the Acting Subordinate Judge of Cuddapah for the month of May 1846.-

(Here enter F.H. No 14.30.)

Case No 112. 1. The 1st prisoner was charged with having maltreated the Prosecutor whilst in custody, and received a bribe of 20 Rupees from his Mother, the 1st witness, promising at the same time to release him from confinement.-

2. The Acting Subordinate Judge, considering the charge fully established against the 1st and 2nd prisoners sentenced the former to 3 months imprisonment under Clause I Section XVIII, Regulation IX of 1822, and the latter to be fined 5 Rupees, in default of payment to be imprisoned for one month under Section VIII Regulation X of 1816.-

3. The Court consider that the offence of

of the 1st prisoner, which was one of great aggravation, was not punishable under Regulation IX of 1822.- The case ought to have been committed under Section XXX Regulation XI of 1816 - or under the general Regulations as a case of assault and illtreatment.-

Report No V.- Case No 122.- 4. The prisoners were charged with having beaten and maltreated the Prosecutor, and given them into custody under the pretence that they had discovered hidden treasure.-

5. The Sudr Ameen considered that there was no proof whatever to shew that the prisoners had beaten the Prosecutors or that they had placed them in custody - the prisoners were therefore released.-

6. The Court of Foujdaree Adawlut are not satisfied with the manner in which this case is disposed of, and direct the Sessions Judge to call for the record and pass such orders as shall appear proper, reporting the same.-

Case No 123. 7. This case it is observed was delayed in the Talook from the 28th April to the 13th May in consequence of a reference being made by the Head of Police to the Magistrate.-

8. The exact point of reference to the Magistrate it appears was a doubt as to the sufficiency

would have been "Provided that the Law Officer shall always be one of the assessors or jury". The expression "may be" Vide clearly leaves it optional.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Chittoor for his information and communication to the late acting Sessions Judge Mr. Lewis.-

(Sent in No 809)

Read Criminal Reports, submitted by the Acting Subordinate Judge of Cuddapah for the month of May 1844.-

(Wanting Ft. I. No 142-180.)

Case No 112. 1. The 1st prisoner was charged with having maltreated the Prosecutor whilst in custody, and received a bribe of 20 Rupees from his Mother, the 1st witness, promising at the same time to release him from confinement.-

2. The Acting Subordinate Judge, considering the charge fully established against the 1st and 2nd prisoners sentenced the former to 3 months imprisonment under Clause I Section XVII, Regulation IX of 1822, and the latter to be fined 5 Rupees, in default of payment to be imprisoned for one month under Section VII. Regulation X of 1816.-

3. The Court consider that the offence of

of the 1st prisoner, which was one of great aggravation, was not punishable under Regulation IX of 1822.- The case ought to have been committed under Section XXX Regulation XI of 1816 - or under the general Regulations as a case of assault and illtreatment.-

Report No V- Case No 122.- 4. The prisoners were charged with having beaten and maltreated the Prosecutor, and given them into custody under the pretence that they had discovered hidden treasure.-

5. The Sudr Ameen considered that there was no proof whatever to shew that the prisoners had beaten the Prosecutors or that they had placed them in custody - the prisoners were therefore released.-

6. The Court of Foujdaree Udalut are not satisfied with the manner in which this case is disposed of, and direct the Sessions Judge to call for the record and pass such orders as shall appear proper, reporting the same.-

Case No 123. 7. This case it is observed was delayed in the Talook from the 28th April to the 15th May in consequence of a reference being made by the Head of Police to the Magistrate.-

8. The exact point of reference to the Magistrate it appears was a doubt as to the sufficiency

insufficiency of the evidence - Magistrates should discourage such references and accustom their Heads of Police to act upon their own judgment -

Case 126. 9. In this case the Magistrate has been called upon to furnish further information with regard to the entry of a false date in the column of apprehension in the Head Police Officer's report -

10. The Court desire to be furnished with a copy of the Magistrate's reply -

Case No 132. 11. This case was delayed in the Talook from the 10th to the 22nd May, in consequence of the Head of Police, instead of relying upon his own judgment as to the sufficiency of the evidence for committing the prisoner, having submitted the proceedings for the orders of the Magistrate -

12. No ground existed for this reference the Court desire to know what notice was taken of it by the Magistrate -

Case No 133. 13. The Magistrate, it is observed has been requested to furnish further information with regard to the delay in this case -

14. The Court desire to be furnished with a copy of the Magistrate's reply -

Ordered that Extract of these proceedings (paras 4. 5. and 6.) be forwarded to the Sessions Judge

F.H.C.

6th July 1844.

Judge of Cuddapah by precept returnable in x days from and after its receipt -

(Sent following precept No 810).

Ordered also that Extract of these proceedings be forwarded to the Acting Subordinate Judge by precept returnable in x days from and after its receipt -

(Sent following precept No 811.)

Reg. 1

6th July

Case 126

Case No 132.

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Case No 133. B.

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Monday
8th July 1844.

No 16.

At a Court of the Tongidaroe Udalut=
Present=

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

Read return dated the 4th Ultimo from the Sessions Judge of Salem to the Precept of this Court dated the 17th May 1844 calling for translation of the record in Case No 193 of 1843 on the file of that Court=

(Vereenter No 1393)

1. The Court of Tongidaroe Udalut observe that the Record has been very carelessly sent up. There is neither arraignment nor plea of the Prisoner and the Prosecutor's first deposition before the Police is wanting=

2. Considering that an important part of the record the Court resolve to direct that it be submitted without delay=

Ordered that Extracts from the

8th July 1846.-

those proceedings be forwarded to the Sessions Judge of Salem by precept returnable in 15 days from and after its receipt.-

(Sent following precept No 814)

Read communication dated the 17th Ultimo from the Acting Sessions Judge of Honore transmitting with reference to the Proceedings of this Court dated 6th Ultimo copy of a deposition taken from the Officer Commanding the Detachment at Honore shewing that the money certain Sepoys are accused of stealing was abstracted from a box over which they were appointed to keep guard and submitting the case for further consideration and orders.-

(Here enter No 549.)

Under the explanation now furnished the offence in the opinion of the Foujdaree Adalut which is imputed to the Prisoners, is a Military offence and they should be made over to be tried by Court Martial.-

Ordered that Extract from these proceedings be forwarded to the Acting

8th July 1846.-

Acting Sessions Judge of Honore for his information and guidance.

(Sent in No 815.)

Read the Criminal Reports dated the 1st June last submitted by the Subordinate Judge of Combaconum for the month of May 1846.-

(Here enter No 550.)

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

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

(Sent in No 816.)

Read again Miscellaneous Petitions presented on the 22nd April and 6th May 1846 by D. Chenguemmall of the Zillah of Chittoor.-

(Here enter M.P. Nos 54 and 59.)

Read also return, dated the 20th Ultimo, made by the Acting Sessions Judge of Chittoor to the precept of this Court of the 18th idem, calling upon him to state

what

8th July 1846.

whether upon due consideration of the above Petitions any doubt existed in his mind regarding the propriety of the prisoners' conviction in Cases 10 and 11 of 1846 on the file of the Sessions Court of Chittoor.

(Here enter F.16. No. 1525.)

1. The Acting Session Judge in the above return has stated that the Petitions in question have in no way altered the opinion which he expressed regarding the propriety of the conviction of the prisoner Moonegadoo in the above cases in his return dated the 28th May made to the precept of this Court of the previous 25th May.

2. The Court after reference to the Sessions Judge of Chittoor see no reason to doubt the propriety of the sentence passed upon Moonegadoo.

Ordered that a copy of these proceedings be granted to the Petitioner upon his application.

7th. WDM.
RG

Thursday
9th July 1846.

F.16

At a Court of the Foujdaree Adalut

Present

Hl — Geo. James Casamajor Esqre. 1st Puisne Judge
Malcolm Lewin — Esqre. 2nd Puisne Judge
A. M — Alexander Maclean Esqre. 3rd Puisne Judge

Read Calendar submitted by the Session Judge of Tinnevelly, of Cases No. 19 of 1846 on the file of the Sessions Court of Tinnevelly.

(Here enter F.16. No. 1618.)

1. The prisoners in the above cases were charged with having in company with others beaten the Prosecutor with cudgels, and robbed him of the sum of Rupees 55 and certain accounts.

2. The futwah of the Law Officer convicted the prisoners of the above charges, in which conviction the Session Judge, having concurred, passed sentence upon the prisoners, as the Law directs.

3. The Sessions Judge has stated the circumstances which led to the commission of the above offence and

8th July 1846.

whether upon due consideration of the above Petitions any doubt existed in his mind regarding the propriety of the prisoner's conviction in Cases 10 and 11 of 1846 on the file of the Sessions Court of Chittoor.

(Here enter F.16 A.1525.)

1. The Acting Sessions Judge in the above return has stated that the Petitions in question have in no way altered the opinion which he expressed regarding the propriety of the conviction of the prisoner Moonegadoo in the above cases in his return dated the 28th May made to the precept of this Court of the previous 25th May.

2. This Court after reference to the Sessions Judge of Chittoor see no reason to doubt the propriety of the sentence passed upon Moonegadoo.

Ordered that a copy of these proceedings be granted to the Petitioner upon his application.

2

W.

RDH

RG

Tuesday
9th July 1846.

F.16

At a Court of the Foujdaree Adawlut

Present:

Hl — Geo. James Casamajor Esqre. Sessions Judge
A.M — Malcolm Lewin Esqre. 2nd Sessions Judge
Alexander Maclean Esqre. 3rd Sessions Judge

Read Calendar submitted by the Sessions Judge of Tinnevelly, of Case No. 19 of 1846 on the file of the Sessions Court of Tinnevelly.

(Here enter F.16 A.1618.)

1. The prisoners in the above case were charged with having in company with others beaten the Peon with cudgels, and robbed him of the sum of Rupees 55 and certain accounts.

2. The futwah of the Law Officer convicted the prisoners of the above charge, in which conviction the Sessions Judge, having concurred, passed sentence upon the prisoners, as the Law directs.

3. The Sessions Judge has stated the circumstances which led to the commission of the above offence [illegible]

recommended a mitigation of the prescribed punishment on the ground that the case does not wear any of the features of an ordinary gang robbery, and that the evidence of the Prosecutor and all the witnesses shew that plunder was not the object of the attack made by the prisoners.

4 The mitigation of punishment proposed by the Sessions Judge is that the 1st 3rd and 4th prisoners, who were shewn to have taken an active part in the outrage, be sentenced to 3 years imprisonment with labor in irons, and that the 2nd prisoner, who on account of his infirmities, could have taken no active part in the assault, be sentenced to 6 months imprisonment with suitable labor.

5 The Court of Zuzdarwilldahut being satisfied with the reasons assigned by the Sessions Judge for a mitigation of the sentence to which the prisoners were legally liable, authorize him to sentence the prisoners to the mitigated punishment recommended by him.

Ordered that Extract of these proceedings

9th July 1864. proceedings be forwarded to the Sessions Judge of Tinnevelly for his information and guidance.

(Sent in No 820.)

Read again the Criminal Report for the month of April 1864 submitted by the Principal Sudr Ameen of Nellore.

(Here enter No 1295 of 1864.)

Read also communication dated the 25th ultimo from the Acting Magistrate of Nellore submitting for the consideration of the Zuzdarwilldahut, at the request of Mr Ratliff Acting Head Assistant of Nellore, certain observations recorded by the latter Officer in regard to the mode in which the Principal Sudr Ameen of Nellore has disposed of Cases No 28 and 29 of 1864 on the Criminal File of the Principal Sudr Ameens Court.

(Here enter No 1573 of 1864.)

1 A perusal of the somewhat involved representation made by the Acting Head Assistant Magistrate has

not

9th July 1864.

not satisfied the Court of Tongdarce Udalut that the proceedings of the Principal Sudr Ameen have been questioned by Mr Ratliff on any sufficient grounds; moreover their submission direct to this Court was a proceeding wholly irregular, independent of the objections which exist to the sentence of a criminal authority being commented on as regards its justice and propriety by the functionary who may have committed for trial the case on which such sentence was recorded.

Nos 28 and 29 of 1864. 2. The Court, under the circumstances of the trials as they appear from the Criminal Report for the month of April last, direct that the Session Judge do pass such orders as he may deem necessary in the matter reporting the same for the information of this Court.

Ordered that Extract from these proceedings be forwarded to the Acting Magistrate of Nellore for his information and communication to the Acting Head Assistant Magistrate.

(Sent in No. 821.)

Ordered

No. 16.

9th July 1864.

Ordered also that Extract from these proceedings be forwarded to the Session Judge of Nellore for his information and guidance by Precept returnable within XV days from and after its receipt.

(Sent following precept No. 822.)

Read Calendar No. 11 of 1864 submitted by the Session Judge of Nellore under date 1st July 1864.

(Reference No. 1633 of 1864.)

1. The prisoner in this case was charged with breaking into the Revenue Choultry with an intent to steal and was required to find security for his good behaviour and appearance for 3 years in two sureties of 50 Rupees each.

2. The case which is a very simple one was committed on the 25th May, but was not taken up for trial by the Session Judge till the 13th June or 19 days after commitment. No reason is assigned for this excessive delay.

3. The Court of Tongdarce Udalut consider the case might have been disposed of the very day it reached

9th July 1844.

the Sessions Court and they desire it may be explained why the trial of it was so long deferred.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Nellore for his information by precept returnable in 24 hours from and after its receipt.

(Sent following precept No 823)

Read letter dated the 6th Ultimo from the Acting Subordinate Judge of Salem.

(Here enter No 1611.)

1. A debtor having escaped from jail, the Acting Subordinate Judge requests he may be informed whether the act is punishable according to Mahomedan Law.

2. A question on this point having been submitted to their Law Officer, the Judges resolve to transmit to the Acting Subordinate Judge a copy thereof and of the answer by the Cazee ool Cozat from which he will perceive that the act of escape by a Civil debtor is not punishable according

9th July 1844.

according to Mahomedan Law.

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

Question.

Does the Mahomedan Law declare to be punishable the offence of escape from jail, where the party escaping was under restraint on the requisition of his Creditor.

27th June 1844.

Answer.

As the party above referred to, was not confined for the commission of any particular crime, but merely placed under restraint in Jail on the requisition of his Creditor in order to realize the debt from him due to him, the escape of such party from the jail is not punishable under the Mahomedan Law.

(Letter No 824.)

Read Calendar in Case No 12 of 1844 together with Futwah submitted by the Sessions Judge of Madura in his letter dated the 2nd May 1844.

(Here enter F. No. 1600.)

Read return dated the 28th Ultimo from the Acting Subordinate Judge of Salem to the precept of the 30th June Ultimo with idem containing their observations on the Criminal Reports for the month of May 1844.

(Here enter F. No. 1609.)

Read

7th July 1846.

Read letter dated the 22d Ultimo from the Sessions Judge of Vizagapatam reporting the execution of the Sentence passed on the Prisoner in Case No 3 on the Calendar of the Subordinate Court of Vizagapatam for 1843.

(Hereunto P.P. No 1613)

Read Calendar in Case No 33 of 1846 submitted by the Sessions Judge of Combaconum under date the 26th Ultimo.

(Hereunto P.P. No 1617)

Read Calendar in Cases Nos 25 26 and 27 of 1846 submitted by the Acting Sessions Judge of Cuddalore under date the 25th Ultimo.

(Hereunto P.P. No 1619)

Read the eighth Calendar of 1846 together with Futwah submitted by the Acting Sessions Judge of Trichinopoly under date the 27th Ultimo.

(Hereunto P.P. No 1621)

Read return dated the 27th Ultimo from the Acting Sessions Judge of Trichinopoly to the Precept of the Foujdaree Adalut of the 15th idem conveying their orders relative to Cases Nos 20 and 26 of the Criminal Reports for the month of March 1846.

(Hereunto P.P. No 1622)

Read Calendar in Case No 21 of 1846 submitted by the Sessions Judge of Tinnevelly under date the 25th Ultimo.

(Hereunto P.P. No 1626)

Read

3

P.P.

9th July 1846.

Read letter dated the 27th Ultimo from the Magistrate of Masulipatam stating that no cases of the description alluded to in Sections XIV Act VII of 1843 have come under his cognizance for last month.

(Hereunto P.P. No 1629)

Read return dated the 1st Instant from the Sessions Judge of Coimbatore to the Precept of the Foujdaree Adalut of the 25th Ultimo directing him to look into cases Nos 31 and 39 on the file of the Criminal Court and report the result for the information of the Foujdaree Adalut.

(Hereunto P.P. No 1628)

Read return dated the 28th Ultimo from the Acting Agent to the Governor of Fort Saint George at Ganjam to the Precept of the Foujdaree Adalut of the 8th idem, modifying the proposed sentence of the prisoners in Case No 6 of 1846 on his files.

(Hereunto P.P. No 1630)

Read Extract from the Minutes of Consultation dated the 3d Instant No 46 observing that the proceedings of the Foujdaree Adalut

9th July

9th July 1846.

Udalut on the Report required by Section XXXVII Regulation VIII of 1802 submitted by the Sessions Judge of Jimmelly and Malapatam do not call for any remark.

(Here enter No 1651)

Read return dated the 1st Instant from the Sessions Judge of Rajahmundry to the precept of the Foujdaree Udalut of the 25th Ultimo, directing that the instructions issued by the Session Court to the Subordinate Court in Case No 25 of 1846 be cancelled, and the sentence passed by the Moofties Under Ameen be carried into effect.

(Here enter No 1652)

Wednesday 10th July 1846.

No 46

At a Court of the Foujdaree Udalut

Present

Geo: James Casamajor Esqre 1st Puisne Judge.

Malcolm Lewin Esqre 2d Puisne Judge.

Alexander Maclean Esqre 3d Puisne Judge.

Mr Casamajor and Mr Maclean

Read letter dated the 8th Instant from the Acting Sessions Judge of Cuddapah forwarding translation of the record in case No 46 on the Calendar of the Sessions Court of Cuddapah for 1846 for final disposal.

(Here enter No 1677)

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

14th July 1846

time and place of execution.

The Court observe that the Acting Sessions Judge should have taken a second Futwah from the Law Officer sitting at the trial, removing the exceptions against the four first witnesses.

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Chittagong for his information and guidance.

(Sent following letter No 828)

Read letter dated the 29th Ultimo from the Acting Sessions Judge of Honore, transmitting the record of the trial in case No 13 on the Calendar for 1846.

(Hereunto No 1654)

Mc Casamajor

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

Muscar Rama Mullick.

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

15th July 1846

of Deyut is awardable under the Mahommedan Law as declared in futwah of their Law Officers, do convict him thereof, and under the provisions of Clause second Section XV Regulation VIII of 1802 sentence him to be imprisoned and kept to hard labour in irons, on the public roads or other public works, for and during the period of (8) eight years.

The Court of Sudder Adawlut pass no sentence on the 2d Prisoner because the Futwa having acquitted him and the Sessions Judge having appreciated of the Futwa, the Sessions Judge ought to have himself ordered his immediate release under Clause 2d Section XV Regulation VIII of 1802.

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

(Sent following letter No 829)

Read letter dated the 28th Ultimo from the Acting Sessions Judge of Honore submitting the record of trial in

Case

10th July 1844.

Case №15 on the Calendar of the Sessions Court of Honore for 1844.-

(Here enter №1645.)

Vs. Lowrie and Vs. Maclean.

The Court of Zillah Malabar on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proofs against the prisoner

Jetty

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

(Sent following Letter №830)

Read again Criminal Reports submitted by the Principal Sudr Ameen of Masulipatam for the month of March 1844.

(Here enter F.C. №956.)

Read also letter dated the 24th Ultimo from the Magistrate of Masulipatam furnishing an explanation of the delay which occurred in the examination of

F.C.

10th July 1844.

of cases №s 8 and 15 of the above Reports as required by the proceedings of this Court of the 21st May 1844.-

(Here enter F.C. №1580.)

Report №V. Case №8.

1. Adverting to the delay which occurred in the examination of this case by the Head of Police the Magistrate has explained that the prisoners were apprehended on the 22d February, and that the witnesses who were named by the Prosecutor on the 23d as able to identify the stolen property were not brought before the Head of Police until the 25th February in consequence of their absence from their respective places of abode, on the previous day.- it is further explained that the prisoners were forwarded to the Principal Sudr Ameen's Court on the 25th February.-

2. According to this explanation a wrong date of apprehension is entered in the Report, the 20th instead of the 22d February as well as of "leaving the Paloo &c."-

3. The Principal Sudr Ameen

well

will ascertain and report how this occurred.-

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

(Sent following precept No 831.)

Read Calendar in case No 23 of 1844 submitted by the Sessions Judge of Mangalore under date 14th June 1844.-

(Here enter F.C. No 1492 of 1844.)

Four prisoners in this case were charged with murder, the 2nd and 4th were discharged from the bar without trial and the 1st and 3rd were acquitted of the charge but in consequence of strong suspicion against them were ordered to produce two securities of 100 Rupees each for one year in default to be imprisoned for one year.-

2. The Court of Foujdaree Udalut are of opinion that the prisoners in this case should have been unconditionally released.- There is no proof of the murder with which they are charged having been committed, or of the deceased having met with

with a violent death.- Judging from the exposition of the case given in the Calendar the Court are inclined to the opinion that the deceased was not murdered and that no crime has been perpetrated they accordingly direct that the bail bonds be cancelled or the prisoners released if still in confinement.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Mangalore for his information by precept returnable in 3 days from and after its receipt.-

(Sent following precept No 832)

Read Report of Cases tried by the Magistracy of Malabar, under the provisions of Section IV, Act VII of 1843 during the month of May 1844.-

(Here enter F.C. No 1607.)

Case No 1. The prisoner in this case was charged with having proceeded at night to the house of the Prosecutor, opened by a false key the door of his granary and stolen therefrom grain valued at 9 Rupees.-

Re

10th July 1844.

2. The Head Assistant Magistrate considering that the evidence of the Witnesses examined, coupled with the prisoner's confession, proved him guilty of the above charge, sentenced him to receive 90 lashes with the cat o nine tails and to be confined six months in Jail in irons with hard labor under Section VII Regulation X of 1816.

3. This case was a housebreaking and not punishable under Section VII Regulation X of 1816, but under Section II Regulation XI of 1822, it should have been sent to the Subordinate Court.

4. Adverting to the delay which has occured in the transmission of this Report, the Court direct the attention of the Magistrate of Malabar to the Circular Order No 19, from which he will perceive that the Report should have reached the Court before the 15th Ultimo.

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

Sent in No 833

3. F.16.

10th July 1844.

Read letter dated the 20th Ultimo from the Sessions Judge of Rajahmundry forwarding the record of the trial in Case No 3 on the Calendar of the Sessions Court of Rajahmundry for 1844.

Here enter F.16. No 1636.

Mr Casamajor and 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 Ponnamanda Baspanayah is sufficient to convict him of the crime of Murder, do convict him thereof; and under the provisions of Section X Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

Sent following Letter No 834/7

Ent'd.

10th Jan

F. U.

Thursday

11th July 1844 At a Court of the Fouzdaree Udalut

Present

Geo: S. Casamajor Esqre 1st Puisne Judge

At Malcolm Lewin Esqre 2d Puisne Judge

At Alexr Maclean Esqre 3d Puisne Judge

Read letter dated 19th June 1844 from the Acting Subordinate Judge of Madura forwarding copy of case No. 91 of 1844 of the Criminal file and requesting the instructions of the Fouzdaree Udalut as to its disposal:-

(Here enter F. 26 No. 1539)

1. The Prisoner in this Case is charged with "having on the 17th May 1844 been found in possession of 5 lead Rupees and with having on the same day fraudulently given 8 lead Rupees to one Arunachellum and received from him silver Rupees in exchange".

At

2. It appears that Aroonachellum mentioned to two witnesses that the Prisoner had given him 8 base rupees but before any deposition was taken from him by the Head of Police of Ramnad the complainant decamped and has not since been discovered for the want of his Evidence. there is no proof against the Prisoner of having uttered bad coins. However five other bad Rupees were found in his possession for which he can give no good account, and as he is a man of bad character and had been previously punished both in Tinnivelly and other Districts the Assistant Magistrate under instructions from the Magistrate forwarded him to the Criminal Court.

3. The Subordinate Judge remarks that the charge of possessing base coin is proved against the prisoner but not the uttering. If Aroonachellum could be produced the charge of uttering base coin would in all probability be proved also and he would be committable under clause first Section VII Regulation II of 1822 but he is in doubt whether to delay the disposal of the case to give time for the production of Aroonachellum and in the event of the search not being successful he does not know whether to return the case to the Magistrate to be disposed of under Section VII Regulation II of 1822 or to sentence the prisoner under Section VII Regulation X of 1816.

4. The Court of Foujdaree Adalut are of opinion that the Prisoner should be punished by the Subordinate Judge for having the base coin in his possession. He may be punished hereafter for uttering it if the Prosecution should appear.--

5. The Court observe that Mr Limond's communication should have been forwarded thro the Sessions Judge.--

Ordered that Extract from

11th July 1844.—

from these Proceedings be sent to the Sessions Judge of Madura for his information and for communication to the Subordinate Judge.—

(Sent in No. 837)

Read letter dated the 4th Instant from the Acting Sessions Judge of Cuddapah forwarding the record of the trial in Case No. 42 on the Calendar of the Sessions Court of Cuddapah for 1844.—

(Here enter No. 1676)

Mr. Lewin

The Court of Foujdaree Udalut

having taken into consideration the proceedings in the case of Yerrumreddy Soobbamah charged with wounding and Robbery, are of opinion that the Prisoner is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of wounding and Robbery, do acquit him thereof, and direct that he be unconditionally released.—

The

11th July 1844.—

The Court of Foujdaree Udalut are of opinion that the prisoner should be released without further punishment, as there is nothing in the case to indicate that the blow was struck (admitting the prisoner to have been the author of it) with the intent to do serious injury; it is evident that the prosecutors party were the aggressors, and it is impossible to decide that — the prisoner was not justified under the attack made on him — if deserving of any punishment at all 3 months imprisonment in a case of severe wounding would be insufficient. In addition to the foregoing the Court think the prisoner entitled to consideration in respect of the grossly false testimony brought against him to substantiate the ignominious charge of robbery — he being a respectable man. The whole testimony in the case is in the opinion of the Court open to

much

much exception the it may be safely concluded that the prisoner struck the blow, the Court think the evidence in the case not of such a character as to warrant any penal measure. and the circumstances do not appear to call urgently for the laws interposition.—

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Cuddapah for his information.—

(Sent following letter No. 838).

Read Criminal Reports submitted by the Subordinate Judge of Caliack for the month of May 1844

(Here enter F. C. No. 1500)

Report No. 5 - 1. Case No. 64 The non attendance at the proper time of the Mookiastans, who discovered the stolen property, and the time occupied in awaiting a reply from the Adhikary touching the prisoners character are the reasons assigned

assigned for the delay which occurred in the Talook in the Examination of this case. The former cause of delay would have been avoided if Clause 5th Section V Regulation XI of 1816. had been properly attended to:-

Cases No. 67. 2. The want of judgment evinced on the part of the Head of Police in considering this case as a Revenue instead of a Criminal case adjudicable by the Court, was it is observed, the cause of the long delay viz. from the 2nd to the 29th April, having occurred in the Talook..

3. The Court of Foujdaree Adalut trust that the Head of Police was duly admonished of his error in treating this as a revenue case..

Cases 70 and 71 - 4. The remarks made upon the preceding case (No 67) apply equally to the delay which occurred in the investigation of these cases in the Talook..

Case No. 72 - 5 This case was delayed

much exception the it may be safely concluded that the prisoner struck the blow, the Court think the evidence in the Case not of such a character as to warrant any penal measure. and the circumstances do not appear to call urgently for the laws interposition.—

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Cuddapah for his information.—

(Sent following letter No. 838).

Read Criminal Reports submitted by the Subordinate Judge of Caliaut for the month of May 1844

(Here enter F. D. No. 1506)

Report No. 5. 1. The non attendance at the
Case No. 64 proper time of the Mookiastans, who discovered the stolen property, and the time occupied in awaiting a reply from the Adhikary touching the prisoners character. are the reasons assigned

assigned for the delay which occurred in the Talook in the Examination of this case. The former cause of delay would have been avoided if Clause 4th Section 2 Regulation XI of 1816 had been properly attended to.—

Cases No. 67. 2. The want of judgment evinced on the part of the Head of Police in considering this case as a Revenue instead of a Criminal case adjudicated by the Court, was it is observed, the cause of the long delay viz. from the 2d. to the 29th. April, having occurred in the Talook.—

3. The Court of Foujdaree Adalut trust that the Head of Police was duly admonished of his error in treating this as a revenue case.—

Cases 70 and 71. 4. The remarks made upon the preceding case (No 67) apply equally to the delay which occurred in the investigation of these cases in the Talook.—

Case No. 72. 5. This case was delayed

in the Talook from the 15th April to the 9th May, in consequence it is stated of the necessity for instituting certain Enquiries and appointing a Vakeel on behalf of the Prosecution who had omitted to do so, and likewise owing to the time occupied in procuring the attendance of witnesses.—

6. This is much too indefinite on account of the delay; the nature of the Enquiries referred to, and the dates on which the several steps were taken to procure the Vakeel and witnesses should be stated.—

Case No. 77. 7. The delay which occurred in the Talook is attributed as the Report states to the necessity of deputing persons to Cause the attendance of the witnesses. This requires further explanation which should be furnished.

Case No. 79. 8. The prisoners were all in custody at the Talook station on the 15th May but the case was not forwarded from thence until the 2d June.

The

11th July 1846.

the non attendance of the Prosecutor and the 1st and 2nd witnesses until the 26th May is the reason assigned for the delay.—

9. It should be explained why the Prosecutor and witnesses did not attend at the same time with the Prisoners, as required by Clause first Section V Regulation XI of 1816.

Ordered that Extract of these proceedings be forwarded to the Subordinate Judge of Calicut for communication to the Magistrate of Malabar, who will transmit the information required direct to this Court.—

(Sent in No. 839)

Read letter dated the 30th May last from the Agent to the Governor of Vizagapatam submitting a report on the Trial of a Prisoner charged with Robbery by open violence.—

(Here enter No. 1381)

The Court of Foujdaree

Adalut

11th July 1844

Madras before finally passing sentence in the above case, desire to have before them translations of the proceedings which have been held therein and accordingly direct that the Agent to the Governor do at his earliest convenience, prepare and submit them.—

Ordered that Extracts from these Proceedings be forwarded to the Agent to the Governor of Vizagapatam by precept returnable without delay.—

(Sent following precept No. 840)

Read Calendar submitted by the Sessions Judge of Nellore, of Case No. 10 of 1844 on the File of the Court at that station.—

(Here enter No. 1637)

1. In the above case two Prisoners were charged with house breaking and the Prosecution and ten witnesses were examined in — support of the prosecution, which ended in the Conviction

11th July 1844

conviction of the accused.—

2. The Judge observes that great delay appears to have occurred both in the Sessions Court and that of the Principal Sudr Ameen by whom the case was committed.—

3. It reached the Court of the Principal Sudr Ameen on the 25th was committed by that officer on the same date but was still in his hands on the 8th of the ensuing month— probably in order to the preparation of the English Calendar, but this point the Principal Sudr Ameen should now explain, stating why the record was not sooner laid before the Sessions Judge.—

4. Further the Court observe that the Sessions Judge entered upon the trial of the case only on the 11th June, thus allowing three days to intervene should the case prove to have been committed to him on the previous 8th and 13th

if

11th July 1844

if the record were sent up on the 25th May. before he commenced the investigation, which, under the provisions of Section XXIX Act VII of 1843 should be immediate-

5 Although to all appearance a very simple case, the trial before the Sessions Judge lasted eleven days, or till the 22nd June when proceedings were closed.-

6 Sentence however, was not declared by the Sessions Judge, Mr. J. Walker, until the ninth day afterwards.-

7. The Court of Foujdaree Adalut deem it incumbent on them to require from the Sessions Judge a statement of the circumstances which retarded the proceedings in the manner and to the extent shewn and accordingly resolve to call for its early submission.-

8 He will also procure the necessary explanation from the Principal

11th July 1844

Principal Sudr Ameen.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Nellore by precept returnable in six days from and after its receipt.-

Sent following Precept No 5 11-

Ex Tait

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DG

11th Ju

F. No.

Friday
12th July 1844.— At a Court of the Foujdaree Udalut.

Present,

G. S. Cassamajor Esqre — Agt 1st
Malcolm Lewin Esqre — Agt 2d — Puisne Judges
A. Maclean Esqre — Agt 3d

Read Statement prepared by Circular Order No. 4. submitted under date the 2d Instant by the Sessions Judge of Guntoor.—

(Here enter F. C. No. 1646)

The Court of Foujdaree Udalut —
but consider that the delay which has been permitted to elapse between the closing and the transmission to the Foujdaree Udalut of the referred trials included in the foregoing Statement to be very unsatisfactory and they desire to be put in possession of any explanation the Sessions Judge may have to offer regarding it.—

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

by precept returnable in 2 days from and after its receipt.—

/Sent following precept No. 848/

Read Calendar submitted by the Sessions Judge of Nellore of Case No. 9 of 1844 on the file of the Sessions Court of Nellore.—

/Here enter F.M. No. 1560/

The Sessions Judge in the above Calendar has stated "that the 6th and 7th Witnesses who before the Sub Officer of Police had given evidence against the prisoner, before the Sessions Judge denied that they had done so, but they plainly manifested that they came prepared to retract or neutralize that testimony, and if possible to get the prisoner off, while their depositions as recorded in the Police Office had all the appearance of having been fairly taken and recorded; so it was deemed proper to send them back to jail for one Month for their contempt of Court."—

2. It has been ruled by this Court

Court that retractations of evidence given before the Police authorities when a deponent is on oath before a Criminal Court is not a punishable offence; moreover the Court consider that the act of the Sessions Judge in committing the above witnesses to jail, except in commutation of a fine, was illegal, and therefore direct their immediate release.—

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

/Sent following precept No. 849/

Read letter dated 19th June 1844 from the Acting Agent to the Governor in Ganjam submitting an abstract Report of Case No. 7 of 1844 on his file for the final decision of the Tanjdaree Vadalut.—

/Here enter F.M. No. 1588/

1. The Court of Tanjdaree Vadalut do not perceive any thing in this

that ~~case~~ that should take it out of the power of the Agent to pass sentence himself under Clause Second Rule I of the Government Rules - The case comes under Clause fourth Section III Regulation VI of 1822, as the Prisoner was a servant of the Prosecutor and in charge of the property which he stole; the amount value of that property not exceeding 300 Rupees - Section IX Regulation I of 1825 does not apply.—

2. The Court think that a Sentence of 2 Years imprisonment with hard labor in Irons would be sufficient.

Ordered, that Extract from these proceedings be forwarded to the Acting Agent to the Governor, in Ganjam for his information.—

/Sent in No. 850.-/

Read Criminal Reports submitted by the Principal Sudr Ameen of Nellore for the month of May 1844.—

/Here Enter. F.M. No. 1479/

The

F.M.
12th July 1844.-

Suppl. Report.
Cases Nos. 34 and 35.

1. The Court of Foujdaree Adawlut regret to observe the insufficient grounds upon which the Acting Head Assistant Magistrate sent up these cases to the Court. In Case No. 34 the document alleged to have been forged was not forthcoming - the Court was therefore precluded from entering at all upon the case. the evidence of the 1st witness who deposed to having seen the 2d prisoner write the false document was of little value under the circumstance of its being uncorroborated, and the document not having been produced. The evidence of the remaining witness was also very unsatisfactory.—

Report No. Case No. 41.

2. The explanation furnished regarding the delay of this case in the Talook is considered to be insufficient.

3. The remarks of the Principal Sudr Ameen on cases which he may dispose of should under Circular Ord. 16th November 1831 be a succinct and clear statement of the principal

points

12th July 1844.-

points of evidence and of the grounds of his opinion regarding the truth or otherwise of the charges prefered, and need not be prefaced by entries such as those noted in the margin.-

Ordered, that Extract of these proceedings be forwarded to the Principal Sudr Ameen of Nellore for his information and for communication of paras 1 and 2 to the Magistrate of Nellore.—

Sent in No 851 /s

"Proceedings held on "Monday the 6th May 1844 "corresponding with the "25th Vyasa bahula "Star Aswhy" "Read the whole record "transmitted by the Acting "Head Assistt Magte of "Nellore in this case."

Saturday 13th July 1844.-

At a Court of the Foujdaree Udalut.

Present

G. J. Casamajor Esqre. Actg. 1st
Malcolm Lewin Esqre. Actg. 2d } Puisne Judges
A. Maclean Esqre. Actg. 3d

Read letter dated the 4th Instant from the Sessions Judge of Cuddapah submitting for the final sentence of the Court of Foujdaree Udalut the proceedings in Case No 37 of 1844.-

/Here Enter No 1701/

Mr Casamajor:

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

Velan Velaree Nal alias

Poodoo Roody Ponny Cothy

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

provisions of Section X Regulation VIII of 1802, would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825, Sentence the Prisoner to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in Irons on the public roads or other public works for and during the period of his natural life.—

Send following letter No. 854/

Read letter dated the 17th Ultimo from the Session Judge of Calicut submitting at the request of the Magistrate of Malabar translation of the Proceedings in a case of extorting money by intimidation, disposed of by that Officer under the provisions of Section VII Regulation X of 1816, together with other papers connected therewith.—

/Here Enter No. 1534/

1. The Court of Sudder Adalut are of opinion that the Session Judge should

have disposed of this case upon his own authority and responsibility; there is nothing in it so peculiar as to justify a reference of it to this Court.—

2. The Court however, having perused the Record and other papers sent up with it, will only observe that the case does not appear to have been properly treated either by the Magistrate or the Session Judge.—

3. Unless the 4th Witness and Pattitheroovathen Coya are the same person, there is a flat contradiction between the Prosecutor and his own witnesses as to the house to which the Prosecutor was first taken by the 3rd Witness which requires to be explained. There is also no reason assigned why the remaining witnesses of the Prisoners were not examined.—

4. This last circumstance is complained of in 3 of the Petitions presented to the Session Judge as well as other considerable irregularities in

provisions of Section X Regulation VIII of 1802, would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825, Sentence the Prisoner to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in Irons on the public roads or other public works for and during the period of his natural life.—

Sent following letter No. 854/

Read letter dated the 17th Ultimo from the Session Judge of Calicut submitting at the request of the Magistrate of Malabar translation of the Proceedings in a case of extorting money by intimidation, disposed of by that Officer under the provisions of Section VII Regulation X of 1816, together with other papers connected therewith.—

Here enter No. 1534/

1. The Court of Foujdaree Adalut are of opinion that the Session Judge should have

have disposed of this case upon his own authority and responsibility; there is nothing in it so peculiar as to justify a reference of it to this Court.—

2. The Court however, having perused the Record and other papers sent up with it, will only observe that the case does not appear to have been properly treated either by the Magistrate or the Session Judge.—

3. Unless the 4th Witness and Pattitheroovathen Coya are the same person, there is a flat contradiction between the Prosecutor and his own witnesses as to the house to which the Prosecutor was first taken by the 3rd Witness which requires to be explained. There is also no reason assigned why the remaining witnesses of the Prisoners were not examined.—

4. This last circumstance is complained of in 3 of the Petitions presented to the Session Judge. as well as other considerable irregularities in

13th July 1844.-

in the Magistrates Proceedings. No notice is taken of these in the Sessions Judges Proceedings, nor of the remarkable statement made in more than one of the Petitions that the 500 Rupees unduly obtained from the Prosecutor were found on his 3d witness Cathry.-

5. The Court of Foujdaree Uhalut desire that the Sessions Judge will return the case to the Magistrate with further Proceedings noticing the irregularities complained of and requiring further examination to be made; and that a copy of those Proceedings and the Magistrates reply to them may be laid before this Court.-

Ordered that Extract from the foregoing proceedings be transmitted to the Sessions Judge of Calicut by Precept returnable without delay.-

(Sent following precept-No. 835)

Read Criminal Reports submitted by the Acting Subordinate Judge of Mangalore for the Month of May 1844.-

(Here enter F.H. No. 1627)

This

12

F.H.

13th July 1844.-

Report No. 1. This case was delayed several days in the Talook in consequence of the Head of Police, instead of exercising his own discretion, regarding the committal of the prisoner, having made a reference on the point to the Joint Magistrates.

Case No. 82. 2. On the point of committal or otherwise the Court are of opinion the Head of Police should have exercised his own discretion.-

Case No. 83. 3. The prisoner was charged with having preferred a wilfully false and malicious complaint before the Acting Sub Collector of Canara charging certain persons with having fraudulently got up a deed of sale for his land.-

4. The Acting Subordinate Judge considering that sufficient reasons has not been shewn for convicting the prisoner of having made a wilfully false and malicious complaint, ordered him to be released.-

5. The Court desire to be informed under what regulation the

Acting

13th / 13th July 1844.-

Acting Subordinate Judge tried the prisoner for the above offence.—

Case No. 87. 6. The reference made in this case by the Peshcar to the Assistant Magistrate, as to the sufficiency of the evidence for the prosecution, was quite unnecessary and objectionable.—

7. The Court of Fouzdaree Adalut trust that they will not have again to notice the delay which has occurred in C.O. No. 40. the transmission of these Reports to the Court which should have reached it before the 15th Ultimo.—

Ordered, that a Extract of these proceedings be forwarded to the Acting Subordinate Judge of Mangalore by precept returnable in 5 days and for communication of paras. 1, 2 and 6 to the Magistrate of Canara.—

Sent following precept No. 856/ Es 7th.

Monday 15th July 1844.-

F. A.

At a Court of the Fouzdaree Adalut.

Present.-

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

Read Criminal Reports submitted by the Principal Sudr Ameen of Cuddalore for the month of May 1844.-

(Reverter F.A. No. 1523.)

Supplemental Report 1 Case No. 35

The prisoners were charged with having stolen a gold ornament from the neck of the Prosecutor's daughter valued at 6 Rupees 35.-

2. The 1st 2nd and 6th Witnesses having deposed to the stolen property being in the possession of the 1st prisoner and the 2d 3d and 4th Witnesses to the Prosecutor being the owner of it, the Moosty Sudr. Ameen considered the 1st prisoner fully convicted and sentenced him to one year's imprisonment with hard

labor in irons under clause 4th Section IV
Regulation VI of 1822.-

3. The evidence having been adduced to shew that the 2d prisoner committed the above theft, but strong suspicion attaching to his conduct, he was sentenced to find 2 securities of 10 Rupees each for six months and in default to be imprisoned for that period without labor in irons under clause 1st Section IV, Regulation II of 1822.-

4. There is nothing to bring this case under Regulation VI of 1822: it ought to have been disposed of under Section VII Regulation X of 1816 and the sentence must be reduced to what can be adjudged under that Section.-

5. The sentence of the 2d prisoner to imprisonment without labor is contrary to clause 1st Section XIII Regulation VII of 1827; and the warrant must be amended by leaving out the words "without labor". The words "and irons" are unnecessary as under the same clause and section the 2d prisoner cannot legally be confined in

irons except under particular circumstances and a Special order.-

Report No V
Case No 46.- 6. There appears in this case to have been a want of attention to the provisions of clause 2d Section V Regulation XI of 1816 for which the Head of the village should be called to account.-

7 An abstract of the evidence upon which this case was committed for trial should have been given.-

Cases Nos 47 and 50. 8. The Court of Sessions Adalut having reason to doubt the propriety of the sentences passed upon the 3d prisoner in case No 47 and upon the 2d prisoner in case No 50, direct the Sessions Judge to call for the Record and pass such orders as he may deem proper, reporting the result for the information of this Court.-

Case No 51 9. The Principal Sudr Ameen in his remarks upon this case has stated that "the mortgage Bond No filed by the 1st prisoner is dated 7th April and the suit was instituted 16 years

afterwards

15th July 1844.

"afterwards in 1835 and D a decree claimed
"without an investigation of the merits of
"the bond."

10.

The Court of Fouzdara
Adalut desire to be informed whether the
suit was tried ex parte without the
Defendant having seen the notice, and
what is meant by the suit having been
tried without an investigation of the
merits of the Bond.

Case No 64. 11.

It appears from the Report
that the prisoners were apprehended on
the 28th April and left the Talooke on the
18th May. The Head of Police states that
they were brought before him on the
7th May.

12.

The interval between the
28th April and the 7th May must be
accounted for.

Case No 67. 13.

The grounds assigned in
this case are much too indefinite to
justify a committal for Perjury. Even
if the Bond should be proved to be
a forgery it would not follow that the
prisoner had committed perjury.

The

No 66.

15th July 1844.

16.

The Court direct that the
prisoner be immediately set at liberty.

Case No 70. 15.

The Court not being satis-
-fied with the grounds upon which the
Principal Sudr Ameen has passed sentence
upon the prisoners in this case direct the
Sessions Judge to call for the Record and
pass such orders as he may consider
proper, reporting the result for the in-
-formation of the Court.

Ordered that Extract of
paras 8 and 15 from these proceedings be
forwarded to the Acting Sessions Judge
of Cuddalore by precept returnable in
7 days from and after its receipt.

(Sent following precept No 862.)

Ordered also that Extract
of these proceedings be forwarded to
the Principal Sudr Ameen of Cuddalore
for his information and for communica-
-tion of paras 6-11 and 13 to the Magistrate
of South Arcot whose report should be
forwarded direct to this Court.

(Sent in No 863.)

Read Criminal Report

for

15th July 1844.

for the month of May 1844 submitted under date the 14th Ultimo by the Principal Sudr Amun of Guntoor.

(Vide enter F. 46. A. 1691.)

Supplemental Report Case No. 9.

With reference to the abstract of the evidence given in this case the Court of Sudr Dewanny Adalut resolve to direct the Sessions Judge to call for the proceedings and pass on them such orders as may appear to him proper reporting the result for the information of this Court.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Guntoor for his information and guidance by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 864.)

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

(Sent in No. 865.)

Read again Criminal Reports submitted by the Acting Subordinate Judge

15th July 1844.

Judge of Madura for the month of March, 1844.

(Vide enter F. 46. A. 1691.)

Read also return dated the 26th June, 1844 made by the Sessions Judge of Madura to the precept of this Court of the 29th April, directing him to pass such orders with reference to Case No. 14 of the above Supplemental Report as he might deem necessary reporting the same to this Court.

(Vide enter F. 46. A. 1628.)

Supplemental Report Case No. 14.

The Sessions Judge in the above return has stated that the prisoners have been put upon their trial before the Sessions Court and released for want of sufficient proof and with reference to this and two other forgery cases of a similar nature committed for trial by the subordinate Court, has solicited the opinion of this Court "whether the fabrication of the Urzee in the case now under remark, supposing it to have been satisfactorily

satisfactorily proved, would strictly speaking, constitute Forgery as defined in Clause 3d Section IV Regulation VI of 1811, explained by Circular Order № 145."

2. The Court of Foujdaree Udalut, before replying to the above question, desire to be furnished with translated copies of the respective arzees, the fabrication of which, the Sessions Judge doubts, can constitute "Forgery" as defined by the Regulations.-

3. The Court also desire to have before them a copy and translation of the note purporting to have been written by one Sullasawmy Chetty referred to in the latter part of the communication under observation.-

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

(Sent following precpt № 866.)

Read

Read Criminal Reports submitted by the Acting Subordinate Judge of Rajahmundry for the month of June 1844.-

(Vide vol 7 F.C. № 675.)

Adverting to the Statement of Extra Peons employed in the Jail at Rajahmundry, and submitted with the above Reports, which shews that one extra Peon in excess of the number of Peons prescribed by Circular Order № 85. B. has been entertained during the month of June. The Court of Foujdaree Udalut desire that the Acting Subordinate Judge will explain why he has departed from the rules laid down for his guidance in the Circular Order in question.

Ordered that Extract of these proceedings be forwarded to the Acting Subordinate Judge of Rajah-mundry by precpt returnable in v days from and after its receipt.-

(Sent following precpt № 867.)

Read

15th July 1844.

Read again Miscellaneous Petition presented on the 20th May 1844 by Chenguneu sister of the 2nd Prisoner in Case No 44 of 1844 on the file of the Sessions Court of Chittoor complaining of the sentence passed upon her brother in the said case.

(Here enter M.P. No 64 of 1844.)

Read also return dated 8th July 1844 from the late Acting Sessions Judge of Chittoor to the precept of the Tanjore Adalut of 5th idem calling on him to refer to the record of the trial in Case No 44 and report on the allegations contained in the foregoing Petition.

(Here enter F.C. No 709.)

The Court of Tanjore Adalut after making reference to the Sessions Judge see no cause to doubt the propriety of the conviction of Petitioner's brother.

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

Read

15th July 1844.

Read Miscellaneous Petition presented on the 8th July 1844 by Mr John Wade of Zillah Cuddalore.

(Here enter M.P. No 76.)

1. The petitioner complains of the order of the Principal Sudr Amin giving validity to a receipt for 10 Rupees which he says has been forged by adding to the sum the last figure.

2. The Acting Session Judge refused to hear the appeal on the grounds of the petition being on unstamped paper.

3. The Court of Tanjore Adalut have no jurisdiction over this stage of the proceeding the matter being a civil matter the appeal must be made to the Civil Judge in the ordinary way.

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

Mr John Wade of the Zillah of Cuddalore, moves the Court

to

15th July 1844.

to return the enclosures in this Miscellaneous Petition No 76 of 1844.

Ordered accordingly.

End 84.

F. M.

Wednesday 17th July 1844.

At a Court of the Foujdaree Adalut

Present

G. I. Casamajor Esqre. Actg 1st. Puisne Judge

Mr. M. Lewin Esqre. Actg 2d. Puisne Judge

A. Maclean Esqre. Actg 3d. Puisne Judge

Read again the Criminal Reports submitted by the Subordinate Judge of Bellary for the month of January, 1844.

(Here Enter F. M. No 4781)

Read also letter dated the 6th Instant from the Subordinate Judge of Bellary submitting a copy of an explanation forwarded by the Magistrate of Bellary, regarding the delay which occurred in the transmission to the Subordinate Court of Case No 13 of the above Reports.

(Here Enter F. M. No 1697)

Case No. 13.

No reason whatever appears why this case should have been

17th July, 1844.

been sent up to the Joint Magistrate at all. It ought to have been sent direct by the Head of Police to the Criminal Court.—

Ordered that Extract of these proceedings be forwarded to the Subordinate Judge of Bellary for communication to the Magistrate of Bellary.—

(Sent in No. 869)

Read return dated 5th Ultimo from the Sessions Judge of Nellore to the Precept of the Foujdaree Adalut of the 27th May 1844 directing him to call for the Proceedings in Case No. 31 of the Criminal Reports for 1844 and having perused them to report his opinion upon the same for the information of the Court.—

(Here enter F.W. No. 1395)

Read Order of Government dated 27th Ultimo concurring in the observations of the Foujdaree Adalut

on

17th July, 1844.

on the Report required under Section XXXVII Regulation VII of 1802, submitted by the Acting Sessions Judge of Chittoor for the year 1843.

(Here enter F.W. No. 1602)

Read Calendar of Cases No. 17 of 1844 submitted by the Acting Sessions Judge of Nellore under date the 29th Ultimo.—

(Here enter F.W. No. 1655)

Read Calendar dated 3d Instant submitted by the Acting Sessions Judge of Trichinopoly of Prisoners committed or held to Bail by the Principal Sudr Ameen of Trichinopoly to take their trial before the Court of Sessions for the year 1844.—

(Here enter F.W. No. 1656)

Read Calendar dated 3d Instant submitted by the Session Judge of Chingleput of Trial held in Case No. 13 for the year 1844.—

(Here enter F.W. No. 1658)

Read

17th July 1844.

Read letter dated 1st Instant from the Session Judge of Tellicherry informing that no amount was realized by the labour of the Prisoners in the Jail, nor any disbursement of the nature described in the Foujdaree Udalut's Circular Order No. 88 of 1837 made during the 2d quarter of 1844.—

/Here enter F. W. No. 1662./

Read letter dated 1st Instant from the Session Judge of Tellicherry informing that no disbursement of the nature described in the Foujdaree Udalut's Circular Orders Nos. 50 and 65 was made during the 2d quarter of 1844.—

/Here enter F. W. No. 1663./

Read letter dated the 1st Instant from the Session Judge of Tellicherry informing that no works of the nature described in the Foujdaree Udalut's Circular Order No. 45 of 1835 were undertaken under the supervision of the Court during the 2d

F. W.

17th July, 1844.— 2d quarter of 1844.—

/Here enter F. W. No. 1664./

Read report dated 4th Instant submitted by the Magistrate of Madura of Cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the month of June 1844.—

/Here enter F. W. No. 1666./

Read letter dated 1st Instant from the Magistrate of Tinnevelly explaining the cause of detention in Case No. 55.—

/Here enter F. W. No. 1671./

Read letter dated 4th Instant from the Session Judge of Coimbatore forwarding a Statement of Batta paid to Prosecutors and Witnesses attending before the Session Court during the 1st half of 1844.—

/Here Enter F. W. No. 1682./

Read report dated 1st Instant

17th 17th July 1844.

Instant submitted by the Sessions Judge of Coimbatore of Convicts Labor of the Jail for the months of June 1844.-

(Here enter F.W. No. 1684.)

Read report dated 11th Instant submitted by the Joint Magistrate of Cotacammund of Convicts Labor of the Jail for the month of June 1844.-

(Here enter F.W. No. 1685.)

Read further return dated 6th Instant from the Session Judge of Nellore to the precept of the Fouj-daree Udalut dated 27th May 1844- directing him to call for the Proceed-ings in Case No. 31 of the Criminal Reports for 1844- and having pro-ceeded them to report his opinion upon the same for the information of the Court.-

(Here enter F.W. No. 1691.)

Read letter dated 8th Instant from the Acting Magistrate of North Arcot informing that during

17th July 1844 during the month of June last the Magistracy did not exercise the Powers vested in them by Section LIV of Act No. VII of 1843.-

(Here enter F.W. No. 1698.)

Read letter dated 5th Instant from the Magistrate of Trichinopoly informing that he did not during the month of June exercise the Power vested in him by Section LIV Act VII of 1843.

(Here enter F.W. No. 1699.)

Read Statement dated 6th Instant submitted by the Session Judge of Mangalore No. IX of Prisoners tried, and whose cases have been referred to the Fouj-daree Udalut, but on whom the sentence of that Court has not been received in June 1844.-

(Here enter F.W. No. 1705.)

Read Statement dated 6th Instant submitted by the Session Judge of Mangalore of the actual produce of the labor

17th July 1844.

of the Prisoners arising therefrom from 1st April to 30th June 1844.—

/Were Entrd F. U. No. 1706/

Read return dated 4th Instant from the Principal Sudr Ameen of Cochin to the precept of the Fouzdaree Udalut of the 27th Ultimo, modifying the sentence passed on the Prisoner in Case No. 12 of the Cochin Criminal Reports for the month of May 1844.—

/Were Entrd F. U. No. 1708/

Read return dated 9th Instant from the Subordinate Judge of Chittoor to the precept of the Fouzdaree Udalut of the 3d Instant conveying their observations and remarks on the Criminal Reports for the month of May 1844.—

/Were Entrd F. U. No. 1710./

Read Report dated 8th Instant submitted by the Sessions Judge of Bellary of Prisoners tried and whose cases have been referred to the Fouzdaree Udalut, but on whom the sentence of that Court has not been received in June 1844.—

/Were Entrd F. U. No. 1739./

Thursday
18th July 1844

F. U.

At a Court of the Fouzdaree Udalut

Present

G. S. Saxon major Esqr. Agt. 1st
Malcolm Lewin Esqr. Agt. 2d
Alexander Maclean Esqr. Agt. 3d
} Presiding

Read letter dated the 8th Instant from the Sessions Judge of Mangalore transmitting the Record of the Trial in Case No. 22 on the Calendar of the Sessions Court of Mangalore for 1844.—

/Were Entrd No. 1748/

Present as before

Mr. Mo. Lewin.

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

1st Ramuppa

and

2d Ponna

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 unconditionally released.—

And

17 18th July 1864

On and attentive consideration of the foregoing Record it appears to this Court that the evidence in this case is wholly insufficient for any penal measure and that the prisoners should be released. The 1st prisoner has, the Court apprehend, been fixed on, as it was known that a quarrel had taken place between him and the deceased. the 2d and 3d prisoners owing to the fact stated in the prosecutor's deposition of the parties having been together the evidence of the 1st and 2d witnesses is not in the opinion of the Court entitled to credit in the first place they concealed what they had seen of the Murder, in the 2d their knowledge came forth in a manner so extraordinary and fortuitous, as to make their testimony unworthy of belief even tho' true. the bones do not appear to be those of a human being. and a doubt arises about the hair (see Mr Lovell's deposition) and the body of the Murdered man has not been found. nearly all the evidence in the case seems to the Court the result of combination. The bloody cloth was not

J. H.

18th July 1864. not as stated in the Circuit Judge's letter "found in the house of the 2d prisoner," it was found in the thatch of an Out house "when the search was made outside" the house.

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

(Sent in No 872)

No further Return having been Received from the Acting Agent to the Governor of Fort St George of Gangam to the precept of this Court under date the 23d April last calling for a translation of the Record of Trial No 13 of 1863 of his Criminal file.

Ordered that the Acting Agent to the Governor of Fort St George of Gangam be required to make a full return to the precept aforesaid within XV days from and after its receipt.

(Sent following precept No 873)

Read Return dated 22d June 1864 from the Principal Sudr Ameen of Trichinopoly to the Precept of the Gangam

Update

18th July 1844.

Wadut of the 8th June 1844, containing their remarks on the Criminal Reports for the Month of April 1844. —

/Were Entry No. 1570/

Read Calendar dated 5th July 1844 Submitted by the Sessions Judge of Combaconum of Cases No. 19, 20, 21, and 22 of 1844 together with Remarks thereon —

/Were Entry No. 1694/

Read Reports dated 4th July 1844 Submitted by the Sessions Judge of Honore of Criminal Cases disposed of in the month of June 1844. —

/Were Entry No. 1702/

Read Calendar dated 8th July 1844 Submitted by the Acting Sessions Judge of Cuddalore of Case No. 89 on the file of the Sessions Court of Cuddalore for 1844. —

/Were Entry No. 1719/

Read Report dated 8th Instant Submitted by the Sessions Judge of Rajahmundry of Prisoners tried and whose cases have

J.M.

18th July 1844 have been referred to the Zoujdaree Wadut but on whom the Sentence of that Court has not been received. —

/Were Entry No. 1721/

Read Statement dated the 5th Instant from the Sessions Judge of Calicut required by Circular Order dated 5th July 1844 No. 4, of the Cases Referred to the Zoujdaree Wadut during the 1st half of 1844. —

/Were Entry No. 1722/

Read Letter dated the 9th Instant from the Magistrate of South Arcot, Reporting the Imprisonment under the Provisions of Section LIV Act VII of 1843 of Cases under Section LIV Act VII of 1843 for June last. —

/Were Entry No. 1725/

Read Return dated the 6th Instant from the Sessions Judge of Calicut, to the precept of the Zoujdaree Wadut of the 22d Ultimo, directing that the Shirastadar Tarambully Chaphony Coreop be divested of all Police authority in the Amsoms of Mankada and Cannoor. —

/Were Entry No. 1726/

Read

18th July 1864.—

Read Calendar dated the 11th Instant submitted by the Sessions Judge of Chingleput — of case No 14 of 1864 on the file of the Sessions Court of Chingleput.

/Here Enter No 1732/

Read Calendar dated the 8th July 1864 submitted by the Sessions Judge of Mangalore, of Case No 27 of 1864 with the Sessions Judge's Remarks thereon.—

/Here Enter No 1735/

Read Letter dated the 10th Instant from the Sessions Judge of Nellore, Submitting the Statement of Batta paid to Prosecutors and witnesses attending before the Sessions Judge of Nellore from 1st January to 30th June 1864.—

/Here Enter No 1741/

Read Supplemental Return dated the 9th Instant from the Principal Sudr Ameen of Trichinopoly to the Receipt of the Zongdaree Balance of the 8th June 1864 containing their Remarks on the Criminal Reports for the Month of April 1864.—

/Here Enter No 1745/

Read

F. M.

18th July 1864.

Read Letter dated the 8th Instant from the Magistrate of Salem, expla-ining Regarding Cases 17 and 22 of the Criminal Report Submitted by the Acting Subordinate Judge of Salem for the Month of March 1864.—

/Here Enter No 1734/

Read Letter dated the 9th Instant from the Magistrate of Rajahmundry Reporting that the powers vested in the Magistracy by Section ~~XIV~~ Act XII of 1863 have not been exercised in June 1864.—

/Here Enter No 1736/

Read Jail Reports dated the 11th Instant Submitted by the Sessions Judge of Masulipatam, for the Months of June 1864.—

/Here Enter No 1763./

Read Calendar dated the 11th Instant, Submitted by the Acting Sessions Judge of Cuddapah, from No 42 to 46 of 1864.—

/Here Enter No 1769/

Read Report dated the 1st Instant Submitted

18th July 1864.

Submitted by the Agent to the Governor at Vizagapatam, shewing the sentences of the Zoujdaree Adalut received in the Month of June 1864.—

/Here Enter No. 1776/

Read Report dated 1st Instant Submitted by the Agent to the Governor at Vizagapatam, of Prisoners tried and whose cases have been referred to the Zoujdaree Adalut, but on whom the sanction of that Court has not been received.—

/Here Enter No. 1777/

Read Return dated the 15th Instant, to the Receipt of the Zoujdaree Adalut of the 6th July 1864, forwarding the Copy of an Extract of the Proceedings held by the Acting Sessions Judge in case No. 122 of Criminal Report for May 1864.—

Encl.

/Here Enter No. 1786/

Friday,
19th July 1864.

F. No.

At a Court of the Zoujdaree Adalut

Present:

Geo: James Cassamajor Esqre. 1st Puisne Judge
Malcolm Lewin Esqre. 2nd Puisne Judge
Alexander Maclean Esqre. 3rd Puisne Judge

Read Calendar of case No. 16 of 1864 forwarded by the Head Police of Nundapore to the Session Court of Honore with the proceedings of the Acting Session Judge thereon.—

(Here Enter F. No. No. 1620)

1. The prisoner in this case was charged with forging a receipt in the name of the Prosecutor, & acknowledging the receipt of the Beriz of certain land occupied by the prisoner and authorizing him in future to pay the Beriz to the Circar direct, with a view to defraud the Prosecutor of the land.—

2. And also with the same fraudulent

18th July 1846.

submitted by the Agent to the Governor at Vizagapatam, shewing the sentences of the Zoujdaree Adalut received in the Month of June 1846.—

/Here Enter No. 1776/

Read Report dated 1st Instant submitted by the Agent to the Governor at Vizagapatam, of Prisoners tried and whose cases have been referred to the Zoujdaree Adalut, but on whom the sanction of that Court has not been received.—

/Here Enter No. 1777/

Read Return dated the 15th Instant to the Precept of the Zoujdaree Adalut of the 6th July 1846, forwarding the Copy of an Extract of the Proceedings held by the Acting Sessions Judge in case No. 122 of Criminal Report for May 1846.—

Rejd.

/Here Enter No. 1786/

Friday,
19th July 1846.

F. 16.

At a Court of the Zoujdaree Adalut

Present:

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

Read Calendar of case No. 16 of 1846 forwarded by the Head Police of Gundapore to the Sessions Court of Honore with the proceedings of the Acting Sessions Judge thereon.—

(Here enter F. 16. No. 1620)

1. The prisoner in this case was charged with forging a receipt in the name of the Prosecutor, & acknowledging the receipt of the Beriz of certain land occupied by the prisoner and authorizing him in future to pay the Beriz to the Circar direct, with a view to defraud the Prosecutor of the land.—

2. And also with the same fraudulent

fraudulent intent, with having filed the forged receipt before the Tahsildar of Kundapore in order to prove that he was a cohein with the Prosecutor and not his servant.-

3. The Prosecutor admitted that he received the money mentioned in the receipt, but affirmed that as his grandfather, the 1st Witness, did not pass a receipt for the money in accordance of the Prisoner's insisting on his acknowledging therein that he & his cohein simply his tenant, the one produced by the Prisoner must be a forgery.-

4. From this it is obvious, remarks the Acting Sessions Judge, that if the Prisoner really is a cohein neither the Prosecutor nor his grandfather could sustain any loss from the fabrication in question. The Acting Sessions Judge was therefore of opinion, that the question as to whether the Prisoner is or is not a cohein should be tried by a Civil Court,

and

and that he should be brought to trial for forgery only in the event of its being clearly established that he is simply the tenant at will, and not the cohein with the Prosecutor's grandfather.-

5. He ordered therefore that the Prisoner be required to furnish one security in the sum of 50 Rupees for his appearance when required, and that the Prosecutor be warned to institute Civil proceedings against the Prisoner to prove that the Prisoner has no right to the land as his grandfather's cohein, and is simply a tenant at will.-

6. If in the forged receipt it is either expressly stated that the Prisoner is cohein or necessarily implied by the authority therein given to pay the Peruz direct to the Circar, then the Court think that there would be a primâ facie case of forgery sufficient to put the Prisoner upon

upon his trial on; but not otherwise; because, the money for which the receipt was given is admitted to have been paid. So there is no fraud or injury as to that; the only fraud or injury that could have resulted from the fabrication was that it would give a color to the claim to cohairship. but this could only be in one of the cases above supposed.-

Previously therefore to passing orders, the Court resolves to call upon the Sessions Judge for a copy of translation of the forged receipt and explanation whether paying direct to the Circuit according to the customs of the Country necessarily implies cohairship.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Tellicherry for his information by precept returnable in 8 days from and after its receipt.-

(Sent following Recpt. No 876)

Read letter dated the 4th Instant from the Sessions Judge of Calicut, transmitting with

with the warrant dated the 29th June 1844 issued by him to the Subordinate Judge for the execution of the sentence of death passed on the prisoner in case No 33 of 1844 on the file of the Sessions Court of Calicut, a copy of the Report dated the 4th Instant made by the latter on Officer on carrying the same into execution.-

(Here enter No 714)

The several particulars required in this Court's Circular Order dated 2nd June 1836 have not been submitted, the Court observe; by the Subordinate Judge of Calicut in the communication of which a copy has been forwarded by the Sessions Judge of that Zillah. the attention of the Subordinate Judge will be directed to the omission with a view to the future observance of the rules therein indicated

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Calicut, for communication to the

the Subordinate Judge of Calicut.

Sent in No. 877.

Read return dated 11th July 1864 from the Subordinate Judge in charge of the Session Court of Chittoor to the precept of the Pongdaree Udalut of the 25th Ultimo desiring the Sessions Judge to call for and ascertain from the relatives of the Prisoner Veerabadrum in case No. 4 of the Chittoor Calendar for the 1st Quarterly Sessions of 1843 whether they will take charge of him and to explain under which circumstances it was considered right to keep the said prisoner in Solitary confinement.

(Herewith Pls. No. 740.)

1. In this return the Subordinate Judge certifies that the Prisoner Veerabadrum has not been placed in Solitary confinement that he was kept in an open cell in the Civil debtor's Jail and that the greater portion of the time he has been in confinement has been spent in the Hospital.

2. The Subordinate Judge also reports

reports that the relatives of the said prisoner appeared before the Subordinate Criminal Court on the 10th July and on being asked whether they would take charge of him they refused to do so.

3. The Court of Pongdaree Udalut desire that further enquiry be made from the Prisoner himself as to his relatives. The persons examined by the Subordinate Judge expressly stated that they were not his relatives and it does not appear that the Prisoner has stated they were so.

Ordered that Extract from these proceedings be sent to the Subordinate Judge in charge of the Session Court of Chittoor for his information by precept returnable in 5 days from and after its receipt.

(Sent following Precept No. 878.)

Read Report of cases tried by the Magistrate of Chingleput under the provisions of Section XIX Act VII of 1843 during the month of May 1864.

(Herewith No. 1473.)

19th July 1844.
Case 23.

1. The Magistrate has not stated whether the sentence declared in this case, was passed on one or both the Prisoners brought to trial, although it is to be inferred, from the absence of any remark to the contrary, that both have been punished by imprisonment with Labor for three months.-

2. In future Statements the information on such points should be specified.-

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

(Sentence No 879)

End 1st

T. C.

Saturday 20th July, 1844.- At a Court of the Tinjdaree Udalut

Present,

R. G. S. Castamajor Esqre. Actg 1st
M. Malcolm Lewin Esqre. Actg 2d } Puisne Judges
A. Maclean Esqre. Actg 3d

Read letter dated 11th June 1844 from the Agent to the Governor of Fort St. George at Vizagapatam submitting for the final sentence of the Court of Tinjdaree Udalut the proceedings in Case No. 23 of 1844.-

(Here Enter No. 1536)

Mr. Castamajor
Mr. Lewin
and
Mr. Maclean

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

1st. Pillah Appayah Son of Pauranyaki Appayah
2d. Ranjaghery Raumajoghy
and
3d. Pillah Raumegaudoo Son of Pauranyaki Appayah

are sufficient to convict them of the crime

of Murder do convict them thereof, but, being of opinion under the circumstances of the case, that the punishment to which the prisoners are liable under the provisions of Section X Regulation VIII of 1802, would in this instance, be too severe, the Court under the provisions of Clause Second Section III Regulation I of 1825, do sentence the prisoners

1st Pillah Appayah Son of
Pauranyahs Appayah
and

2nd Ranjagherry Rammajogiah

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

3rd Pillah Rammegaudoo
Son of Pauranyahs Appiah

to be imprisoned and kept to hard labor in irons on the public roads or other public works

works for and during the period of /14/ fourteen Years.-

On a mature consideration of all the circumstances as exhibited in the record submitted, the Court of Sudder Adawlut are of opinion that the Sentence proposed by the Agent does not adequately meet the offence of the 1st and 2d prisoners they have accordingly determined to sentence the 1st and 2d prisoners to transportation and the 3rd in concurrence with the view of the Court to 14 Years.-

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

/Sent following letter No. 882/

Read Report of Cases tried by the Magistracy of Cuddapah under the provisions of Section IV, Act VII of 1843, during the month of June 1844.-

/Here Enter F.H. No. 1689/

The prisoner, it is observed,

Case No.1.-

was

20th July 1844.

was apprehended on the 16th June, and did not leave the talook until the 23rd inst.—)

2. The interval between the 16th and the 23rd June must be accounted for.—

Ordered, that Extract of these proceedings be forwarded to the Magistrate of Hudjapak by precept returnable in 5 days from and after its receipt.—

/Sent following precept No. 883./

Read communication dated the 6th Instant from the Acting Joint Magistrate in charge of Tanjore requesting the opinion of the Tanjore Vakil whether all minor offences against the Salt laws should be examined and disposed of by the Magistrates under the provisions of Act XVII of 1840 or whether the offences of a trivial nature against them are cognizable also by the Head of Police, Police Ameens &c.—

/Here Enter No. 1700/

The Court do not consider that

F/6
20th July 1844

that the provisions of Act XVII of 1840 contemplate the disposal of trivial cases of the nature referred to, by Native Police Officers—

Ordered, that Extract from these proceedings be forwarded to the Acting Joint Magistrate in charge of Tanjore for his information.—

/Sent in No. 884./

End 1/4.

HDN

20th July

F. U.

Monday,
22nd July 1844. At a Court of the Foujdaree Udalut

Present

Geo. J. Casamajor Esqre Agl 1st Puisne Judge
Malcolm Lewin Esqre Agl 2d Puisne Judge
A. M. Macleod Esqre Agl 3d Puisne Judge

Read Calendar submitted by the Sessions Judge of Calicut of Case No. 38 of 1844 on the file of the Sessions Court of Calicut.

(Here enter F. U No 1657)

1. The prisoner in the above Case was charged with having, while living in the prosecutor's house, opened the door of an upper room thereof, and a box which was secured therein, by picking the locks thereof, and stolen therefrom property valued at Rupees 200-11-5.

2. The Sessions Judge considering that sufficient evidence was not adduced by the Prosecutor

to

22nd July 1844.

to prove that the Prisoner was guilty of having picked the lock of the room door, the proof of which fact was necessary in order to its committal, ordered the case to be returned to the Subordinate Judge for disposal according to the provisions of Clause IV, Section III Regulation VI of 1822.—

3. The Sessions Judge having entertained doubts whether even if the fact of his having picked the room door had been established against the prisoner, the offence would have amounted to housebreaking and thus been punishable under Clause I Section II Regulation VI of 1822, has submitted the undermentioned questions to the Court of Foujdaree Adalut

1st Whether the picking the lock of a room door by the inmate of a house, and stealing property therefrom, amounts to the offence of "breaking into a place used for

for the custody of property"—

2nd Whether to constitute the said offence, it is necessary that the burglarious entry should be effected from outside.—

To the former of the above questions the Court reply in the affirmative and to the latter in the negative.—

4

5 The breaking open a box has been ruled not to be a breaking within the meaning of Clause I Section II Regulation VI of 1822.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Calicut for his information and future guidance

Sentence No. 888

Read again Criminal Reports submitted by the Principal Sudr Ameen of Vizagapatam for the month of March 1844.—

Here enter No. 1012

Read

22nd July 1844.

Read also return dated the 8th Instant from the Sessions Judge of Chicacole to the precept of this Court dated the 30th April last directing him to call up the record of Cases Nos. 3 and 4 of the Vizagapatam Criminal Reports for March last and pass such orders as they may require, reporting the same for the information of the Foujdarry Adalut

(Here enter No. 1785)

1. The charges preferred in the above cases were, that the several Prisoners had been concerned in a more or less degree in having caused certain boys, two of whom were dressed so as to represent the District Moonsiff of Royavarum and his Gomastah and were mounted on an ass, to parade the town accompanied with tom toms and torches, the object of the parade of the boys thus dressed being to cast ridicule on the Prosecutor

Prosecution, the District Moonsiff of Royaveram in his official capacity.

2. The Principal Sudr Ameen of Vizagapatam released some of the Prisoners, but placed certain of them under a requisition of Security directing in default its production that they should be imprisoned for various periods.

3. The Sessions Judge, Mr. G considered that the sentences passed by the Principal Sudr Ameen, Mr. Roß, should be confirmed and has passed orders to that effect observing that he had no doubt the punishment awarded by the Principal Sudr Ameen would have the effect of preventing a repetition of the offence charged.—

4 The opinion of the Sessions Judge appears founded on the testimony adduced before the lower Court and on his having on record ample reason to know the bad

feelings

feeling which exists on the part of the 1st Prisoner against the District Moonsiff of Royaveram:-

5 The only way in which the acts charged could be cognizable by a Criminal Court would be their tendency to a breach of the peace, or their having actually caused one; neither of which appear. the District Moonsiff might, if worth while, file a suit for damages, but the fines are, the Court consider, illegal and should be returned if any have been levied and the Security Bond cancelled. the Moonsiff should have treated the act with contempt.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chicacole for communication to the Principal Sudr Ameen of Vizagapatam by precept returnable in 15 days from and after its receipt.-

(Sent following Precept No: 889)

Read

22nd July 1844

Read again Criminal Reports submitted by the Acting Subordinate Judge of Mangalore for the month of April 1844.-

(Here enter F. C. No: 1340)

Read also letter dated the 8th Instant from the Acting Magistrate of Canara submitting with reference to the Extract from the proceedings of this Court dated the 11th June copy of a letter from the Joint Magistrate of Canara pointing out that the revival of the original complaint in Case No: 51 (Supplemental Report) of the above Reports would entail unmerited trouble upon the accused parties.

(Here enter F. C. No: 1744)

Under the circumstances represented by the Acting Joint Magistrate the Court of Foujdaree Adawlut consider that the revival of the original complaint in the case above referred to, is unnecessary.-

Ordered that

22nd July 1844

Ordered that Extract of these Proceedings be forwarded to the Acting Magistrate of Canara for his information and guidance.

(Sent in No. 890.)

Read Miscellaneous Petition presented on the 24th June, 1844 by Dasoa Aregay, an inhabitant of the Bareoor Talook in Tillah Mangalore

(Here enter M.P. No. 68)

1 The object of this Petition is to obtain an order from this Court to the Sessions Judge of Mangalore directing him to receive adequate security from certain persons therein mentioned to keep the peace towards the Petitioner and to cancel the security bond unjustly taken from him for having preferred a true complaint against the above persons for having robbed his house.-

2 The Court of Foujdaree Uaadut see no grounds whatever stated in the above Petition which call for their interference in the proceedings of the Sessions

22nd July 1844 Session Judge in the case alluded to by the Petitioner.-

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

Read Miscellaneous Petition presented by Lutchme Nursimloo brother of Kistnamah Prisoner in Calendar No. 4 on the file of the Session Court of Masulipatam.-

(Here enter M. P. No. 69 of 1844)

1 Petitioner complains of certain Bramins having thro' spite beaten his younger brother and falsely accused him of having robbed jewels, also that the Session Judge without examining witnesses on behalf of the Prisoner sentenced him to 14 years imprisonment. He therefore prays for the issue of an order to the lower Court directing the examination of the witnesses and that justice be rendered.-

2 The Court of Foujdaree Adalat

22nd July 1844.

Udalut resolve to send a copy of the above address to the Acting Sessions Judge of Masulipatam who will if he sees any thing in it likely to clear the Prisoner, pass such orders as may be needful and report them to the Foujdaree Udalut.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for his information by Precept returnable in V days from and after its receipt

(Sent following Precept No. 891.)

Ordered also that Extract from these Proceedings be furnished to the Petitioner on his application.—

Read Miscellaneous Petition presented on the 1st July 1844 by Ranga chaaryar a Defendant in Suit No. 82 of 1825 on the file of the late Tillah Court of Combaconum.—

(Here enter M.P. No. 74)

The Petitioner prays this Court

22nd July 1844

Court in consequence of his application for redress to the Magistrate and Session Judge of Trichinopoly having been unsuccessful, to issue a precept to the former directing him to see the Decree, passed by this Court in the above Suit, enforced against the Plaintiff, who has hitherto acted in contravention of the same.

2. The Court of Foujdaree Udalut direct that a copy of this Petition be forwarded to the Magistrate of Trichinopoly who will be pleased to report whether the Petitioner has any just grounds for the apprehension which he has expressed in para 2 of his address.—

Ordered that copy of these Proceedings be forwarded to the Magistrate of Trichinopoly by Precept returnable in X days from and after its receipt.—

(Sent following Precept No. 892)

Read again record of the

22nd July 1844 the trial held in Case No 7 of 1844 on the file of the Session Court of Combaconum

(Here enter F.C. No 565)

Read also Miscellaneous Petition presented on the 1st July 1844 by Krishtnummal the wife of Venkata-ramow the 1st prisoner in the above case.—

(Here enter M.P. No 72)

The Petitioner complains of the sentence passed upon her husband Venkataramow in the above case and states that the complaint brought against him of having conspired with others to let loose a venomous snake upon the Prosecutor with a view of causing his death was entirely false, and brought through enmity.—

2. The Court of Tinnevelly does not having considered statement of the evidence on which the Petitioners husband was found guilty of the above charge, and also the remarks made thereon by the Session Judge, fully concur in the justice of the Sentence

22nd July 1844 Sentence passed upon him.—

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

Read Criminal Reports dated the 1st Instant from the Session Judge of Tinnevelly for the month of June 1844.—

(Here enter F.C. No 1799)

Read Calendar dated the 11th Instant submitted by the Session Judge of Tinnevelly of Cases Nos 20 and 22 of 1844.—

(Here enter F.C. No 1801)

Read letter dated 12th Instant from the Magistrate of Salem reporting the cause of the delay which occurred in the transmission by the Head of Police of Darumpoory of the case No 39 of the Criminal Report for May 1844.—

(Here enter F.C. No 1804)

Read

22nd July 1844

Read order of Government dated 13th Instant directing that the necessary orders be issued for printing at the Fort St. George Gazette Press the required number of copies of the revised and enlarged statement of Crimes and Punishments, for distribution to the army, together with an addition of one hundred copies for the use of the Judicial and Magisterial functionaries in the Provinces.—

(Here enter F. 4 No. 1806)

Read letter dated 15th Instant from the Sessions Judge of Cuddapah returning the death warrant in Case No. 46 of the Calendar for 1844.—

(Here enter F. 4 No. 1807)

Read Report dated 12th Instant submitted by the Magistrate of Tinnevelly of Cases tried by him under the provisions of Section 1. IV Act VII of 1843 during the month of June 1844

(Here enter F. 4 No. 1821)

Read

22nd July 1844.—

Read report dated 11th Instant from the Acting Magistrate of Canara of cases tried by him under the provisions of Section I. IV Act VII of 1843 during the month of June 1844.—

(Here enter F. 4 No. 1822)

Read report dated 1st Instant from the Subordinate Judge of Chittoor of prisoners tried and whose cases have been referred to the Foujdaree Adalut but on whom the sentence of that Court has not been received in the month of June 1844.—

(Here enter F. 4 No. 1828)

Read letter dated 13th Instant from the Magistrate of Madura reporting that the Police officer forwarded case No. 89 to the Magistracy because he believed it was within the proper scope of their disposal.—

(Here enter F. 4. No. 1830)

Read

22nd July 1844.

Read letter dated 13th Instant from the Magistrate of Coimbatore affording explanation regarding the detention of Prisoners in Case No 38 by the Village Police.

Here enter F. No No 1831/-

Wm.

F. No

Wednesday, 24th July, 1844.

At a Court of the Foujdaree Udalut

Present,

Geo. James Cavanagh Esqr. Actg 1st Puisne Judge,
Malcolm Lewin Esqr. Actg 2d Puisne Judge,
Alexander Maclean Esqr. Actg 3d Puisne Judge,

Read Calendar in Case No 6 submitted by the Acting Session Judge of Masulipatam for 1844.-

Here Enter No 1659/

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

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

Sent in No 899/

Read letter dated the 13th Instant from the Session Judge of Combaconum requesting sanction for the tender of a Conditional Pardon

24th July, 1844.

pardon to one Lutchoomee supposed to be accessary to the murder of Mootoosawmy Son of the Prosecutor in Case No. 38 now under the trial of the Sessions Court.—

(Here Enter No. 1790)

The Court of Fouzdaree Udalut having maturely considered the circumstances represented in the letter from the Sessions Judge now recorded, resolve, under the authority vested in them by Section XII Regulation XIII of 1832, to sanction the offer of a pardon to the prisoner

Lutchoomee,

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

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

(Sent in No. 900)

Read letter dated the 16th Instant from the Sessions Judge of Mangalore

24th July, 1844.

Mangalore submitting the trial in Case No. 33 on the Calendar of the Sessions Court at Mangalore for 1844.

(Here enter No. 1881.)

Mr. M. Lewin and Mr. Maclean

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,

"Chandoo",

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

(Sent following letter No. 901)

Read letter dated 13th Instant from the Sessions Judge of Rajahmundry forwarding the trial in Case No. 5 on the Calendar of the Sessions Court at Rajahmundry for

24th July, 1844.

for 1844.—

/Were enter. No. 1841./

Mr. H. Lewin
and
Mr. A. Maclean

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

Polesetty Swamy,

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

/Sent following letter No. 902./

Read return dated the 1st Instant from the Acting Subordinate Judge of Madura to the Precept of the Foujdaree Adalut of the 26th Ultimo directing him to explain the entry made in the report of Criminal Cases disposed of in the month of March and dated the 31st ult. March.

/Were enter F.A. No. 1649./

Read

F.A.

24th July, 1844.

Read letter dated the 5th Instant from the Magistrate of South Arcot referring to the Foujdaree Adalut Proceedings of the 2nd Instant and affording explanation in Cases Nos. 26 and 30.—

/Were enter F.A. No. 1668./

Read return dated the 6th Instant from the Principal Sheristadar of Cuddalore to the Precept of the Foujdaree Adalut of the 2nd Instant, directing him to supply the omissions in the charges of the Cases Nos. 26 and 28 of the Criminal Reports for the month of March 1844.—

/Were enter F.A. No. 1680./

Read Criminal Reports dated the 30th Ultimo submitted by the Sessions Judge of Chingleput for the month of June 1844.—

/Were enter F.A. No. 1746./

Read Calendar dated the 24th Ultimo submitted by the

the Sessions Judge of Nellore in Case
No. 12 of 1844.—

/Were enter'd No. 1760./

Read Criminal Reports
dated the 30th Ultimo submitted
by the Principal Sudr. Ameen
of Vizagapatam for the month
of June 1844.—

/Were enter'd No. 1781./

Read Calendar dated
the 15th Instant submitted by the
Sessions Judge of Bellary in Case
No. 23 of 1844 together with Fut-
wah.—

/Were enter'd No. 1783./

Read Calendar dated
the 15th Instant submitted by the
Sessions Judge of Bellary in case
No. 24 of 1844 together with
Futwah.—

/Were enter'd No. 1784./

Read Report No. VI
dated the 30th Ultimo submitted
by the Sessions Judge of Nellore

and

and Statements of Convict Labor
and additional pieces for June 1844
with the exception of the reports
Nos. VII and IX and the Statement
of information required by the
Circular Order No. 80 dated the
6th December 1836 there being no
cases of the description to be in-
-tered in them.—

/Were enter'd No. 1789./

Read letter dated the
12 Instant from the Acting Ses-
-sion Judge of Trichinopoly for-
-warding Statement of the actual
produce of the Convicts in the
Jail at this Station for the 2nd
quarter of 1844.—

/Were enter'd No. 1791./

Read Report dated
the 12th Instant submitted by
the Acting Session Judge of
Trichinopoly of the labor of Con-
-victs, and the Estimate value of
all Articles produced by the labor

of

24th July, 1844

of Prisoners during the month of
June 1844.—

/Were enter F. M. No. 1792./

Read Report dated
the 10th Instant submitted by the
Magistrate of Salem of Cases tried
by him under the provisions
of Section LIV, Act VII of 1843
during the month of June, 1844.

/Were enter F. M. No. 1793./

Ent Tm

N.

F. M.

Thursday
25th July, 1844.

At a Court of the Foujdaree Udalut

Present

G. S. Casamajor Esqre — Agt 1st
Malcolm Lewin Esqre — Agt 2d — Puisne Judges
A. Maclean Esqre — Agt 3d

Read Criminal Reports
submitted by the Subordinate Judge of
Mangalore for the month of June 1844.

/Were enter F. M. No. 1772/

Suppl. Report
Case No. 91.

The Court of Foujdaree Ud.
=lut having reason to doubt the pro=
=priety of the decision passed in this
case, direct the Session Judge to call
for the record and pass such orders as
he may deem necessary, reporting the
same for the information of this Court.—

Ordered, that Extract of
these proceedings be forwarded to the
Session Judge of Mangalore by precept
returnable in 10 days from and after
its receipt.—

/Sent following precept No. 907

Ordered

Ordered also, that Extract of these proceedings be forwarded to the Subordinate Judge of Mangalore for his information.—

/Sent in No. 908./

Read Calendar in Case No. 6 submitted by the Sessions Judge of Rajahmundry for 1844.—

/Here Enter No. 1832/

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

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

/Sent in No. 909/

Read Calendar of Cases No. 10 submitted by the Acting Sessions Judge of Cuddalore for 1844.—

/Here Enter No. 1720/

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

Ordered

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

/Sent in No. 910/

Read return dated the 15th Instant from the Principal Sudr Ameen of Machilipatam to the Precept of the Foujdaree Adalut of the 10th Instant calling for certain information relative to Case No 8 of the Criminal Reports for the month of March 1844.—

/Here Enter No. 1836/

Read return dated the 17th Instant from the Sessions Judge of Nellore to the precept of the Foujdaree Adalut of the 12th Instant directing the immediate release of the 6th and 7th witnesses in Case No 9 on the Nellore Calendar for 1844.—

/Here Enter No. 1838/

Read Calendar dated the 15th Instant submitted by the Sessions Judge of Mangalore in Case No 25 of 1844.—

/Here Enter No. 1846/

Read

25th July 1844.

Read return dated the 15th Instant from the Session Judge of Mangalore to the precept of the Foujdaree Adalut of the 10th July 1844 directing the cancelment of the Bail bonds which may have been obtained from 1st and 3d Prisoners in Case No. 23 of the Calendar, or their release if they are still in confinement.—

/Here Enter No. 1847/

Read return dated the 15th Instant from the Principal Sudr Ameen of Vizagapatam to the Precept of the Foujdaree Adalut of the 2d July 1844 conveying their observations on the Criminal Reports for the months of May 1844.—

/Here Enter No. 1853/

Read Calendar dated the 18th Instant submitted by the Acting Sessions Judge of Cuddalore in Case No. 28 of 1844.—

/Here Enter No. 1870/

End 14.

F. 116.

Friday 26th July 1844. At a Court of the Foujdaree Adalut

Present:-

R. Geo. Jno. Casamajor Esqre 1st Puisne Judge.

Mal. Malcolm Lewin — Esqre 2d Puisne Judge.

A. M. Alexander Maclean Esqre 3d Puisne Judge.

Read letter dated the 15th Instant from the Sessions Judge of Mangalore submitting the record of the trial in Case No. 30 on the Calendar of the Sessions Court at Mangalore for 1844.-

/Here enter F. 116 No. 1842./

Mr. Casamajor and Mr. Maclean. The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner "Derumma" 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

26th July 1844.

provisions of Section X Regulation VIII of 1802, would in this instance, be too severe, the Court, under the provisions of Clause third Section III Regulation I of 1825; sentence the prisoner to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.-

1. The Court think this a clear case of Murder.

2. The Sessions Judge views upon the subject are not in accordance with the established doctrine of the Law of England. He seems to think that homicide is not murder unless malice aforethought is clearly proved. But the doctrine of the Law of England is "all homicide is malicious, and therefore of course amounting to murder, unless the contrary is proved or arises from the circumstances of the case."

3. In this case neither accuse-

or

26th July 1844.

on the contrary, grounds of malice are expressly alleged; but not in any way for much stress to be laid on them.-

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

(Sent following Letter No 919

Read Report of cases tried by the Magistracy of Bellary under the provisions of Section XIV, Act VII of 1843 during the months of June, 1844.-

(Vide Inter Pro. No. 1819)

Case No 11. A delay of ten days is observed to have occurred between the date of the prisoner's apprehension and of his leaving the talook, which must be accounted for.-

Ordered that Extract of these proceedings be forwarded to the Magistrate of Bellary by precept returnable in X days from and after its receipt.-

(Sent following Precept No 916)

Read

26th July 1844.-

Read the Criminal Reports submitted by the Principal Sudr Ameen of Cuddalore for the month of June 1844.-

(Here enter №1780.)

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

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

(Sent in № 917.)

Read the Criminal Reports submitted by the Magistrate of Chingleput for the month of June 1844.-

(Here enter №1755.)

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

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

(Sent in № 918.)

Ent'd W.

Saturday,
27th July 1844.-

№ 116.

At a Court of the Fouzdaree Udalut.-

Present:-

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

Read Criminal Reports submitted by the Subordinate Judge of Chittoor for the month of June 1844.-

(Here enter F.R.C. №1771.)

Report №v. 1. Adverting to the instruction laid down in para 4. Circular Order 24th January 1822 as to the detention in the Talook of prisoners in custody, the Court desire to know why the 3d and 4th prisoners in this case were detained in the Talook from the 26th April to the 17th May.-

Case №83. 2. There appears to have been some mistake in inserting the date of the prisoners apprehension, which from the remarks made in the last column must have taken place at a later date than the 17th May, the date inserted in the

27th July 1844.

the columns of "apprehension". The discrepancy in the dates of the prisoner's apprehension as noted above must be explained.-

3. The Court having reason to doubt the propriety of the sentence passed by the Moosiff Sudr Ameen, direct the Sessions Judge to call for the record of the trial, and pass such orders, as he may consider proper, reporting the same for the information of the Court.-

Case No 88. 4. The 2nd prisoner in this case having been committed for trial as a receiver of the stolen property, the charge brought against her, should, in conformity with Circular Order 4th July, 1826 and Circular Order 5th August 1829 have been noticed as therein required.-

Case No 92. 5. The explanation, given by the Head of Police, of the excessive delay which occurred between the period of the prisoner's apprehension on the 14th May and that of his leaving the taluk on the 7th June, is considered very unsatisfactory.-

Re

The Court direct that a more full explanation of the cause of the delay may be furnished. It should also be stated in what respect the evidence was deficient for the conviction before the Criminal Court of the Prisoner.

Case No 97. 6. The Court are not satisfied with the explanation given of great delay which occured before the Police.-

7. A more detailed account of the circumstances which caused the delay must be supplied.-

Case No 100 8. The remarks appended to this case are rendered unintelligible from the numerous mistakes committed by the copyist.

9. It is desired that the future Criminal Reports may be carefully revised by the subordinate Judge before transmission to this Court.-

Ordered, that Extract of these proceedings (paras 2 and 3) be forwarded to the Sessions Judge of

Chittoor

27th July 1844.

Chittoor by precept returnable in XV days from and after its receipt.-

(Last following precept No 920.)

Ordered also, that Extract of these proceedings be forwarded to the Subordinate Judge of Chittoor for communication of paras: 5.6, and 7 to the Magistrate of North Arcot, who will transmit the required information direct to this Court.-

(Sent in No 921.)

Read the Calendar of Cases No 23 of 1844 submitted by the Sessions Judge of Tinnevelly.-

(Here enter No 1802.)

The Foujdaree Udalut concur with the Sessions Judge in the view of the case which he has taken and consider that the commitment of it by the Principal Sudr Ameen in the imperfect state shown, was reprehensible.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge for his information and for communication

27th July 1844. communication to the Principal Sudr Ameen of Tinnevelly.-

(Sent in No 922)

Read the Surat Criminal Reports submitted by the Acting Sessions Judge of Honore for the month of June 1844.-

(Here enter No 1818.)

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

Ordered therefore that Extract from these proceedings be forwarded to the Acting Sessions Judge of Honore for his information, and for communication to the Sudr Ameen of Surat.-

(Sent in No 923)

Read Criminal Reports submitted by the Principal Sudr Ameen of Nellore for the month of June 1844.-

(Here enter F.46 No 1770.)

Report No 1.
Case No 44.

The Court of Foujdaree Udalut

27th July 1844.-

Udalut having reason, from the remarks made by the Sudr Ameen Mostly upon this case, to question the propriety of his decision, request the Sessions Judge to call for the record, and pass such orders in the case, as he may deem proper report-ing the same for the information of the Court.-

No 47.

2. A considerable delay is observed to have occurred in the examination of this case by the Head of Police, the prisoner having been apprehended on the 11th April and not having left the Talook until the 21st June.-

3. The explanation given of the above excessive delay is considered to be quite insufficient. The Head of Police, should have exercised his own judgment as to the propriety of forward-ing the case to the Criminal Court. The reference to the Assistant Magis-trate was apparently unjustifiable.-

4. The Court regret to observe that this case was detained nearly 20 days

27th July 1844.-

days in consequence of the Assistant Magistrate having it would seem taken this trivial exception to the report made by the Head of Police.-

5. The attention of the Court of Foujdaree Udalut has been again drawn to the lengthy and inconcise remarks appended to these Reports by the Principal Sudr Ameen.-

Ordered that Extract of these proceedings (paras 1 to 4) be forward-ed to the Sessions Judge of Nellore by precept returnable in 15 days from and after its receipt.-

(Sent following precept No 924

Ordered also, that Extract of these proceedings be forwarded to the Principal Sudr Ameen of Nellore for his information and for communication of paras 2 3 and 4 to the Acting Magistrate of Nellore.-

(Sent in No 925.)

Read

27th July 1844.-

Read Criminal Report submitted by the Agent to the Governor in Vizagapatam for the month of June, 1844.-

(Per senten P.M. № 1776)

Case № 21. 1. The prisoner was charged with having entered the house of the Prosecutrix by untying the fastenings of the door, and stolen therefrom property valued at Rupees 2.-

2. There being no evidence to show that the doors and windows of the Prosecutrix' house were secured at the time of the removal of the stolen property which the 1st and 2nd Witnesses discovered in the house of the prisoner and identified as the property of the Prosecutrix, the Prisoner was only convicted of theft and sentenced to 3 months imprisonment with hard labor in irons under Clause IV, Section III Regulation VII of 1822.-

3. The prisoner is stated in the Report to have been employed as a

27th July 1844.- horsekeeper by the grandson of the Prosecutrix.- It is presumed that the grandson of the Prosecutrix lived in the house with her- so that the prisoner was "a servant employed in the house" this should have been expressly stated.-

Case № 23 4. This case, it is remarked, had been delayed 10 days by the Head of Police in consequence of a reference being made by him to the Assistant Agent.-

5. The exact point of reference and the reply must be stated.-

Ordered that Extract of these proceedings be forwarded to the Governors Agent in Vizagapatam by precept returnable in X days from and after its receipt.-

(And following Precept № 926)

Read report of crimes tried by the Magistracy of Guntoor under the provisions of Section XLIV, Act VII of 1843 during the month of June 1844.-

27th July 1844.-

1844.-

(Herewith F.C. No. 820.)

Case No 27. 1. The prisoner was charged with having stolen a bag containing Rupees 14-8-2.-

2. No criminal intention having been proved against the prisoner in removing the above property, she was acquitted of the charge brought against her.-

3. The Court consider that the Magistrate might have tried this case under Section XXXIII Regulation IX of 1816.-

4. A delay of 6 days in this case before the Police should be accounted for.-

Ordered that Extract of these proceedings be forwarded to the Magistrate of Guntoor by precept returnable in X days from and after its receipt.-

(Sent following Receipt No 927)

Read Report of cases tried

by

27th July 1844.-

by the Magistracy of Coimbatore under the provisions of Section XIV, Act VII of 1843 during the month of June 1844.-

(Herewith F.C. No. 1753.)

Case No 46. 1. The prisoner, a servant of the Prosecutor was charged with having stolen certain articles of his property valued at Rupees 16.-

2. The evidence of three witnesses having proved that the stolen property was found in the possession of the prisoner, which she had previously not been able to account for although she admitted that it had been entrusted to her charge, the Joint Magistrate considered the charge fully established against the prisoner, whom he sentenced to six months imprisonment with hard labour under Section VII Regulation X of 1816.-

3. The Court observe that the prisoner having been the servant

of

27th July 1844.

of the Prosecutor should have been sent up to the Criminal Courts to be sentenced under clause fourth Section III Regulation VI of 1822.-

Ordered that Extract of these proceedings be forwarded to the Magistrate of Coimbatore for his information and future guidance.-

(Sent in № 928.)

Read the Criminal Reports submitted by the Principal Sudr Ameen of Tchapoor for the month of June 1844.-

(Here enter № 1817.)

The above Reports do not appear to call for any remark from the Court of Foujdaree Udalut further than that they conclude the corporal punishment awarded to the refractory convict Bookha Lazaly was at once inflicted. the Courts Circular Order requiring that such punishments shall not be enforced before the expiration of two months from date of order, not being applicable to punishments under Section

VII

4.

F/6.

27th July 1844.

VII Regulation X of 1832.-

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

(Sent in № 929.)

Read Calendar in Cases № 47 and 48 of 1844 together with futwah submitted by the late Acting Sessions Judge of Cuddapah.-

(Here enter F/6. № 1869.)

Monday,
29th July 1844.

P. 86.

At a Court of the Foujdaree Adalut.

Present,

Hon: James Cavanagh Esqre 1st Puisne Judge
Malcolm Lewin Esqre 2d Puisne Judge
Alexander Maclean Esqre 3d Puisne Judge

Read again Mirza Mareem's Petition presented on the 22d April last by T. Appiah Vakeel on behalf of F. D'Aranjo a prisoner in the Zillah Jail of Calicut.

(Vide enter M. P. No 691)

Read also return dated the 16th May last from the Sessions Judge of Calicut to the Precept of this Court dated the 6th May last communicating the orders of the Court on the Petition of F. D'Aranjo a prisoner in the Zillah of Caliaut.

(Vide enter No 1282)

The Court of Foujdaree Adalut having referred to the Judge by whom the trial was conducted, find that

that the 2nd Prosecutors wife was examined by the Police Ameen and had every opportunity of stating the facts averred in this Petition, but did not do so- and having been expressly questioned by the Sessions Judge respecting them, by order of this Court, has denied them in toto-

2. Under these circumstances the Court of Foujdaree Udalut have only to leave the sentence passed upon the Prisoner to take its course.-

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

(Sentence No 934)

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

Read again Miscellaneous Petitions presented respectively on the 25th March and 6th May 1844 by Sattee-appah, brother of Manly Codiay harry Vencatacondados

Vencatacondados 4th prisoner in Case No 33 of 1844 on the file of the Subordinate Court of Cuddapah.-

(Here enter M.R. Nos 43 and 856 of 1844)

Read also return dated the 12th Instant made by the Acting Sessions Judge of Cuddapah to the precept of this Court of the 24th Ultimo directing him to call for the record of the above case, and satisfy himself whether there was any ground to doubt the propriety of the conviction of the 4th prisoner.-

(Here enter M.R. No 1764)

On reference to the Sessions Judge of Cuddapah, it appears that all the averments in this Petition are absolutely false, and that the 4th prisoner was convicted by the clearest and most satisfactory evidence. This Petition is therefore rejected and the Petitioner is warned of the gross imposition of his conduct in presenting it.-

Ordered

29th July 1844.-

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

Read Miscellaneous Petition presented on the 24th June 1844 by Soondaramaul, Soorvana Moodely and Pyance Moodely, the heirs of Ambalavanar Moodely, Ragava Moodely and Chinnatamby Moodely, the prisoners in Case No 19 of 1844 on the file of the Sessions Court of Cuddalore.-

(Vide enter M. P. No 66.)

After adverting to the sentence passed upon the prisoners in the above case, and remarking upon the evidence of the Complainant and his witnesses which they allege to be wholly false and unworthy of belief, the Petitioners affirm that Soobapaly Moodely (a party originally accused by the Complainant) and the prisoner Chocalinga Moodely were, at the time the Complainant preferred his charge against them, prevented by severe sickness from acting towards

29th July 1844.- towards him in the manner he had charged them.-

2. The Petitioners pray the Court to review the sentence of the Sessions Judge in the above case, and order the release of the prisoners.-

3. Before passing any order upon this Petition, the Court of Foujdaree Adalut resolve to refer it to the Sessions Judge of Cuddalore, who will submit to the Court any remarks which the circumstances of the case may seem to require.-

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Cuddalore by Precept returnable in X days from and after its receipt.-

(Sent following precept No 905.)

Ordered also that copy of these proceedings be granted to the Petitioners on their application.-

Read Miscellaneous Petition presented on the 8th July 1844 by

by Streenevasaragava Chetty of Vuttaval-
-lore in the District of Chingleput.

(Vercenter M. P. No 80.)

1. The Petitioner complains of an order of the Sessions Judge of Chingle-
-put directing him to prefer to the Board of Revenue his complaint of having been over assessed in his land by the Collector of Chingleput.-

2. The Petitioner is informed that the order of the Sessions Judge is correct.-

Ordered that this Petition be dismissed.-

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

Read Miscellaneous Petition presented on the 15th July 1844 by Yeppa Naiken a prisoner in Case No 7 of 1844 on the file of the Sessions Court of Cuddalore.-

(Vercenter M. P. No 81.)

1. The Petitioner complains of the

the sentence of 10 years imprisonment with hard labor in irons which has been passed upon him in the above case, and prays that he may be set at liberty on account of the falsity of the charge brought against him-
In proof of this assertion he pleads his respectability and alleges that on the night of the robbery in question, the prosecutor and 30 persons, who were driving bandies in company and in a state of intoxication at the
time, assaulted and beat him, and that this statement can be proved by witnesses whom the Sessions Judge refused to examine.-

2. The Court of Foujdaree Adalut have no reason to doubt the correctness of the proceedings of the Sessions Judge in the above case, and see no grounds for the reconsider-
-ation of the sentence already passed on the Petitioner.-

3. They accordingly direct this

29th July 1844. this Petition to be dismissed.-

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

Read again Calendar submitted by the Acting Sessions Judge of Chittoor of case No 19 of 1844 on the file of the Sessions Court of Chittoor.-

(Here enter F.46. No 1431.)

Read also return dated the 6th Instant made by the Subordinate Judge in charge of the Sessions Court of Chittoor to the precept of this Court dated the 28th Ultimo calling for translations of the record of the trial of the above cases.-

(Here enter F.46. No 1833.)

1. The Court of Foujdaree Udalut having perused the above record consider the sentence of the Acting Sessions Judge to be perfectly right.-

2. None of the prisoners confessed in such a manner as is recognized as a ground of conviction, and such as the confession

F.46.

29th July 1844. confession was, it was preceded by the Duffadar kicking and beating the 1st prisoner.-

3. All therefore that there is against them is the 1st and 2d prisoners giving up two articles of dress of a very common kind from a Straw heap not belonging to either of them and having given 4 or 5 similar articles to others to keep, who produced them.-

4. The Court have no doubt that the 2d prisoner had, at least, a guilty knowledge, but he could not be convicted.-

5. The conduct of the Duffadar in kicking and beating the 1st prisoner should have been brought to the notice of the Magistrate.-

Ordered that Extract of these proceedings be forwarded to the Sessions Judge of Chittoor for his information and future guidance.-

(Sentence No 936.)

Read Miscellaneous Petition presented

presented on the 15th July 1846 by Kristanma-
-mal, the wife of Vencatramen, the 1st
prisoner in case No 7 of 1846 on the file
of the Sessions Court of Combaconum.-

(Here enter M. P. No 82.)

1. The Petitioner reiterates the
same complaint against the sentence
passed upon her husband in the above
case, which she preferred in her Miscellane-
-ous Petition No 72 of 1846.-

2. The Court having considered
the latter Petition, and passed orders
thereon, refer the Petitioner to the same
as finals.-

Ordered that Copy of these
proceedings be granted to the Petitioner
on her application.-

Read Miscellaneous Petition
presented on the 15th July 1846 by Vedalatchy
Ummal of Zillah Cuddalore.-

(Here enter M. P. No 83 of 1846.)

1. The Petitioner complains
against the proceeding of the Magistrate
of South Arcot refusing to place her in
possession

possession of a house which belongs to
her deceased husband, and which the
latter had collusively sold to one
Mahomed Sultan Saheb in order
to prevent its being made liable for
the payment of the debts due to his
creditors.-

2. The Petitioner is informed
that any order complained against
must be produced.-

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

Read Criminal Reports
submitted by the Principal Sudr
Ameen of Guntoor for the month of
June 1846.-

(Here enter P. M. No 1782.)

Report No V. 1. The Court of Foujdaree
Case No 46 Udalut having reason to doubt the
propriety of the decision of the Princi-
-pal Sudr Ameen, direct the Sessions
Judge to call for the record and pass
such orders as he may deem proper.-

reporting

29th July 1844.

reporting the same for the information of the Court.-

Cases Nos 15. 16. 17. and 18. "The charge brought against the Prisoner has been investigated."-

2. The remark noted in the margin which is prefixed to the Principal Sudr Ameen sentence in each of the cases Nos 15. 16. 17 and 18. are superfluous, and should not be repeated in future reports.-

Ordered that Extract from these proceedings (paras) be forwarded to the Session Judge of Guntoor by precept returnable in XII days from and after its receipt.-

(Sent following precept No 937)

Ordered also that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Guntoor for his information and future guidance

(Sent in No 938)

Read Report of cases tried by the Magistracy of Malabar under the provisions of Section IX Act VII of 1843 during the month of June 1844.-

(Here enter F.C. No 1832)

J

F.C.

29th July 1844.

Case No 3

1. If the charge of breaking was established against the prisoner in this case it was not competent to the Joint Magistrate to dispose of the case under the provisions of the Act above quoted.-

2. The prisoner should have been forwarded to the Criminal Court to have been dealt with under the provisions of Clause sixth Section II Regulation VII of 1822 as ruled by the Foujdaree Udalut in their Circular Order No 139.-

3. If the breaking was not proved the instructions of the Circular Orders of the 4th July 1826 and 5th August 1829 should have been attended to.-

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

(Sent following precept No 939)

Read again Calendar dated

dated 23rd March last submitted by the Sessions Judge of Bellary in Case No 5 of 1846.

(Here enter No 816.)

Read also return dated the 6th Ultimo from the Sessions Judge of Bellary to the precept of this Court dated the 18th May 1846 requiring him to submit for their consideration translations of the Proceedings held in Case No 5 of 1846 on the file of the Sessions Court and meanwhile to suspend the sentence passed against the prisoner.

(Here enter No 1424.)

1. On a consideration of the entire record it appears to the Court of Sudder Adalut that the Prisoner should have been convicted of Manslaughter and that one years simple imprisonment from the date of the original sentence would be quite enough.

2. It is clear from all the facts of the case that the homicide was committed upon a sudden and great provocation

provocation and without malice afore-thought. This is not sufficient to excuse or justify the act, because the violence used was very great a leg and an arm broken &c. but it is enough to reduce the crime to man-slaughter.

3. The Sessions Judge will therefore be pleased to recal the warrant originally issued and modify the Prisoner's sentence in the manner and to the extent now indicated.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Bellary by Precept returnable in x days from and after its receipt.

(Sent following Precept No 940.)

Read Miscellaneous Petition presented on the 22nd July 1846 by Deenabund Mahuntee of Orissa.

(Here enter M.P. No 95 of 1846.)

1. The Petitioner states that he preferred a complaint to the Governor's Agent

29th July 1844.- Agent at Vizagapatam, charging one Boondalum and 8 others with having assaulted and Robbed him; that that Officer referred the complaint to his Assistant, who finally sent it to the Head of Police for investigation; that as the Police Officer instituted no enquiry into the case, the Petitioner presented a Petition to the Assistant Agent, who endorsed on his address to the effect that the Petitioner's complaint was dismissed for want of proof.-

2. The Petitioner prays, therefore, that the Governor's Agent at Vizagapatam may be directed to institute a proper enquiry in his case.-

3. The Court of Foujdaree Udalut resolve to transmit a copy of the Petitioner's address to the Governor's Agent with a request that he will ascertain whether justice has been done in the Petitioner's case and pass such further orders as he may consider necessary should the proceedings of the Subordinate

F 86.

29th July 1844.- Subordinate Officer prove to be in any respect deficient.-

Ordered that Extract from these proceedings be forwarded to the Agent to the Governor at Vizagapatam by Peon's Receipt returnable without delay.-

(Sent following Receipt No 961)

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

Read communication dated the 12th Instant from the Magistrate of South Arcot affording with reference to the Court's letter of the 29th Ultimo explanation regarding the warrant entrusted to one Sabapathy Moodelly for the apprehension of certain Robbers in the Tanjore District.-

(Here enter No 1743.)

Before passing final orders in the matter referred to in the above address, the Court of Foujdaree Udalut resolve to require the early submission of

29th July 1844.

of a detailed statement of the information on which the Magistrate of South Arcot acted in the first instance, when applied to by Mootoomulla Reddy; and of translations of any written communications which may have been received by him from that individual or his party.

Ordered that Extract from these proceedings be forwarded to the Magistrate of South Arcot by precept returnable in V. days from and after its receipt.-

Sent following precept No 942

Sreenivasa Raghava Charry of the Zillah of Chingleput moves the Court to return the enclosures in his Miscellaneous Petition No 80 of 1844.-

Ordered accordingly.

End th.

F. M.

Tuesday, 30th July, 1844.

At a Court of the Foujdaree Adalut

Present,

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

Read Criminal Reports submitted by the Sessions Judge of Chicacole for the month of June, 1844.-

[Vide entry F. M. No 1718.]

Supplemental Report Case No 5.-

Adverting to the delay of 23 days which appears to have occurred in the examination of this case by the Head of Police, and to the explanation given of the same, the Court of Foujdaree Adalut desire to have a translation of the reply of the Assistant Magistrate to the reference made to him by the above Officer.-

2. The Court see reason to doubt the propriety of the proceedings

proceedings in this case. From the remark of the Sudr Ameen that several witnesses only stated what they heard from others, it would appear that the persons who were personally informed of the facts of the case have not been examined.

3. The Court desire that the Session Judge will call for the record and pass such orders upon it, as shall seem just and report the same.—

Ordered, that Extract of these proceedings be forwarded to the Session Judge of Chicacole by present returnable in XV days from and after its receipt.—

Sent following precept No. 945.

Read Criminal Reports submitted by the Principal Sudr Ameen of Cochin for the month of June, 1844.

Were inter F. R. No. 1815.

Supplemental Report. Case No. 16.

The prisoners were charged with having stolen a boat, valued at Rupees 14.—

The

The charge being clearly established against the prisoners, they were sentenced to 18 months imprisonment with hard labor, and to receive each 100 lashes under Clause IV, Section III, Regulation VII of 1822.—

3. There appears nothing to bring this case under Regulation VI of 1822. The sentence should have been passed under Section VIII, Regulation X of 1816 and must be reduced to the quantum of punishment adjudicable under that act. The lashes to be remitted.—

Report No. V
Case No. 24.

4. Adverting to the circumstance of the prisoners in this case having been also concerned in No. 23, their names should, in conformity with the Circular Order 6th December 1831, have been inserted in red ink.

5. The sentence of six months imprisonment with hard labor, and to receive 60 lashes, passed upon the 1st prisoner, in this case, who was proved guilty of having entered the

Prosecutor's

30th July, 1844. Prosecutor's house, through an open window, and stolen therefrom property valued at Rupees 6, being considered by the Court to be disproportionate to the offence, they direct it to be modified by the remission of the corporal punishment.—

Case No. 25. 6. With reference to the framing of the charge in this case, the Court remark that it should be always stated before what authority the complaint is brought.—

Case No. 27. 7. The prisoner was charged with having at night entered the Prosecutor's house by scaling a wall thereof and stolen therefrom various articles of property valued at Rupees 11-4-0.

8. The evidence of two witnesses who deposed to the prisoner having taken the stolen property from the place where it was deposited and given it to them stating that he had stolen it, coupled with the prisoners confession of the charge before the Fiscal and the Principal Sudr Ameen,

fully

30th July, 1844. fully establishing his guilt, he was sentenced under Clause IV, Section III, Regulation VII of 1822 to 12 months imprisonment, and to receive 90 lashes.

9. From the remarks of the Principal Sudr Ameen, it appears that the prisoner was punished under the Regulation above quoted in consequence of his dwelling under the same roof with the Prosecutrix at the time he perpetrated the robbery in question, although no connection subsisted between them. Unless the prisoner was employed as a servant he merely living in the house where the theft was committed would not bring the case under Regulation VII of 1822.—

10. If therefore he was not a servant, this sentence is illegal and must be cancelled, and sentence passed under Section VIII, Regulation X of 1816. There does not appear to have been any breaking.—

11. The lashes to be remitted.

12. With reference to the

common

common adjudication of corporal punishment by the Principal Sudr Ameen, the Court of Foujdaree Udalut observe that they are generally averse to its infliction on any but old and hardened offenders.—

13. The attention of the Principal Sudr Ameen is drawn to the Circular letter of this Court dated the 17th January, 1844 from which he will perceive that the Criminal Reports are not required to be accompanied by a separate letter unless under the circumstances therein adverted to.—

14. The present Reports, it is observed are stitched together at the extreme edge of the sheets instead of being folded and stitched in the middle and are consequently inconvenient for perusal and revision.—

Ordered that Extract of these proceedings be forwarded to the Principal Sudr Ameen of Cochin by precept returnable in 7 days from

from and after its receipt.—

(Sent following precept No. 946.)

Read return dated 17th July 1844 from the Session Judge of Guntoor to the precept of the Foujdaree Udalut of the 12th Instant calling for an explanation regarding the delay which occurred between the closing and transmission of the referred trials included in the statement forwarded by him on the 2nd Instant.—

(Vide Entry F. M. No. 1855)

The Court of Foujdaree Udalut observe that both the trials referred to are of very moderate bulk and it appears to them that 13 and 16 days respectively is an excessive period to be occupied in translating and despatching them.—

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

(Sent in No. 947)

Read Calendar in Case No.

30th July, 1844.

No. 49 submitted by the Sessions Judge of Cuddapah for 1844.-

/Here enter No. 1883/

1. It is observed that the Sessions Judge remarks in respect of the above case that there can be no doubt nor difficulty in concurring with the Futwah of the Law Officer acquitting the Prisoners.-

2. The Judges do not however find that any orders have been issued by the Sessions Judge directing the release of the Prisoners. The omission should now be explained and rectified.-

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Cuddapah by Precept returnable in 2 days from and after its receipt.-

/Sent following Precept No. 948./

Entd 7th.

F No.

Wednesday 31st July 1844.- At a Court of the Foujdaree Udalut

Present

G. S. Casamajor Esqre Agt 1st
Malcolm Lewin Esqre Agt 2d
Alexr Maclean Esqre Agt 3d
} Puisne Judges

Read letter dated 15th July 1844 from the Acting Sessions Judge of Vizagapatam forwarding for the consideration and final sentence of the Foujdaree Udalut the record of the trial of Case No. 11 of 1844 on the Vizagapatam Calendar.-

/Here Enter F. U. No. 1885/

1. In the above letter no distinct opinion as to the precise sentence to be passed on the several prisoners is given by the Acting Sessions Judge and his attention is called to the Circular Orders of this Court of the 21st December 1821 and 11th March 1834.-

2. The Court resolve in accordance with the determination expressed in the latter order to return the letter under observation for amendment in the essential

essential point noticed above.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Vanore together with his letter of the 15th July 1844 for his information by precept returnable in 48 hours from and after its receipt.—

Sent following precept No. 951/

Read Calendar in Case No. 10 submitted by the Acting Sessions Judge of Trichinopoly for 1844.—

/Here Enter No. 1747/

1. In this case the prisoners (the 2nd of whom is a Police peon) were charged with having with certain others, forced open the door of the back Yard of the Prosecutors house, entered therein and plundered the females and children, and the house of Jewels valued at Rupees 196 As. 4 P. 0.—

2. The Moofty was of opinion that there was only strong suspicion against the Prisoners of the crime of Theft and declared it therefore optional with

with the Judge either to award a slight punishment or to set them at liberty.—

3. The Acting Sessions Judge concurring in the finding of the Law Officer on the grounds stated in the Futwa, directed that the three prisoners be immediately released.—

4 The Statement of the Evidence adduced in this case as it appears from the Calendar, leads the Court of Sudder Adawlut to the belief that the offence charged has been clearly proved against one or more of the Prisoners and they accordingly resolve to direct the early submission of translations of the proceedings held in the lower Courts and before the Police.—

5. Adverting to the brief remarks which are generally entered in the penultimate column of the Calendars received from the Acting Sessions Judge of Trichinopoly the Court further resolve to intimate to that Officer that they desire to be furnished with a

Statement

essential point noticed above.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Manar together with his letter of the 15th July 1844 for his information by precept returnable in 48 hours from and after its receipt.-

Sent following precept No. 951/

Read Calendar in Case No. 10 submitted by the Acting Sessions Judge of Trichinopoly for 1844.-

/Here Enter No. 1747/

1. In this case the prisoners (the 2nd of whom is a Police Peon) were charged with having with certain others, forced open the door of the back Yard of the Prosecutors house, entered therein and plundered the females and children, and the house of Jewels valued at Rupees 196 As. 4 -P.-

2. The Moofty was of opinion that there was only strong suspicion against the Prisoners of the crime of Theft and declared it therefore optional with

with the Judge either to award a slight punishment or to set them at liberty.-

3. The Acting Sessions Judge concurring in the finding of the Law Officer on the grounds stated in the Futwa, directed that the three prisoners be immediately released.-

4 The Statement of the evidence adduced in this case as it appears from the Calendar, leads the Court of Sudder Adalut to the belief that the offence charged has been clearly proved against one or more of the Prisoners and they accordingly resolve to direct the early submission of translations of the proceedings held in the lower Courts and before the Police.-

5. Adverting to the brief remarks which are generally entered in the penultimate Columns of the Calendars received from the Acting Sessions Judge of Trichinopoly the Court further resolve to intimate to that Officer that they desire to be furnished with a

Statement

Statement at greater length of the view of trials which he may adopt, although it be concurrent with that of the Mahomedan Law Officer who assisted at the trial.—

6. The Court request the Acting Sessions Judge will henceforward discontinue the System of numbering the Calendars of Cases committed to the Sessions Court in the manner adopted by him which creates confusion on the occasion of reference to record.—

10th Calr. Case No 1
11th Do — Case No 1

7. Each case should bear a distinct number commencing with the year, and the Calendar should be endorsed "Calendar of Case Nos — on the Files of the Sessions Court of Trichinopoly for 184 ".

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

/Sent following precept No 952/

Read return dated 13th July 1844 from the Principal Sudr Ameen of Tinnevelly

Tinnevelly to the precept of the 2nd Instance Dated of the 4th Instant conveying their remarks and orders on the Tinnevelly Criminal Report for the month of May last.—

/Here Enter F.H. No 1808/

1. The Principal Sudr Ameen has in this return omitted to supply the information called for in the 2d para of the proceedings under reply viz. the grounds by which the Sudr Ameen arrived at the conclusion that 2 out of the 4 witnesses for the defence are worthless people.—

2. The Court do not consider the explanation regarding the delay in the disposal of Case No 62 to be altogether satisfactory and they deem it necessary to warn the Principal Sudr Ameen to be very careful in punishing cases of contempt of Court lest the salutary provisions of the regulations which empower Officers to check contempts of Court be made to sanction a system of needless severity and oppression.—

In

Statement at greater length of the view of trials which he may adopt, although it be concurrent with that of the Mahomedan Law Officer who assisted at the trial.—

6. The Court request the Acting Sessions Judge will henceforward discontinue the system of numbering the Calendars of Cases committed to the Sessions Court in the manner adopted by him which creates confusion in the occation of reference to record.—

10th Cal. Case No 1
11th — Case No 1

7. Each cask should bear a distinct number commencing with the Year, and the Calendar should be endorsed "Calendar of Case No — on the File of the Session Court of Trichinopoly for 184 ".

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

/Sent following precept No. 952/

Read return dated 13th July 1844 from the Principal Sudr Ameen of Tinnevelly

F.H.
31st July 1844.

Tinnevelly to the precept of the 3rd Instance Ediatut of the 4th Instant conveying their remarks and orders on the Tinnevelly Criminal Report for the month of May last.—

/Here enter F.H. No 1808/

1. The Principal Sudr Ameen has in this return omitted to supply the information called for in the 2d para of the proceedings under reply viz. the grounds by which the Sudr Ameen arrived at the conclusion that 2 out of the 4 witnesses for the defence are worthless people.

2. The Court do not consider the explanation regarding the delay in the disposal of Case No 62 to be altogether satisfactory and they deem it necessary to warn the Principal Sudr Ameen to be very careful in punishing cases of contempt of Court lest the salutary provisions of the regulations which empower Officers to check contempts of Court be made to sanction a system of needless severity and oppression.—

In

31st July 1844.-

3. In conclusion the Court of Foujdaree Udalut direct that the attention of the Principal Sud Ameen be drawn to para: 7 of their Circular Order 18th November 1823 which requires that whenever a precept from the Court of Foujdaree Udalut may fix a limited period for the return it is incumbent on the officer to whom it is addressed to make such return within the term specified either certifying that the exigency of the precept has been complied with or shewing good and sufficient reason for the omission to carry it into effect. The precept issued on this occasion by the Foujdaree Udalut to the Principal Sud Ameen was dated 4th July and required that return should be made in 5 days but the return was made on the 13th instead of 9th July.-

Ordered that Extract from these proceedings be sent to the Principal Sud Ameen of Tinnevelly for his information

by

31st July 1844.-

by precept returnable in 5 days from and after its receipt.-

(Sent following precept No 953)

Read Calendar submitted by the Sessions Judge of Trichinopoly of Case No 11 of 1844 on the file of the Sessions Court of Trichinopoly.-

(Here enter F.H. No 1871)

1. The prisoner in the above case was charged with having entered the Prosecutor's house by removing the door of the back yard thereof, and plundered certain jewels valued at Rupees 162-8-11-

2. The Law Officer considers that the charge was not fully proved against the prisoner, but that strong suspicion only attached to him in consequence of his having returned the stolen property to the Prosecutor, and confessed before the Police Ameen that he had stolen the same.-

3. The Sessions Judge having concurred in the above opinion of the Law Officer

31st July 1844.-

Officer ordered the release of the prisoner.-

4. The Court of Foujdaree Adalut, upon consideration of the circumstances of this case as they appear upon the Calendar, consider that the evidence of the prisoners guilt was, if not, complete, at least sufficient to have justified a demand of security from him.-

Ordered that Extract of these proceedings be forwarded to the Sessions Judge of Trichinopoly for his information and future guidance.-

/Sent in No. 954/

Read the Criminal Reports submitted by the Principal Sudr Ameen of Ginglepet for the months of June 1844.-

/Here Enter No. 778/

Report No. V. Case No. 28.

1. In the explanation given of the delay which occurred in this case before the Police, reference is made to a Circular Order passed from the Magistrate to the effect that no case, in which the evidence of the commission of the crime charged rested solely upon the confession of

31st July 1844.-

of the accused parties, should be sent to the Criminal Court.-

2. The Court direct that a of the remarks made by the Head of Police in explanation of the above de be forwarded to the Magistrate with be pleased to transmit direct to the Court a translation of the Circular O referred to.-

3. The Court observe it has ruled that when a prisoner confesses before the Police to a crime proved to have been committed by other evidence he should be sent up to the Crimi Court.-

4. The Reports now under co sideration are in many parts scarcely intelligible, and the language used wants correction throughout.-

5. The Principal Sudr Ameen should endeavour to avoid the above defect in the transmission of his futu Criminal Reports.-

Ordered that Extract of

31st July 1844.-

these proceedings be forwarded to the Princi-
=pal Sudr Ameen of Chingleput for his
information and future guidance.-

/Sent in No. 955/

Read return dated 5th July
1844 from the Session Judge of Combaconum
to the precept of the Sowdars Adalut
of the 1st ideu calling for a copy of the
charge of connivance at the escape of
a prisoner framed against the Peons
and guards and of the finding of the
Jury.-

/Here Enter F.Ll. No. 1695/

1. From the foregoing return it
appears that the question propounded
in the Session Judge's letter of the 12th
Ultimo did not arise out of the case
before him but is founded on circum=
=stances merely hypothetical.-

2. The parties in the case before
the Session Judge - 3 Circar Servants charged
with conniving at the escape of a
prisoner were put on their trial on the
10th June and on the same day the Jury
found

31st July 1844.-

found a verdict of guilty. and the Sessions
Judge concurring in this finding sentenced
the prisoners to 3 Years imprisonment.
This sentence he states will appear in
the Calendar submitted to the Sowdar
Adalut on the 17th June 1844, and
under these circumstances the Session
Judge concludes the transmission of the
papers will be considered unnecessary.

3. In the course of the trial
a general question occurred to him as
to the legality of his punishing the
prisoners for a crime different from
that for which they were committed
for trial, particularly when the crime
proved is actually within the cognizance
of the Subordinate Court.-

4. The Court resolve to direct
the Session Judge to forward a transla=
=tion of the finding of the Jury in
Case No. 34 on the Combaconum Calendar
and with reference to the question sub=
=mitted by the Session Judge, they are
of opinion that when doubts are en-

tertain-

entertained that full proof of the commission cannot be established a second Count may be introduced into the indictment charging the prisoners with culpable neglect.—

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Combaconum by precept returnable in 5 days from and after its receipt.—

/Sent following precept No. 956/

Read again letter dated the 15th June last from the Acting Sessions Judge of Chittoor referring the Case No. 21 of 1844 on the file of the Sessions Court of Chittoor for the consideration and orders of the Court of Foujdaree Udalut.—

/Here Enter No. 1463/

Read also letter dated the 22nd Instant from the Subordinate Criminal Judge in charge of the Sessions Court at Chittoor forwarding rough translations of the Proceedings in Case No. 21 on the Calendar of the Sessions Court at Chittoor for 1844.—

/Here Enter No. 1884/

The

No. 16.

31st July 1844.

Mr. Cushman Jr.

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

1st Jamaulgaudoo

is sufficient to convict him of the crime of Gang Robbery, and that against the prisoner

2nd Chendry alias Deepak

to convict her of having received stolen property knowing it to be such, do convict them severally thereof, and with reference to the provisions of Clause third Section IV Regulation XV of 1803, adjudge the prisoner

1st Jamaulgaudoo

who has been before convicted of the same crime and escaped from confinement while undergoing the sentence, 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

31st July 1844.

entertained that full proof of the commission and cannot be established - a second Count may be introduced into the indictment charging the prisoners with culpable neglect.—

Ordered that they be sent back and kept to labor on the public roads under the Superintendence of the Principal Sudr Ameen of these proceedings for and during the period of two Years.—

Sent following letter No. 957/

Read Report dated 8th April 1844 submitted by Mr. H. Morris the Sessions Judge of Calicut under the provisions of Section XXXVII Regulation VII of 1802.—

/Here enter No. 976 of 1844/

para: 8. The Tanjore Udalut deem it advisable the Sessions Judge of Calicut should occasionally visit the Jails under charge of the Principal Sudr Ameen of Cochin and in conformity with the suggestion submitted in regard to the Jails at Tiruvengapatam Sirey and Cotacamund, Sholapoor and

/Here enter 1,104/

The

F. Ms.

31st July 1844.

Mr. Cathmajor.

The Court of Sunjdaree 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

para: 10. Pot. Jamaulgandoo

the two fit to convict him of the crime this Court with, and that against the Sessions Judge at the Principal Sudr Ameen of Tanjore Court of Sunjdaree Udalut on perusal of the Case No. 3 on the Magisterial File of that Officer as it appears in Enclosure No. 6 of the Report under remark, do not at all concur in the opinions expressed by the Sessions Judge and the Magistrate of Malabar in respect of the punishment awarded to the parties charged by the Principal Sudr Ameen Mr. Taupton. So far from the offence imputed to them having been punished too severely, the Court doubt that it should have been committed. It seems to the Court little, if at all,

short

31st July 1844.

entertained that full proof of the commission cannot be established a second Count may be introduced into the indictment charging the prisoners with culpable neglect.—

Ordered that they be each kept to labor in the usual manner on the public roads these proceedings to be laid before the Judge of the Session Court at the expiration of the period of two years.—

Sent following letter No. 957/

Read Report dated 8th April 1844 submitted by Mr. H. Morris the Sessions Judge of Salem under the provisions of Section XXXVII Regulation VII of 1802.—

/Here enter No. 976 of 1844/

para: 8. The Tanjore Adalut deem it advisable the Sessions Judge of Salem should occasionally visit the Jails under charge of the Principal Sudr Ameen of Ochin and in conformity with the suggestion submitted in regard to the Jails at Sirey and Ootacamund, Mahapoor and Vizagapatam

/Here enter

S. 46.

31st July 1844.

Mr. Castamajor.

The Court of Tanjore 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

para: 10. 1st Jamaulgoandoo

the two fit to convict him of the crime this Court writes, and that the gainst Session Judge at the Principal Sudr Ameen of Salem Court of Tanjore Adalut on reference Case No. 3 on the Magisterial File of that Officer as it appears in Enclosure No. 6 of the Report under remark, do not at all concur in the opinions expressed by the Sessions Judge and the Magistrate of Malabar in respect of the punishment awarded to the parties charged by the Principal Sudr Ameen Mr. Taupton. So far from the offence imputed to them having been punished too severely, the Court doubt that it should have been committed. It seems to the Court little, if at all,

short

public roads or other public works for
and during the period of his natural
life; and under the provisions of Clause
Second Section IV Regulation VI of 1822
Sentence the prisoner

2nd Chendry alias Dasp.l

to be imprisoned and kept to labor
3rd suitable thereto on the public road
or off public works for and during
the period of two Years.—

Sent following letter No. 957/

Read Report dated 8th
April 1844 submitted by Mr. H. Morris
the Sessions Judge of Calicut under the pro-
visions of Section XXXVII Regulation VII
of 1802.—

/Were entered No. 976 of 1844/

para: 8. 1. The Tanjore Ubalut deem
it advisable the Sessions Judge of Calicut
should occasionally visit the jail under
charge of the Principal Sudr Ameen of
Cochin and in conformity with the sugges-
tion submitted in regard to the jails at
Sirey and Cotacamund, Tellicherry and
Vizagapatam

Vizagapatam the Judges would suggest
this being authorized to proceed to Co
for that purpose once every six mon
the period to be selected for the visit
the discretion of the Sessions Judge.—

para: 10. 2. In regard to the first
the two references for the instructions o
this Court which are noticed by the
Sessions Judge at the instance of the
Principal Sudr Ameen of Cochin; the
Court of Tanjore Ubalut on reference
Code No. 3 on the Magisterial File o
that Officer as it appears in Enclosu
No. 6 of the Report under remark, do
not at all concur in the opinions ex-
pressed by the Sessions Judge and the
Magistrate of Malabar in respect of
the punishment awarded to the parties
charged by the Principal Sudr Ameen
Mr. Taynton. So far from the offence
imputed to them having been punished
too severely, the Court doubt that
it should have been committed. It
seems to the Court little, if at all,

short

short of robbery by open violence. If however the Sessions Judge is of opinion that a perusal and consideration of the papers recorded in the investigations held by the Fiscal and Principal Sudr Ameen are calculated to effect a modification of the view of the case which is now entertained by the Judges of this Court, he is at liberty to submit them.—

Para: 11. 3. As respects the proceedings of the Mutton Butchers accused before the Principal Sudr Ameen in his magisterial capacity of having sold unwholesome meat, the Court of Sunjdaree Udalut agree fully in the opinion of the Sessions Judge regarding the case and desire that the Joint Magistrate may be informed that they strongly disapprove of his having acted upon rules which he knew to be inapplicable: He has in his present situation nothing to do with the Madras Police Regulations; and there is nothing that the Court consider less desirable than that the Spirit or practice of those Regulations

Regulations should be introduced into the Provinces.—

4. The Court think that any observations resulting from information communicated officially before the Sessions Judge, which he may deem it advisable to record, regarding a laxity of system in the superintendence of the sale of stamps in the jurisdiction of this Court should be addressed to the Revenue authorities of the District, by whom such preventive check will be applied or remedial measures adopted as those Officers on Enquiry may consider necessary.—

Ordered, that Extract from these proceedings together with a copy of the above report be forwarded to the Secretary to Government for submission to the Most Noble the Governor in Council.—

/ Sent in No. 958. /

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

(a.)

and communication of paras. 2 and 3 to the Magistrate of Malabar.—

/Sent in No. 959/

Read Statement dated the 8th Instant from the Session Judge of Tellicherry of Batta paid to the Prosecutor and witnesses attending before the Sessions Judge during the 1st half Year of 1844.-

/Here Enter No. 1857/

Read Statement dated the 30th Ultimo from the Sessions Judge of Rajahmundry of Batta paid to the Prosecutors and Witnesses attending before the Sessions Judge during the 1st half Year of 1844.-

/Here Enter No. 1858/

Read Statement dated the 15th Instant from the Sessions Judge of Calicut of Batta paid to the Prosecutors and witnesses attending before the Sessions Judge during the 1st half Year of 1844.-

/Here Enter No. 1866/

Read return dated the 17th Instant from the Acting Subordinate Judge of Madura to the Precept of the Tanjore

Tanjore Adalut of the 6th Instant calling for certain explanation relative to the Criminal Reports for the Month of May 1844.—

/Here Enter No. 1874/

Read return dated the 19th Instant from the Acting Subordinate Judge of Rajahmundry to the Precept of the Tanjore Adalut of the 15th Inst. directing him to explain why one Extra Ration in excess has been entertained during the months of June 1844.—

/Here Enter No. 1875/

Read letter dated the 18th Instant from the Principal Sudr Amin of Machulipatam reporting the date of the apprehension of the 1st Prisoner in Case No. 20 of 1844 in the Criminal Report No. V for June 1844.-

/Here Enter No. 1877/

Read Calendar, dated the 12th Instant submitted by the Acting Sessions Judge of Canara of Cases No. 14 of 18

/Here Enter No. 1882/

Rea

1st July 1844.—

Read Calendar dated the 19th Instant submitted by the Sessions Judge of Mangalore of Case No. 28 of 1844.—

/Here enter No. 1886/

Read letter dated the 17th Instant from the Subordinate Judge of Calicut forwarding a translation of the Tahsildar's report in explanation of the delay in sending up Case No. 72 of the Criminal Reports for the month of May 1844.—

/Here enter No. 1891/

Read letter dated the 20th Instant from the Principal Sudr. Ameen of Cuddalore submitting an Explanation to the remarks of the Fouzdaree Udalut on Case No. 51 of the Criminal Reports for the month of May 1844.—

/Here enter No. 1892/

Read Calendar dated the 22d Instant submitted by the Acting Sessions Judge of Tinnivelly of Case No. 1 of 1844.—

/Here Enter No. 1907/

F.U.

Thursday, 1st August 1844.

At a Court of the Fouzdaree Udalut

Present

G. J. Casamajor Esqre. 1st Judge
Malcolm Lewin Esqre. 2d Judge
Alexr. Maclean Esqre. 3d Judge
} Puisne Judges.

Read letter dated 24th May 1844 from the Magistrate of Madura submitting the explanation called for in cases Nos. 15 and 22 on the Madura Criminal Reports for the month of February last.—

/Here enter F.U. No. 1334./

1. Adverting to the suggestion of the Magistrate that in all calls for explanation the Courts should be obliged to afford a clue to their numbers without necessity for a demand of it by the Magistrate.—

2. The Court of Fouzdaree Udalut regret to learn that any want of clearness in references by the Courts to the Magistrate should exist. It is believed that all the Cases sent by each Head of Police to the Subordinate Court are numbered consecutively, the shortest and clearest way of referring to them will be by the name of the Talook and the number,

and

1st July 1844.—

Read Calendar dated the 19th Instant submitted by the Sessions Judge of Mangalore of Case No. 28 of 1844.—

/Here Enter No. 1886/

Read letter dated the 17th Instant from the Subordinate Judge of Calicut forwarding a translation of the Tahsildar's report in explanation of the delay in sending up Case No. 72 of the Criminal Reports for the month of May 1844.—

/Here Enter No. 1891/

Read letter dated the 20th Instant from the Principal Sudr. Ameen of Cuddalore submitting an Explanation to the remarks of the Tanjore Udalut on Case No. 51 of the Criminal Reports for the month of May 1844.—

/Here Enter No. 1892/

Read Calendar dated the 22d Instant submitted by the Acting Sessions Judge of Trichinopoly of Case No. 1 of 1844.—

/Here Enter No. 1907/—

F.U.

Thursday, 1st August 1844.

At a Court of the Tanjore Udalut

Present

G. J. Casamajor Esqre. Co. 1st. }
Malcolm Lewin Esqre. Co. 2d. } Puisne Judges.
Alexr. Maclean Esqre. Co. 3d. }

Read letter dated 24th May 1844 from the Magistrate of Madura submitting the explanation called for in cases Nos. 15. and 22. on the Madura Criminal Reports for the month of February last.—

/Here enter F.U. No. 1334./

1. Adverting to the suggestion of the Magistrate that in all calls for explanation the Courts should be obliged to afford a clue to their numbers without necessity for a demand of it by the Magistrate.—

2. The Court of Tanjore Udalut regret to learn that any want of clearness in reference by the Courts to the Magistrate should exist. It is believed that all the cases sent by each Head of Police to the Subordinate Court are numbered consecutively, the shortest and clearest way of referring to them will be by the name of the Talook and the number,

and

F. U.

Friday, 2nd August 1844.

At a Court of the Fouzdaree Udalut.

Present

G. J. Casamajor Esqre. actg. 1st. Puisne Judge

Malcolm Lewin Esqre. acting 2d. Puisne Judge

Alexander Maclean Esqre. actg. 3d. Puisne Judge

Read Criminal Reports for the month of June 1844 submitted by the Agent to the Governor at Kurnool.

(Vide Order F. U. No. 1703 of 1844.)

Supplemental Report Case No. 38.

The prisoner in this case is charged with having stabbed the prosecutor's daughter and caused 5 wounds in different parts of her body and on conviction was sentenced by the Agent to 18 months imprisonment under Clause Seventh Section II Regulation XV. of 1803.—

2. The crime charged in this case is punishable by no authority inferior to the Zillah Court of Sessions and therefore under the provisions of Clause Eighth Rule I. of the rules framed for the guidance of the Governor's Agent should have been by letter submitted to the Fouzdaree Udalut the Agent suspending the proposed sentence until furnished with the orders of this Court.

3. The Court direct that the Course laid down in the Clause and rule above quoted be

Accor-

now followed by the Agent.—

Report No. V.
Case No. 42.

4. The 2. prisoners in Case No. 42 are charged with having robbed the prosecutrix of Jewels to the amount of Rupees 13. 10.— in the day of the 2nd. ultimo as she was returning to her village and have been sentenced under Section III Clause IV. Regulation VII of 1822 to two years imprisonment with hard labor in irons.—

5. The regulation quoted is quite inapplicable. The Agent will therefore be pleased to specify the crime proved against the prisoner. If it is a case of simple theft, the amount stolen and the circumstances of the case would make it cognizable under Regulation X of 1816 or Sec. IX of 1816. but if the Case comes within the description of offences laid down in Clause first Section III Regulation XV of 1803. the Agent should have submitted the letter required by Clause fifth Rule I. of the Agents Rules giving a summary of the Evidence a statement of the grounds for the conviction and his opinion as to the punishment to be passed on each prisoner under the provisions of Section IV. of the last quoted Regulation.—

6. In case No. 44 Pasoola Vencata is accused of having Entered the house of the Prosecutor by the door way and stolen Jewels valued at 27 Rupees.

7. It should be stated whether there was a door—and if so, whether it was closed or open-

Here

There is nothing on the face of the report to shew that there was any breaking, and if not the Sentence was illegal.—

Ordered that Extract from these proceedings be sent to the Agent to the Governor of Fort Saint George at Kurnool for his information by precept returnable in 5. days from and after its receipt.

/ Sent following Precept No. 969 /

Read copy of the Calendar in case No. 26 of 1844 on the file of the Session Judge of Bangalore submitted under date the 6th. Ultimo.

/ Here enter F.H. No. 1704 /

1. The prisoner in this case is charged with having "gone to the Verandah of the prosecutors house by jumping over the wall standing outside the house, and stolen pice and other property valued at Rupees 2.2

2. The law Officer convicted the Prisoner on strong presumptive proof and declared him liable to Corporal on a second question being put under clause third Section II Regulation XV. of 1803. he declared the Prisoner liable to the same Sentence—And being barred in consequence of the value of the stolen property not amounting to the Nisab.—

3. The Sessions Judge concurred with the law Officer in the Conviction of the prisoner and as he had been on 4 previous occasions convicted of theft and burglary sentenced him under the provisions of Clause Seventh Section II Regulation XII of 1803 to 4 years imprisonment with

hard labor in irons—

4. The Court of Tondaree Udalut desire it may be explained under what circumstances the Sessions Judge considered the Regulation quoted by him to be applicable—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Mangalore for his information by precept returnable in 5 days from and after its receipt.—

/ Sent following Precept No. 970 /

Read the Criminal Reports submitted by the Subordinate Judge of Combaconum for the month of June 1844.

/ Here enter F.U. No. 1779 /

Supplemental Report 1. Case No. 77. As from the remarks appended to this case, it does not appear that any fault was attached to the 3d prisoner, the Court of Tondaree Udalut desire it may be explained why he was sent up to the Criminal Court.

Report No. V. Case No. 80. 2. The Court, upon consideration of the evidence taken in this case, are of opinion that it is insufficient to demand Security from the prisoner and accordingly direct that the Security, if given be cancelled or the prisoner if in confinement, released.

Ordered that Extract of these proceedings be forwarded to the Subordinate Judge of Combaconum for communication of para. 1. to the Magistrate of Tanjore

Tanjore who will transmit the required information direct to this Court—

/ Sent in No. 971 /

Read communication dated the 18th ultimo from the Sessions Judge of Calicut submitting copy of a correspondence with the Magistrate of Malabar and Joint Magistrate of Cochin and requesting to be informed whether Servants are punishable by imprisonment under Section XXXII Regulation IX of 1816 for quitting their Employers Service without any notice and leaving no Substitute in their room.—

/ Here enter No. 1903 /

Read also communication dated the 20th December 1843 from the Magistrate of Malabar forwarding copies of two letters from the Joint Magistrates of Malabar and Cochin on the Subject of the difficulty that is experienced from the want of any Regulation to provide for the case of Servants leaving their Employers without due notice—

/ Here enter No. 2062 of 1843 /

The Court of Tondaree Udalut do not hesitate to reply in the negative to the question propounded in the Sessions Judge's communication dated the 18th ultimo and accordingly they approve the instructions which that Officer issued in regard to Case No. 7. on the Calendar of persons punished

furnished in the 1st quarter of 1844 by the Joint Magistrate of Cochin.-

2. In respect of the more general questions contained in the Sessions Judge's earlier communication, the Court resolve to inform that Officer that recently when the relation between Master and Servant was suggested by the Government as a subject probably worthy of the Consideration of the Foujdaree Adalut in order to a determination how far a remedy might be applied to the evil, the following remarks were recorded.-

20th Decr. 1843.

prom. 30th March 1843.

"The unsettled state of the Law regarding the "relationship between master and servant has ex- "cited the anxious observation of the Judges of the "Foujdaree Adalut."

"Instances have not been wanting to shew that "where pointed references on this subject have been made "to them, no satisfactory rules could be laid down for "the guidance of the Magistrates and Criminal Courts "in reply; but the desire they have felt to bring this "subject to the notice of Government with a view to "place the Law on a more definite footing, has been "checked by the Conviction that no similar desire "had been evinced by the Indian Law Commissioners."

"Indeed the Judges of the Foujdaree Adalut

"Udalut find a contrary tendency in the sentiments ex- "-pressed in the Notes of the Penal Code Note S. page 88."-

"The Judges, however, are not prepared to say

Section XXXII Regn IX of 1816.

"that the regulation quoted in the Minutes of Council "is not applicable to certain breaches of contract "on the part of a servant and they recorded that opinion in their proceedings. but it is difficult to con- define, on a subject where all is indefinite."-

3. Adverting to the remarks by the

13th December 1843.

Joint Magistrate of Cochin in regard to the bad quality of the meat vended in the Bazar at Cochin and suggesting the introduction, as a measure of Police at that Station, of the Madras Police Regulations, it is observed that the opinion of the Court of Fouj- -daree Adalut respecting the proposed innovation was expressed in the proceedings dated 31st ultimo held on the Sessions' Report received from the Sessions Judge of Calicut for 1843- which renders any further remark unnecessary.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Calicut for his information and communication to the Magistrate of Malabar and Subordinate Judge of Calicut.

Sent in No. 972

Read the Criminal Reports sub- -mitted by the Principal Sudr Ameen of Masulipatam for

2nd August 1844.

for the month of June 1844.

/ Here Enter F.U. No. 1797 /

Report No. V.
Case No. 19

Adverting to the framing of the charge in this case, the Court remark that it should always be stated before what authority the false complaint is brought.

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

/ Sent in No. 973 /

Read return dated the 19th June 1844 from the Subordinate Judge of Chittoor to the Precept of the Foujdaree Udalut dated the 13th idem conveying their remarks and orders on the Criminal Reports for the month of March 1844.

/ Here enter No. 1526. /

1. In the 2nd para: of the above communication the Subordinate Judge states with reference to the proceedings of this Court dated 13th June last that he will in future be careful not to place on her trial any female who may be concerned in an offence committed by her husband.

[from 1st: The Court consider the 2d para: as having misapprehended the meaning of the Court and to have been misled thereby in framing the charge in the case committed by him.]

2. The Court of Foujdaree Udalut on reference to their Proceedings 13th June cancel the 4th para: thereof: which is incorrectly worded. There is no objection to putting

putting a married woman on her trial for being concerned in an offence committed by her husband. But if the husband was present at the act proved against her, she ought to be exempted from punishment on the presumption that she acted under her husbands coercion. Unless it clearly appears that she was an active and voluntary offender.

3. The Subordinate Judge further adverting to para: 3 of the Courts proceedings of the above date draws the Courts attention to para: 3. of his return dated 3d June to the precept of the Foujdaree Udalut of the 1st idem in which he has stated that in future when prisoners are charged with more than one Robbery, although the total amount of property stolen should be within the value of Rupees 100, he would reserve them for trial before himself and committal to the higher Court. He now solicits instructions as to whether he should proceed in this way because from the aforesaid 3d para of the Foujdaree Udalut proceedings, he is doubtful whether such a course will be approved of by the Judges.

[from 3: There do not appear any grounds for committing this case the Subordinate Criminal Judge might have disposed of himself.]

4. The Court observe that it has generally been considered that the amount which renders a case committable is the amount in one No. and that the amounts in several Nos. cannot be added together in Order to commit a Prisoner.

Ordered that Extract from these proceedings be forwarded to the Subordinate Judge

of

of Chittoor for his information.—

/ Sent in N°. 974. /

Read letter dated 11th. July 1844 from the Subordinate Judge of Bellary forwarding the Bellary Criminal Reports for the month of June last.—

/ Here enter F.R. N°. 1795. /

Report N°. V. Case N°. 1. 1. Two prisoners in this case were charged with gang robbery. Both prisoners have been released the Subordinate Judge remarking that there is nothing what-ever against the 2d. prisoner.

2. The 2nd. Prisoner having been sent up without any evidence against him should be brought to the notice of the Magistrate.—

Case N°. 71. 3. The statement of the Prosecutrix that the Reddy took no notice of her complaint to him should also be brought to the notice of the Magistrate.—

Case N°. 73. 4. The Court trust that the very insuffi-cient grounds upon which the 2nd. and 3rd. Prisoners

x C. O. 21. May 1823. in this Case were sent up to the Court was duly brought to the notice of the Magistrate.—

Case N°. 78. 5. In this N°. two distinct offences appear to be improperly blended.—

Ordered that Extract from these pro-ceedings be sent to the Subordinate Judge of Bellary for his information by Precept returnable in 5. Days from and after its receipt.—

/ Sent following Precept N°. 975 /

Read

Read again Report of cases tried by the Magistracy of Cuddapah under the provisions of Section LIII, Act VII. of 1843, during the month of June 1844.

/ Here enter F.R. N°. 1859. /

Read also return dated the 22nd. ultimo made by the Acting Magistrate of Cuddapah to the precept of this Court dated the 28th. ultimo di-recting him to account for the delay which took place between the 16th. June, the date of the prisoners apprehension in case N°. 1 of the above report, and the 23d. June, the date of his leaving the Talook.—

/ Here enter F.R. N°. 1899 /

1. From the Explanation given by the Magistrate it appears that the prisoner, against whom there was not sufficient Evidence of his having committed the Offence imputed to him, was detained in confinement by the Head of Police of Camalapoor from the 17th. to the 23d. June on the ground of suspicion being attached to him.

The Court observe that if the Camala-

2. -poor Head of Police was of opinion that there was no sufficient evidence against the prisoner it was his duty to release him instead of making a report to the Magistrate and keeping the prisoner in confinement; and that the reply of the Magistrate should have been to that effect.

Ordered that Extract from these pro-ceedings

proceedings be forwarded to the acting Magistrate of Cuddapah for his information and future guidance.

/ Sent in No. 976. /

Read Calendar in Case No. 20.

Submitted by the acting Sessions Judge of Cuddalore for 1844.

/ Here enter No. 1867. /

1. The Prisoner in this case was charged with having wounded the Prosecutrix's husband Chinna Colunday on the temple with an iron instrument resembling a hoe from the effects of which he died 6 days afterwards.-

2. The prisoner was convicted and under the provisions of Clause Second Section XI Regulation VII of 1802 was sentenced to seven years imprisonment with hard labor in irons.-

3. It appears to the Court of Sudder Adalut that simple Imprisonment for a much shorter period than seven years would probably satisfy the Ends of Justice. The Offence of which the Prisoner appears to have been convicted is of Manslaughter or homicide committed in sudden provocation and in heat of blood. In such cases the degree of provocation given is what should regulate the punishment. Without further

Explanation.-

Explanation of the allusions, it is difficult to see any provocation at all in the conversation which occasioned the attack on the deceased. The Judges are therefore desirous of further Explanation on this head drawn from the depositions of the witnesses who no doubt were examined on this point, and in the mean time direct that that part of the sentence which adjudges hard labor in Irons be suspended.

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

/ Sent following Precept No. 977 /

PDL
IND

F. U.

Saturday, 3d. August 1844.

At a Court of the Foujdaree Udalut

Present,

G. J. Casamajor Esqre. A. J. 1st.
Malcolm Lewin Esqre. A. J. 2d. } Puisne Judges.
Alexr. Maclean Esqre. A. J. 3d.

Read return dated the 12th. ultimo from the Sessions Judge of Nellore to the Precept of the Foujdaree Udalut of the 9th. idem calling for an explanation regarding the apparent delay in the disposal of case No. 11 of 1844 on the Nellore Calendar.—

/Here enter No. 1766./

Read also return dated the 18th. Ultimo from the same Officer to the precept of the Foujdaree Udalut of the 11th. idem calling for an explanation of the circumstances which retarded the disposal of case No. 10 of 1844 on the Nellore Calendar.

/Here enter No. 1854./

1. The Foujdaree Udalut consider the explanations given in the foregoing returns, to be satisfactory.—

2. The Session Judge appears to think himself aggrieved by the Court requiring explanations

explanation in these cases, and this feeling has given rise to expressions in his returns which the Judges observe with regret. There is no just foundation for such a feeling it is the duty of the Court of Sinjdaree Udalut to notice every seeming departure from the regular and dispatchful conduct of business by the lower Courts which occurs upon the face of their Proceedings; and this Court cannot be responsible for a search into points of detail by which perhaps a sufficient Explanation might be gathered from the Proceedings themselves. It is the duty of the lower Courts to bring forward such points prominently themselves; and had this been done in the present case, no explanation would have been needed or required.

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

/ Sent in No. 981. /

Read letter dated the 24th April 1844 from the Subordinate Criminal Judge of Bellary transmitting copy of an Extract from the proceedings of the Court of Sessions dated 20th March 1844 in case No. 7 of the Criminal Register.

/ Here enter No. 1058 /

Read

3d. August 1844.

Read Statement of the amount realized by the labour of the Prisoners in the 2d. Quarter of 1844 submitted by the Subordinate Judge of Combaconum.

/ Here enter F. U. No. 1911. /

Read Statement of the amount realized by the labor of the Prisoners in the 2d. Quarter of 1844. submitted by the Subordinate Judge of Salem.

/ Here enter F. U. No. 1914 /

Read letter dated the 20th Ultimo, from the Session Judge of Rajahmundry forwarding copies of the warrant and of the Sub. Judges letter shewing that the Final Sentence of the Court of Sinjdaree Udalut upon the Prisoner in case No. 3. of 1844 has been duly Executed.

/ Here enter F. U. No. 1918. /

Read letter dated the 22nd Ultimo from the Session Judge of Calicut, stating that the Subordinate Judge of Calicut and the Principal Sudr Ameen of Cochin have reported that nothing was realized by the labor of the Prisoners under them during the 2nd quarter of 1844.

/ Here enter F. U. No. 1962 /

Read letter dated the 26th Ultimo, from the Acting Joint Magistrate in charge of Tanjore

3d August 1844.

Tanjore, informing that no persons have been tried under Section LIV Act VII of 1843 during the month of June 1844.

/Here enter F.U. No 19405/

F.U.

Monday 5th August, 1844.

At a Court of the Tanjore Udalut.

Present

G. S. Castamajor Esqre Agt.

Malcolm Lewin Esqre Ag 2d

A. Maclean Esqre Ag 3d

Puisne Judges

Read Miscellaneous Petition presented on the 15th July 1844 by C. Venestaswamy Setty of the Zillah of Chittoor

/Here enter M. P. No 86/

The Petitioner prays to be furnished on stamped paper with a copy of the order passed by this Court on his Miscellaneous Petition presented on the 24th August 1840, wherein he complains of the proceedings held by the Magistrate of North Arcot in Case No 4 of his file.—

The Court direct that a copy of the order in question be granted to the Petitioner.—

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

Read

5th August 1844.

Read Miscellaneous Petition presented on the 15th July 1844 by C. Vencatas Sawmy Setty of the Zillah of Chittoor.—

(Here Enter M. P. No 85)

The Petitioner prays to be furnished on stamped paper with a copy of the order passed by this Court on his Miscellaneous Petition presented on the 2d August 1844.—

The Court of Foujdaree Udalut direct that a copy of the order in question be granted to the Petitioner.—

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

Read Madura Criminal Reports for the month of June dated 30th June but not received till the 20th Instant.—

(Here Enter F. R. No 1844)

1. Adverting to the date on which these reports were received the attention of the Subordinate Judge is called to para. 6 Circular Orders No 40.—

It

5th August 1844.

Suppl. Report Cases Nos. 35, 52, 68, 70

2. It is presumed in these cases (in which notices seem to have been issued before the receipt of the Circular Order of the 25th June No 759) that the evidence for the defence was not taken by the Subordinate Judge.—

Case No. 85.

3. The Court of Foujdaree Udalut desire it may be explained whether the prisoners in this case are Police Officers.—

Report No V Case No 97.

4. A copy of this case as it stands in the Report and of this para. will be furnished by the Subordinate Judge to the Magistrate who will be pleased to ascertain and report direct to the Foujdaree Udalut why the Proceedings and the stolen property were not forwarded to the Criminal Court together with the prisoner should the Magistrate see reason to notice the conduct of the Head Police Officer of the Ramnad Sattpan he will state in what manner he has done so.—

Case No. 102.

5. The prisoner in this case has

has been sentenced under Regulation IX of 1816 for entering the Prosecutrix's house thro' the gate and stealing.—

6. It must be explained whether the gate was open or shut.—

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

/Sent following precept No. 984/

Read Calendar in Case No. 29 of 1844 submitted by the Sessions Judge of Madura.—

/See Enter No. 1904/

1. Under circumstances stated at length, the Sessions Judge reports that he has felt himself precluded from recommending any mitigation of the punishment to which the Prisoner charged in this case with perjury, has by his conviction of that offence rendered himself liable; but states that as the Law Officer deferred giving in his Futwa until

until the disposal of the Tahsildar's case with which it is so intimately connected, the Prisoner has been subjected to a longer period of imprisonment than otherwise and he therefore suggests that the Sentence passed should take effect from the 9th May, the day on which the trial closed. He further reports that he has directed the Subordinate Judge not to enforce the ignominious part of the punishment and to put the Prisoner to labor only in or near the jail until the orders of the Court of Sudder Adawlut in this and No. 31 have been received.—

2. The Sessions Judge should use his own discretion upon the points referred. The Court see no reason for dissenting from any part of his Proceedings.—

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

/Sent in No. 984/

Read—

Read letter dated the 30th Ultimo from the Sessions Judge of Coimbatore submitting for the consideration and final sentence of the Tanjore Court the record of the trial in Case No. 21 on the Calendar of the Sessions Court at Coimbatore for 1844.—

/Here Enter No. 2010/

Mr. Mathew.

The Court of Tanjore 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

Chowry

is sufficient to convict him of the crime of Rape; for which, in the absence of the requisite conditions of Hudd, discretionary punishment is awardable under the Mahomedan Law, as declared in futwas of their Law Officers, do convict him thereof; and with reference to the provisions of Clause third Section VII Regulation XV of 1803, do sentence him to be imprisoned and kept to hard labor in irons

irons on the public roads or other public works for and during the period of five years.—

/Sent following letter No. 985/

Read the Calendar submitted by the Sessions Judge of Chittoor of Case No. 22 of 1844 on the file of the Sessions Court of Chittoor.—

/Here Enter T. R. No. 1946/

1. The prisoner in the above case was charged with having wounded the Prosecutrix with a chowry in several parts of her body.—

2. The Sessions Judge concurring in the Futwah of the Law Officer, which pronounced the prisoner guilty of the charge brought against him, sentenced him to four years imprisonment with hard labor in irons under Clause 3rd Section II Regulation XV of 1803.—

3. The Court of Tanjore Adalut considering that the intention of the prisoner in wounding the Prosecutrix was to take away her life, are of opinion that

5th August 1844.

that the Sessions Judge has passed a too lenient sentence upon the prisoner—

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

/Sent in No. 986/

Read return dated the 20th Ultimo from the Sessions Judge of Guntoor to the Precept of the Foujdaree Adalut of the 15th Ultimo directing him to call for the Proceedings in Case No. 9 of the Criminal Report for the Month of May 1844 and to pass such orders as may appear proper reporting the result for the information of this Court.—

/Here Enter No. 1872/

Read return dated the 17th Ultimo from the Sessions Judge of Madura to the Precept of the Foujdaree Adalut of the 4th Ultimo directing him to call for and revise the Record of Case No. 87 of the Madura Criminal Reports for the Month of May last.—

/Here Enter No. 1873/

Tuesday 6th August 1844.

F. C.

At a Court of the Foujdaree Adalut

Present

C. J. Casamajor Esqre. Acting 1st Puisne Judge

Malcolm Lewin Esqre. 2nd Puisne Judge

Alexander Maclean Esqre. 3rd Puisne Judge

Read letter dated the 24th Ultimo from the Sessions Judge of Guntoor submitting for the final sentence of the Court of Foujdaree Adalut the proceedings in Case No. 1 of 1844.—

/Here Enter No. 1954 of 1844/

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

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

Ch. Kelegudda Condia

is sufficient to convict him of the crime of Murder, & to convict him thereof, but being of opinion under the circumstances of the case that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802, would in this instance be

be too severe, the Court, under the provisions of Clause third Section III Regulation I of 1825, sentenced the prisoner to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and, during the period of his natural life.-

The Court of Foujdaree Adawlut would sentence the prisoner to transportation. The fact of his having killed the deceased is beyond all doubt - but the circumstances rest for the most part on the prisoner's own statement. It was however legally incumbent on him (having killed the deceased) to prove that the act did not amount to murder. The circumstances which led to the murder cannot be known, and there is reason to believe that a quarrel took place - there are other grounds for supposing the act to have been premeditated.

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

(Sent following Letter No. 988.)

Read

Read the Criminal Reports submitted by the Subordinate Judge of Cuddapah for the month of June 1844.-

(Here Enter S+R No 1796 of 1844)

Supplemental Report 1.

Case No 130- This case ought to have been disposed of by the Magistrate. Act 17 of 1840 does not authorize the Subordinate Judge to dispose of it.-

Case No 133. 2- This sentence requires explanation. It appears that the Sudr Ameen thought the 1st, 3d and 6th prisoners convicted. If so the sentence of security is illegal. A sentence of punishment should have been passed.-

Case No 134. 3- The prisoner was charged with having attacked and wounded the Prosecutor with a dagger on his right leg.-

4 The Sudr Ameen considering the charge clearly established against the prisoner, sentenced him, under Section VII Regulation X of 1816 to 3 months imprisonment with hard labor in irons.-

5 The Court of Foujdaree Adawlut think this a very inadequate sentence. The prisoner should have been committed.-

Cases Nos. 136 & 137. 6. The Court of Foujdaree Adaulut do not understand how the prisoners in both cases should have been convicted. They desire the Sessions Judge to call for the Records and pass such orders as shall appear to him just, reporting the same.

Report No V Case No 140. 7. The prisoners are stated to have been released by the Head of Police for want of proof of the crime charged against them, and to have been reapprehended and forwarded to the Criminal Court by the order of the Magistrate.

8. The Magistrate is desired to state on what grounds he ordered the prisoners to be reapprehended.

Case No 141. 9. The Court having reason to doubt the propriety of the sentence passed in this case, desire the Sessions Judge to call for the record, and pass such orders as may appear to him just, reporting the same for the information of the Court.

Case No 143. 10. This case, it is observed, was delayed before the Police from the 15th April until the 27th May.

11. The Head of Police in explanation of the delay states that the examination of all

all the parties concerned, with the exception of the 2d Prisoner, who had gone to his village without permission, was completed on the 19th April - that the 2d prisoner was examined on the 20th on which date the witnesses named by the 1st prisoner were sent for and their examination closed on the 24th April - The Head of Police then alleges that, in consequence of being much engaged with other business, he omitted to submit the proceedings for the orders of the Magistrate until the 20th May, which reached him on the 26th and in obedience to them, the case was forwarded on the following day to the Criminal Court.

12. The explanation is altogether unsatisfactory, the Court desire that it may be explained whether the prisoners were under restraint during the interval from the 24th April to the 20th May.

13. There appears also to have been a great neglect of the provisions of Clause first Section V Regulation XI of 1816, for which the Head of the village concerned should be called to account.

Case No 144 14. The sentence should have been passed.

passed under Section III Regulation VI of 1822.
the prisoner being a Servant in the Roxccantor's house

Case No 145. 15. The Police Ameen accounts for the delay which occurred before him by stating that it arose principally from his being engaged at the date, viz.th the 28th May, of the prisoner being brought before him in preparing copies of the proceedings in another Criminal case, and also in having the same duty to perform in this case.

16. This explanation is not satisfactory. The work of copying is not performed by the Police Ameen himself and need not have prevented his other duties.

Case No 146. 17. There does not appear any sufficient cause for the reference to the Magistrate.

18. The Court desire that a translation of the Magistrate's answer to the reference may be sent.

Case No 150. 19 As this is clearly a committable case, the Subordinate Judge had no authority to call witnesses for the defence. He will explain how he came to do so.

20. The Court do not perceive any grounds for the reference to the Magistrate and

and desire to have a translation of his reply to it.

Case No 152. 21. Adverting to the delay which occurred in the Talook it is stated that the Head of Police referred the case for the orders of the Magistrate in consequence of his entertaining doubts as to the committal of the case.

22. The Court desire that a translation of the Magistrates answer to this reference may be sent.

23. The Court having reasons to question the Sudr Ameen's decision in this case, direct the Sessions Judge to call for the record and pass such orders as he may deem proper, reporting the same for the information of the Court.

Case No 158. 24. The prisoners were charged with having entered in through a doorless gate, during the night a barn via the pandall, and stolen therefrom a quantity of Paddy at Rupees 1-10-

25. The charge being established against the prisoners, they were each sentenced to one years imprisonment with hard labor in irons under Clause 6th Section II Regulation VII of 1822.

26. In very similar cases it has been ruled that there was no breaking. If so the sentence should have been passed under Section VII Regulation X of 1816 and must be

be

be reduced.-

Case No 163- 27- From the remarks of the Head of Police in explanation of the delay in this case, it appears that the 1st 2d and 3d prisoners were forcibly arrested by Bijaranga and others, who compelled the 1st and 3d prisoners to give up some property.-

28 The Court desire to know what notice has been taken by the Magistrate of this illegal proceeding on the part of Bijaranga and others.-

Ordered that Extract from these proceedings (paras 6- 9 & 23) be forwarded to the Sessions Judge of Cuddapah by precept returnable in X days from and after its receipt.

(Sent following Precept No 989)

Ordered also, that Extract from these proceedings be forwarded to the Subordinate Judge of Cuddapah by precept returnable in X days and for communication of paras 7-8-10-11-12-13-15-16-17-18-20-21-22-27 and 28 to the Magistrate of Cuddapah who will transmit the required information direct to this Court.-

(Sent following Precept No 990)

Ent'd.

RDM

Wednesday 7th August 1844.

F. J.

At a Court of the Foujdaree Udalut.

Present.

J. I. Casamajor Esqre Agt 1st Puisne Judge

Malcolm Lewin Esqre Agt 2d Puisne Judge

Alexander Maclean Esqre Agt 3d Puisne Judge

Read Miscellaneous Petitions presented on the 18th February and 10th April last by Codoshah Rowten and three others of Tinnevelly.-

(Here Enter M P Nos 34 and 45 of 1844)

Adverting to the circumstances represented in the above addresses, the Court of Foujdaree Udalut resolve to require the submission by the Sessions Judge of Tinnevelly at the earliest possible date of a translation of the record in No 22 of 1843 on the file of the Principal Sudr Ameen of Tinnevelly which for this purpose should be called up from that Officers Court.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Tinnevelly by precept returnable without delay.

(Sent following Precept No 994)

5th August 1844.

Read Criminal Report for the month of June submitted by the Principal Sudr Ameen of Coimbatore.

(Here enter Fl. № 1798 of 1844)

Report №. 1
Case №49.

It appears that in case №49 there was no evidence against the Prisoner. The Court presume that this circumstance has been brought to the notice of the Magistrate, if not the Court direct that a copy of the case as it stands in the report be now forwarded to that Officer who will be pleased to ascertain and report direct to the Officer the grounds on which the prisoners were transmitted to the Criminal Court.

Case №52. 2. The prisoner (a village watcher) is charged with having beaten the prosecutrix and knocked out two of her teeth and was sentenced by the Principal Sudr Ameen under Section VII Regulation X of 1816 to 3 months imprisonment with hard labor in irons.

3. It appears that the offence charged was committed in consequence of the prosecutrix having resisted the unlawful demand of the prisoner made under the name of Allowpitchay a system of extortion which is reported to obtain at all the fairs held in the Coimbatore district.

Adverting

7th August 1844.

4. Adverting to the circumstance of the case - the situation held by the prisoner and the necessity of putting down the practice which led to the assault the Court consider the punishment awarded quite inadequate.

5. The Court resolve to direct that a copy of the report in this case be sent to the Magistrate who will be pleased (if he have not already done so) to institute an enquiry into the custom of Alloopitchai with a view to its prohibition and report the result direct to the Foujdaree Adalut.

6. Adverting also to the explanation of the delay given in this case the Magistrate will be pleased to discountenance as much as possible the practice of referring cases for the opinion of the Magistrate if a Head of Police is not competent to exercise his own discretion on the propriety of forwarding a case to the Criminal Court he cannot be fit for the Office he holds.

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

(Sent in №. 995.)

7th August 1844

Read Calendars of Cases Nos 22 and 23 of 1844 on the file of the Sessions Court of Coimbatore.-

(Here Enter File No 1923 of 1844)

Case No 22 1. The prisoner in this case is charged with forgery and convicted. but the Sessions Judge being of opinion that the punishment as prescribed by Clause first Section III Regulation VII of 1811 is too severe recommends a mitigation thereof.-

2 The Court of Tanjore see no reason to differ having maturely considered the circumstances of the case represented in the Calendar Conviction under Clause third Section III Regulation I of 1825. the mitigated punishment recommended by the Sessions Judge and accordingly direct that the prisoner

Imprisonment

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of Six (6) months.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Coimbatore for his information by precept returnable in 5 days from (and after its receipt.-

(Sent following precept No 996)

P.C.

7th August 1844.

Read Statement dated the 23d. Ultimo from the Acting Sessions Judge of Masulipatam, of Batta paid to Prosecutors and witnesses attending before the Sessions Court at that Station in the 1st Half of 1844.-

(Here Enter No. 1925 of 1844)

The Tanjore see no reason to differ in the propriety of the detention of a witness in a trial before a Sessions Court, for a period of 85 days under the circumstances explained in the Memorandum appended to the above Statement. An application to the Magistracy to place the Prosecutor witness under proper surveillance would, the Court consider, have been a better arrangement.-

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

(Sent in No 997)

Read Calendar in Cases Nos 39, 40 and 41 submitted by the Sessions Judge of Combaconum for 1844.-

(Here Enter No 1932 of 1844)

The above Calendar not requiring any remark from the Court of Tanjore

Ordered

7th August 1844

Madras -

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

(Sent in No. 998.)

End 1st.

Read the Criminal Reports, submitted by the Principal Sudr Ameen of Tinnevelly for the month of June 1844 -

(Here Enter F. R. No. 1800 of 1844)

Supplemental Report. Case No. 55.

1. The remarks appended to this case by the Principal Sudr Ameen shew that the conduct of the 1st Witness a Deputy Tamadar of the Collector's establishment was most irregular in apprehending apparently with a blank warrant the prisoners, whom the Prosecutors on preferring their complaints in the Talook, would appear not to have been suspected of being concerned in the outrage and robbery specified in the charge -

2. The persons allaga Apen and others mentioned in the Original Warrant appear to have been released by this witness without any enquiry being made relative to the charges brought against them a very irregular proceeding, an explanation of which should be given -

As

7th August 1844

3. As the witness in question is reported to have acted under the orders of the Magistrate in apprehending the prisoners, the Court desire to know upon what information he proceeded to issue a warrant -

4. The 2d. witness is observed to have been fined Rupees 50, commutable to one months imprisonment for gross prevarication on oath before the Court -

5. The Court consider the above fine to be objectionably high - a fine to such an amount very few witnesses would be found able to discharge -

6. The Principal Sudr Ameen is requested to forward to the Court a full explanation of the grounds on which he imposed the fine in question upon the 2d. witness -

Ordered that Extract of these Proceedings be forwarded to the Principal Sudr Ameen by precept returnable in V days and for communication of paras 1, 2 and 3 to the Magistrate of Tinnevelly who will transmit the required information direct to this Court -

End 1st.

(Sent following Precept No. 999.

Thursday
8th August 1844. At a Court of the Soujdaree Udalut

Present:

S. S. Casamajor Esqre Actg 1st Puisne Judge.
Malcolm Lewin Esqre Actg 2d Puisne Judge.
Alex. Maclean Esqre Actg 3d Puisne Judge.

Read letter dated the 30th Ultimo from the Sessions Judge of Tinnevelly, transmitting the Record of the Trial in Case No. 24 on the Calendar for 1844.—

(Ante enter S. U. No. 2043 of 1844)

Mr. Maclean. The Court of Soujdaree 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,

"Soobramanya Pillay"

is sufficient to convict him of the crime of uttering counterfeit Coin, do convict him thereof, and, under the provisions of Clause first Section VI. Regulation VII of 1822, sentence him to

J. U.

Thursday
8th August 1844. At a Court of the Fouzdaree Udalut

Present:

J. I. Casamajor Esqre Act. 1st Puisne Judge.

Mr Malcolm Lewin Esqre Act. 2d Puisne Judge.

A. Mn Alex. Maclean Esqre Act. 3d Puisne Judge.

Read letter dated the 30th Ultimo from the Sessions Judge of Tinnevelly transmitting the Record of the Trial in Case No. 24 on the Calendar for 1844.—

(Vide enter F. U. No. 2043 of 1844)

Mr Maclean. 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,

"Soobramanurya Pillay"

is sufficient to convict him of the crime of uttering counterfeit Coin, do convict him thereof and, under the provisions of Clause first Section VII. Regulation XII of 1832, sentence him to

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (3) three years.

(Sent following letter No. 1004.)

Read again letter dated the 30th May last, from the Agent to the Governor at Vizagapatam, submitting a report on the trial of a prisoner charged with robbery by open violence.—

(Here enter F.C. No. 1381 of 1844.)

Read also returns dated the 18th Ultimo, made by the Agent to the Governor at Vizagapatam to the precept of this Court of the 11th Ultimo calling for explanation of his proceedings on the trial of the above prisoner.—

(Here enter F.C. No. 1397 of 1844.)

1 The Court of Foujdaree Udalut do not concur in the conviction of this Prisoner.

2 All that there is against him is that the Prosecutor said, before he was apprehended, that he recognized him among the robbers and three of the prisoners already convicted

convicted in the same case depose that he was one of the gang, and the fact that he absconded when the others were apprehended. He did not at any time confess nor was any property found upon him and 3 witnesses named by him depose that he was confined to his house with sickness on the night of the robbery. He also declares that enmity exists between him and the Prosecutor, and states the cause of it, and the fact so stated does not appear to be denied.

3 The Court think that it would be dangerous to convict on such grounds. They direct therefore that the prisoner be released.

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

(Sent following precept No. 1005.)

Read again Criminal Reports

Submitted

8th August 1844

Submitted by the Principal Sudr Ameen of Nellore for the month of May 1844

(Here enter F.C. No. 1479 of 1844)

Read also communication dated the 25th Ultimo from the Acting Magistrate of Nellore forwarding explanations connected with the charges preferred in cases Nos. 34 and 35 of 1844 of the above Criminal Report and remarked on by the Zoujdaree Adalut in the Extract from their proceedings dated 12th Ultimo

(Here enter F.C. No. 1921 of 1844)

1. In the explanations submitted by the Acting Head Assistant Magistrate that officer upholds the propriety of the grounds on which he committed for trial by the Principal Sudr Ameen the Prisoners in Cases 34 and 35 and contends that the Principal Sudr Ameen has not sufficiently appreciated them.

2. Under the circumstances stated the Court of Zoujdaree Adalut resolve to require

F.C.

8th August 1844

require the Sessions Judge to call up the records of the Cases referred to, and having considered them, pass such orders as he may think proper reporting them for the information of this Court.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Nellore for his information and guidance by precept returnable in 20 days from and after its receipt

(Sent following precept No 1006)

Ordered also that Extract from these proceedings be forwarded to the Acting Magistrate of Nellore for his information.

(Sent in No. 1007)

End F.C.

TDM
AJ

Friday 9th August 1844. F. U.

At a Court of the Foujdaree Udalut

Present.

Geo. I. Casamajor Esqr. Ag. 1st Puisne Judge

Malcolm Lewin Esqr. Ag. 2nd Puisne Judge

Alexr. Maclean Esqr. Ag. 3rd Puisne Judge

Read return dated 11th July 1844 from the Sessions Judge of Salem to the precept of the Foujdaree Udalut of the 3rd idem requiring conformity to the rujeenay of the precept of 11th June wherein the Court called for a report on Case No. 2 on the report of cases tried by the Magistracy of Salem during the month of April last under Section LIV Act VII of 1843.—

(Here enter F. U. No. 1767 of 1844)

1. The Sessions Judge reports that as it appears the charge has been very insufficiently investigated, and that if the accounts and the parties whose names

names are said to have been falsely entered had been examined, the fraudulent falsification, and forgery also, might have been established he has under the provisions of Section XXXVII Act VII of 1843 and Section XXIV Regulation X of 1816 and the Circular Order of the Court of Foujdaree Udalut of the 2nd December 1834 (No. 23) annulled the illegal sentence of the Assistant Magistrate, and referred back the record to the Magistrate, with directions to retry the prisoner and then to proceed according to the Regulations with respect to his commitment.—

2 The sentence passed by the 3rad Assistant Magistrate is clearly illegal but the Court have on several occasions ruled that a prisoner once tried cannot be tried again they accordingly resolve to direct that the prisoner ly. Butt. be released.—

The

3. The Court of Foujdaree Udalut further resolve to direct that a copy of the Sessions Judges return of the 11th Ultimo be forwarded to the Magistrate of Salem who will be pleased to call on the Assistant Magistrate to submit an explanation of the irregularities pointed out in the return and of the grounds of his proceeding to dispose of a case so obviously beyond his jurisdiction.—

Ordered that Extracts from these proceedings be sent to the Sessions Judge of Salem for his information by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 1012)

Ordered also that Extracts from these Proceedings be sent to the Magistrate of Salem for his information and guidance by precept returnable in 20 days from and after its receipt.—

(Sent following Precept No. 1013)

9th August 1846

Read letter dated 24th
Ultimo from the Sessions Judge of
Salem submitting for the final sen-
tence of the Court of Foujdaree Adalut
the proceedings in Case No 12 of 1846.

(Here enter F. U No 2012)

Mr Lewin

The Court of Foujdaree
Adalut on a deliberate consideration
of all the circumstances of the case
in Evidence before them bring of opi-
nion that the proof against the
prisoner

Mookeeloo Chitty

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

1. The Court observe that in
the red ink proceedings forming
part of the above Record, the
trial is termed No 10. whereas
throughout

F. U.

9th August 1846

throughout the enclosures it is desig-
-nated as No 12 of 1846 on the Ca-
-lendar of the Sessions Court of
Salem No 12 has therefore been
adopted in the sentence passed by
the Foujdaree Adalut.—

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

(Sent in No 2014)

Ex W.M.

1846
Dec

F. U.

Saturday, 10th. August 1816. At a Court of the Foujdaree Udalut.

Present

G. J. Casamajor Esqre. 1st. Judge
Malcolm Lewin Esqre. 2d. Judge
Alext. Maclean Esqre. 3d. Judge
} Puisne Judges.

Read letter dated the 21st. February 1816 from the Session Judge of Salem, submitting the Report required by Section XXXVII. Regulation VII. of 1802 for the past year.

(Here enter F.U. No. 227.)

The above Report not appearing to call for any remark from the Court of Foujdaree Udalut.

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

(Sent in No. 1017.)

Read letter dated the 24th. February 1816 from the Session Judge of Coimbatore transmitting the Report required under Section

Section XXXVII. Regulation VIII of 1803 for 1843.

/ Here enter No. 1215. /

The above Report not appearing to call for any remark from the Court of Foujdaree Udalut.

Ordered that Extract from these proceedings together with a copy of the above Report be forwarded to the Secretary to Government in the Judicial Department for the purpose of being laid before the Most Noble the Governor in Council.

/ Sent in No. 1018. /

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

/ Sent in No. 1019 /

Read Report dated 8th April 1844 submitted by Mr. Lascelles, Acting Sessions Judge of Cuddalore, under the provisions of Section XXXIII Regulation VII of 1802.

/ Here Enter No. 921 of 1844. /

para: 4 1. Adverting to the commission of a larger proportion of gang robberies in the more distant Talooks of the province of South Arcot and to the Suggestion of the Acting Session Judge that on that account an additional number

number of Police Peons be sent from certain other Talooks in the nearer vicinity of the Cuddalore Station, in order "to render the Police more efficient;"- the Court of Foujdaree Udalut observe that any proposed arrangement of the above nature should be brought under consideration by the Magistrate of the District by whom accordingly the Judge desire Mr. Lascelles will forward an Extract from these proceedings and of the paras: of the Report under remark to which they prefer, for any observations which the Magistrate Mr. Davis may think the Suggestion requires.-

2. In regard to the further suggestion by the Acting Session Judge that those Peons (in the magisterial department) who from age, sickness or other causes are unfit for active duty be superseded by able bodied men, the Acting Session Judge having observed that many of the Police appear very unfit for the duty required of them;- it occurs to the Judges of the Foujdaree Udalut to intimate to the Acting Session Judge for communication to the Magistrate of South Arcot, that in the absence of any retiring allowance being provided by the Pension rules for subordinate Officers of the class in question, the most obvious and proper way of supplying the places of Sirdars decayed

deceased public Servants is to Entertain their youngger relatives.—

paras: 5. 3. Observing that the State of the Police in South Arcot demands peculiar attention and that from its apparent inefficiency, the premium on theft is immense, Mr. Lascelles proposes that a percentage on the value of all property recovered, be given to the party making the discovery.—

4. The Fouzdaree Udalut are in no wise disposed to admit the propriety of adopting, as a means of repressing crime, a system such as the acting Sessions Judge would advocate and which moreover would require the specific sanction of the legislature before it could be enforced.

para: 6. 5. The Judges are however, of opinion that advantages may possibly result from carrying out Mr. Lascelles' suggestion that every sentence passed upon a Prisoner be sent for promulgation to the Talook in order to notice thereof being affixed to some conspicuous part of the village to which the offender may belong; and, as an experiment, they resolve to direct such arrangements to be made by the Judicial and Magisterial authorities of the District of South Arcot for the notification in the manner proposed, with the least possible

possible delay after Sentence has been passed and in the most public manner, of all Sentences delivered in the Subordinate Courts and that of the Sessions Judge.—

6. It will be the duty of the Officer presiding over the Sessions Courts of Cuddalore when Submitting the Report prescribed by Section XXXVII Regulation VII of 1802 for the Current and ensuing year specially to State for the information of the Fouzdaree Udalut and of Government whether the practice now ordered for adoption has been attended with any of the advantages which may fairly be anticipated.

Ordered that Extract from these proceedings be sent to the Secretary to Government for Submission to the Most Noble the Governor in Council.—

(Sent in No. 1020)

Ordered also that Extract from these proceedings be forwarded to the Acting Session Judge of Cuddalore for his information and Communication of paras: 1 to 5. to the Magistrate of South Arcot by Precept returnable without delay.—

(Sent following Precept No. 1021)

Read letter dated the 8th March 1844 from the Session Judge of Guntoor forwarding

the

the Report required by Section XXXIII Regulation VII of 1802 for the year 1843.-

(Here Enter No. 655.)

paras 7. 8.

1. The Court of Fouzdaree Adalut approve the order issued by the Session Judge, under which the system of supplying meat and rice, instead of their usual food, to the Prisoners in the Zillah Jail, has been discontinued.-

Mag.te's Return dated 22 Jan.y 1844.

2. The Magistrate explains in this communication that an Arzee received from a Head of Police remained, through inadvertence, unanswered, until brought to notice by the Receipt issued by the Session Judge; also that another address of the same nature was overlooked under similar circumstances.-

3. The Court of Fouzdaree Adalut think that such neglects are not creditable to the mode of transacting business in the Office of the Magistrate of Guntoor.-

Proc.s of Sess.s Court 4. 7th March 1844. Case No. 2 by on the Varnishes Calendar.

The Court consider the Session Judge acted properly in directing the refund, if levied, of the fines which appear to have been imposed in the cases noted in the margin, the provisions of the Regulations quoted by the acting Head Assistant Magistrate in support of their award being, as pointed out by the Session Judge, wholly

wholly inapplicable to the offence remissness in the discharge of a public duty - with which the village Monsiffs were charged.-

Read also letter dated the 3d Ult.o from the Sessn Judge of Guntoor forwarding copies of the returns made by the Magistrate of Guntoor to the proceedings of the Sessn Judge dated 7th March 1844 which accompanied his communication of the previous 8th to this Court.-

(Here Enter No. 883.)

The Court of Fouzdaree Adalut do not consider the returns of the Head of Police as in general satisfactory.- The Session Judge will no doubt exercise a vigilant superintendence over these delays which are seldom really imputable to the necessity of the case.-

Ordered that Extract from these proceedings together with the papers recorded above be forwarded to the Secretary to Government for submission to the Most Noble the Governor in Council.-

(Sent in No. 1022)

Ordered also that Extract from these proceedings be forwarded to the Sessn Judge of Guntoor for his information and communication to the Magistrate of Guntoor of paras 2. 3 & 4.

(Sent in No. 1023)

Read

10th August 1844.

Read Report required by Section XXXVII. Regulation VII. of 1802 submitted by J. L. Strange Esqre Acting Session Judge of Tellicherry.

/ Here enter No. 319. /

Read Communication dated the 15th February 1844 from the Acting Session Judge of Tellicherry transmitting in connection with his letter of the 29th January 1844 copies of a return from the Joint Magistrate of Malabar to a Precept of the 25th of that month, calling for explanations regarding delay in the disposal of certain cases before a Tahsildar and of the Session Courts' proceedings thereon.—

/ Here enter No. 485. /

1. The observations made in the proceedings of the acting Session Judge, which accompany the above communication, in regard to it being the duty of the Magistracy to check delays in the disposal of cases coming before the Heads of Police, with the same strictness as those which occur in Reports of cases eventually forwarded to the Criminal authorities, appear to the Court of Sudder Adalut to be judicious and have their approbation.—

15th February 1844

2. They also approve the suggestion contained

3.

F. U.

10th August 1844.

contained in the 13th Para of Mr. Strange's Report for amplifying the Statement submitted monthly by the Heads of Police to the Magistracy, under the operation of the Circular Orders noted in the margin, and as an Experiment, resolve to direct that it be acted upon within the jurisdiction of the Zillah Court at Tellicherry.—

dated 31st July 1833 A No. 25

3. The Judges are not however fully impressed with the necessity for the Retention of the 1st Column of the Form proposed by Mr. Strange which accordingly they would expunge.—

4. The Session Judge will be pleased to place himself in communication with the Magistrate of Malabar and arrange, under the orders now conveyed, for the addition of the 3 columns specified marginally to the Form laid down for adoption in the Circular Order No. 25.—

5. He will further be pleased on the submission of the next Sessions Report, to state whether the modification of the Form now introduced has been attended with the advantages to be anticipated.—

Ordered that Extract from these proceedings be sent to the Secretary to Government for submission to the most noble

the

the Governor in Council —

/ Sent in No. 1024 /

Ordered also that Extract from these proceedings be forwarded to the Session Judge of Tellicherry for his information and guidance and for communication to the late Acting Session Judge Mr. Strange —

/ Sent in No. 1025 /

Read Calendar dated the 18th ultimo, Submitted by the Acting Session Judge of Honore in Case No. 18. of 1844. —

/ Here Enter F.H. No. 1922 /

Read Calendar dated the 24th ultimo, Submitted by the Session Judge of Combaconum in Cases Nos. 36 and 37 for 1844. —

/ Here enter F.H. No. 1930 /

Read Statement Submitted by the Acting Session Judge of Honore, Shewing the amount realized by the labor of the Prisoners in the Jail of the Taluk of Honore in the 2nd Quarter of 1844.

/ Here enter F.H. No. 1933 /

Read Letter dated the 26th ultimo, from the Acting Magistrate of North Arcot, affording Explanation on certain Criminal Cases for the month of May 1844 alluded to in the Extract from the Proceedings of the Court of Sonjidarce Adalut dated 3d July 1844.

/ Here Enter F.H. No. 1937 /

Read Letter dated the 24th ultimo from the Magistrate of Bellary, Submitting Explanation as called for in their Proceedings dated 4th Instant received through the Subordinate Criminal Judge of Bellary on page No. 68.

/ Here enter F.H. No. 1953 /

Read Calendar dated the 24th ultimo, Submitted by the Session Judge of Rajahmundry in Case No. 7 of 1844. —

/ Here Enter No. 1955 /

Read Calendar dated the 23rd ultimo, Submitted by the Session Judge of Calicut in Case No. 39 of 1844.

/ Here Enter No. 1956 /

Read Letter dated the 25th Ultimo, from the Session Judge of Guntoor, returning the Statement of Batta for the 1st half of 1844. —

/ Here Enter No. 1957 /

Read Statement Submitted by the acting Session Judge of Cuddalore of Extra Peons employed in the Jail during the Month of June 1844. —

/ Here Enter No. 1967 /

Read Statement Submitted by the acting Session Judge of Cuddalore, Shewing the Estimated value of the product of the Prisoners

labor

labor during the month of June 1844.—

/ Here enter No. 1962 /

Read Report submitted by the acting Sessions Judge of Cuddalore of the labor of Convicts for the month of June 1844.—

/ Here enter No. 1969 /

Read Criminal Report No. 6. submitted by the acting Sessions Judge of Cuddalore of casualties and of Prisoners released during the month of June 1844.—

/ Here enter No. 1970. /

Monday — 12th August 1844

F. C.

At a Court of the Foujdaree Udalut

Present.

Geo: I. Casamajor Esqre Ag 1st Puisne Judge

Malcolm Lewin Esqre Ag 2d Puisne Judge

Alex: Maclean Esqre Ag 3d Puisne Judge.

Read Calendar submitted by the Sessions Judge of Combaconum of Case No. 43 on the file of the Combaconum Calendar for 1844.—

/ Here enter F. C. No. 1943 /

1. The Court of Foujdaree Udalut observe that the Sessions Judge has omitted to conform to the order of this Court, dated the 8th March last requiring him invariably to insert in the Calendar of cases tried by a jury in addition to the names, the condition also of the persons composing it.—

2. The information now omitted, should be supplied.—

3. Although the Sessions Judge was

12th August 1846

was duly empowered to nominate only two members to form a Jury in this Case, the Court think that four would be a more suitable number to compose the same because every majority of the Jury must then be three to one, and if the members should be equally divided in opinion, the Session Judge can decide the case.-

Ordered that Extract of these Proceedings be forwarded to the Session Judge of Combaconum by precept returnable in 2 days from and after its receipt.-

(Sent following Precpt No. 1032)

Read Criminal Reports for the month of June 1846 submitted by the Principal Sudr Amarn of Tricho-nopoly dated 1st July but received only on the 20th Idem.-

(Here enter F. 26 No. 1843 of 1846)

Adverting to the date on which these reports were received the attention of the Principal Sudr Amarn

12th August 1846

Ameen is called to para 6 Circular Order No. 40.-

Report No. 2 Cases Nos. 45 and 48.

Copies of these cases as they stand in the Criminal Report will be forwarded by the Principal Sudr Amarn with paras 2-3- of these proceedings to the Magistrate who will be pleased to report direct to the Sessions Adalut the exact point on which case No. 45 was referred by the Police Ameen of Goondasalie and call the attention of that Officer to the requirements of Circular Order No. 62.-

3. The Magistrate will also submit an explanation of the circumstances which caused the detention of Cause No. 48 before the same Police Amarn for 11 days.-

Case No. 49

4. In this case two prisoners are charged the first with having on the night of the 25th March last with four others broken into the house of the prosecutor and stolen therefrom and from the persons

of

12th August 1846.— of the inmates thereof jewels to the amount of Rs 142 — 8 — The 2nd with having received some of the stolen property knowing it to be such and them letting him escape — The Principal Sudr Ameen considering both the prisoners guilty of the crimes respectively charged against them has committed the first prisoner but has sentenced the 2nd under Clause fourth Section IV Regulation VI of 1822 to 3 months imprisonment with hard labor in irons.—

5 The sentence of the Principal Sudr Ameen is irregular the property having exceeded 100 Rupees it is observed that under the Clause Second Section IV Regulation VI of 1822 the 2nd Prisoner should have been committed as well as the first: further the Court have laid down the general principle that when one of the prisoners in a case is committed it

12th August 1846.— it is necessary that the whole of the prisoners who may appear from the evidence adduced to have been concerned in the offence should also be committed and this course is peculiarly necessary in cases of this nature when from the different view taken of the evidence by the committing officer and the Sessions judge it might happen that the receiver was punished — & while the principal was acquitted.—

O. The Foujdaree Udalut will not in the present instance disturb the sentence passed on the 2nd prisoner, but they desire that the Principal Sudr Ameen be careful in future to pursue the course above laid down for his guidance.—

Ordered that Extracts from these Proceedings be sent to the Principal Sudr Ameen of Trichinopoly for information and communication of Paras 2 and 3

— to

12th August 1844

to the Magistrate of Trichinopoly who will submit the required information direct to the Foujdaree Adalut.—

(Sent in No. 1033.)

Read again Criminal Reports submitted by the Principal Sudr Ameen of Cuddalore for the month of May 1844.—

(Ferr enter F. 26 No. 1523.)

Read also return dated the 29th July, made by the Magistrate of South Arcot to an extract from the Proceedings of this Court under date the 15th idem, calling for certain explanation in Cases Nos. 44 and 64 of the above Reports.—

(Ferr enter F. 26 No. 1993.)

Report No. 5
Case No. 64.

There does not appear to have been the smallest occasion to delay the sending of this case to the Criminal Court till an answer was received from the

12th August 1844

the Joint Magistrate. The Magistrate should discourage such preferences.—

Ordered that Extract of these Proceedings be forwarded to the Magistrate of South Arcot for his information.—

(Sent in No. 1034.)

Read communication dated 24th ultimo from the Sessions Judge of Coimbatore submitting for the final sentence of the Foujdaree Adalut the translated proceedings held in Case No. 20 of 1844 on the Calendar of the Court at that station.—

(Ferr enter F. 26 No. 1940.)

Mr. M. Levin
and
Mr. A. Maclean

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.—

1st Perrayasawmien
2nd Vellayswarien
3rd Mahadavien

4th

4th Anttoocara Samien
5th Canty
6th Peroomall
7th Rungun
8th Potty
and
9th Vencatasien

is sufficient to convict them of the crime of culpable Homicide for which the penalty of Dyut is awardable under the Mahomedan Law as declared in Futwahs of their Law Officers, do convict them thereof and under the provisions of Clause Second Section XV Regulation VII of 1802, sentence the prisoner

1st Peryasawmien

to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and during the period of (12) twelve years the prisoner

2nd Valeeswarien

to

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

3rd Makadavien

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

5th Canty

to be imprisoned and kept to hard labor in irons, on the public roads, or other public works for and during the period of (4) four years and the prisoners

4th Anttoocara Samien
6th Peroomall
7th Rungun
8th Potty
and
9th Vencatasien

to be imprisoned and kept to hard

labor

12th August 1844.

labor in irons, on the public roads, or other public works, for and during the period of (2) two years.—

1. In the above address, after stating his opinion regarding the degree of punishment with which the Prisoners brought to trial on the charge of assault and torture, ending in death, should be visited, the Sessions Judge reports that the Head of Police of Caroor has been visited by the Joint Magistrate with a fine of Rupees 20... but that it appears to the Sessions Judge the Police Officer has been lending his official aid to hush up the matter of the charge and merits in his opinion, the penalty of dismissal from office.—

2. Presuming that the Session Judge has furnished a copy of the letter under remark to the Magistrate of Coimbatore, as requires by Clause second Section XXXIX Act XII of 1843

12th August 1844.

1843, the Tongaree Adalut will await the Magistrate's explanation in reply thereto before passing final orders on the subject of the Sessions Judge's recommendation that the Head of Police should be removed from public employ.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Coimbatore for information and communication to the Magistrate of that District.—

(Sent in No. 1035)

Read Miscellaneous Petition presented on the 24th June last by T. Appiah Vakeel on behalf of Sowda Nurna Bhutter of Tillah Mangalore.—

(Here enter M. P. No. 65 of 1844)

The object of the above address is to procure the reversal of the sentence passed by the Sudr Ameen of the Tillah Court at Mangalore

12th August 1844.

Mangalore directing the release of the Prisoner in case No. 42 of 1844 on the Criminal file of the Subordinate Court at that Station, charged with preferring a wilfully false and malicious complaint against the Petitioner and others. In support of his application he states that the Session Judge, to whom he preferred an appeal, disapproved of the Sudr Ameens Sentence of acquittal, but declared that he had no authority to overrule it.—

As security has been required from the Prisoner, the Court do not think it advisable that further Proceedings should be held.—

Ordered, therefore, that the Petition be rejected and that copy of these Proceedings be granted to Petitioners Vakeel on application.

Read Miscellaneous Petition presented on the 24th June last by S. Colado and two others of Tillah

12th August 1844. Tillah Guntoor.—

(Vide enter M. P. No. 67 of 1844.)

1. The Petitioners complain of a Sentence of 3 years imprisonment with labour and irons passed by the Session Judge of Guntoor upon their Brothers, the Prisoners in Case No. 1 of the Guntoor Calendar for 1844, in consequence of one Coyajee Joggy Guddana having preferred a false charge of Arson against them.—

2. They further complain that the Head of Police and the Principal Sudr Ameen did not examine the witnesses called by the Prisoners and pray therefore that the Session Judge may now be enjoined to examine certain others whom they name and release the Prisoners who they assert are innocent.—

3. The Court of Tanjore Udalut are of opinion that the proceedings respecting the prisoners have

12th August 1844

have been perfectly regular and the Sentence passed upon them just. Neither the Head of Police nor the Principal Sudr Ameen had authority to Examine witnesses for the Prisoners, and it distinctly appears upon the Calendar that the Petitioners named 5 witnesses and that all of them were Examined, but their evidence did not Exculpate the Prisoners.—

4 Petition rejected.—

Ordered that Extract from these proceedings be granted to Petitioners on their applica-tion.—

Read Miscellaneous

Petition presented on the 15th ultimo by P Chenganah mother of Moongandoo, Prisoner in Cases Nos 10-11 and 12 of the Chittoor Calendar for 1844.—

(Ferd inter M.D. No 84 of 1844.)

With reference to a Pe-tition presented by her in No 54 of

12th August 1844

of 1844 the Petitioner prays that this Court will on a considera-tion of the record of proceedings held in the above cases either direct the release of the said Prisoner her only son, or pass a mitigated Sentence upon him.—

The Petitioner is re-ferred to the Proceedings of this Court dated 8th July 1844.—

Ordered that copy of these proceedings be granted to the Petitioner upon her applic-ation.—

Read again Miscellaneous

Petition presented by Sutchmer Nursimloo brother of Krishnamah Prisoner in Calendar No 4 on the file of the Session Court of Ma-sulipatam.—

(Ferd inter M.D. No 69 of 1844)

Read also return dated 30th July 1844 from the Acting Session Judge of Masulipatam to

12th August 1844.— to the precept of the Tongaree Adalut of the 22d July 1844, directing him to pass such orders on the Petition of Lutchmee Narsimloo if he saw any thing in it likely to clear the Prisoner in Case No.4 of the Sessions Court as might be needful.—

(Here enter F. R. No. 2016 of 1844)

The detailed remarks which are offered by the Acting Sessions Judge in the above Return satisfactorily establish the propriety and justice of the sentence which has been complained against by the above Petitioner, whose prayer is accordingly rejected.—

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

Read again letter dated the 8th ultimo from the Acting Session Judge of Cuddalore reporting a disturbance which took place on the

12th August 1844. the 11th June last in the Jail under his charge.—

(Here enter F. R. No. 1713 of 1844)

Read also letter dated the 27th ultimo from the Acting Sessions Judge of Cuddalore forwarding as required by the Tongaree Adalut in their letter of the 19th ultimo the proceedings held relating to the disturbance adverted to.—

(Here enter No. 1988 of 1844.)

The papers which are now before the Court clearly show that the Jailor Mr. Cagan, struck one Convict at least with violence. An act of that nature is in the most express breach of the Regulations and Jail Rules and is the more objectionable and culpable as proceeding from the individual whose conduct and general demeanour towards the Convicts under his charge naturally regulates that of the subordinate guardians of the

the Jail.—

2. The Court of Tanjore Adalut on a deliberate consideration of the case, are of opinion that Mr. Cagan has prohibited a violent hasty temper which complied with his assault on the Prisoner referred to disqualifies him for the office he holds, and from which accordingly they now direct his removal.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore by Precept returnable in 11 days from and after its receipt.— (Sent following Precept No. 1036)

Read communication dated the 24th Ultimo from the Subordinate Judge of Combaconum requesting instructions as to whether he is bound to comply with the requisition of the Magistracy for Convicts to make up the strength of the Branch Gaols to that originally sanctioned when such compliance will deprive him of Officers to

to superintend the Gangs and of means to answer the demand for Convict labor at the Sub Station.—

(Here enter F. U No. 1912)

Read also communication dated the 25th Ultimo from the Acting Joint Magistrate in charge of Tanjore forwarding for the consideration of the Tanjore Adalut copies of correspondence between himself and the Subordinate Judge of Combaconum relative to his application for 30 Convicts being forwarded to the branch Jail at Nyaveram in order to enable him to make the necessary returns to sustain a sufficient establishment for Jail purposes.—

(Here enter F. U No. 1939)

Adverting to the reduced strength of the Jail under his own charge, the Subordinate Judge advocates the propriety of his being instructed to furnish to the branch Jail under charge

of

12th August 1864

of the Magistracy, no greater number of Convicts than will serve to raise their respective aggregate strength to that at which it stood previous to the despatch of the Drafts lately forwarded to the Jail at Trichinopoly

2. The Judges of the Tonjadore Adalut approve the arrangement which the Subordinate Judge has suggested, and direct that it may be acted upon.—

3. They deem it probable that at no distant period they will have it in their power to transfer the required number of Convicts to the Jails at Myaveram and Negapatam - as several of the Jails in the Southern Division will be greatly reinforced by the distribution amongst them of the Convicts now at work on the Great Western Road and whose return to their respective places of

12th August 1864

original confinement has been ordered.—

Ordered that Extract from these Proceedings be sent to the Subordinate Judge & Commissioner and Acting Joint Magistrate in charge of Tanjore for their information and guidance.—

(Sent in Nos. 1037 & 1038.)

Exd.

RDM

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Tuesday
13th August 1844.— At a Court of the Foujdaree Adalut

Present

Geo: James Casamajor Esqre Agt 4th Puisne Judge
Malcolm Lewin Esqre Agt 2d Puisne Judge
Alexander Maclean Esqre Agt 3d Puisne Judge.

Read again return dated the 4th June last from the Sessions Judge of Salem to the Precept of this Court of the 17th May 1844 calling for translation of the record in Case No 7 of 1843 of the Calendar.—

(Here enter No 1393.)

Read also return dated the 15th Ultimo from the Sessions Judge of Salem to the precept of this Court of the previous 8th calling for the arraignment and pleas of the prisoners in Case No 7 of the Salem Calendar, and the deposition first given by the Prosecutor before the Police authorities.—

(Here enter No 1829.)

1. It appears to the Court of Foujdaree Adalut that the 1st, 5th, 7th and 9th Prisoners are the only ones that ought to

to have been convicted-

2. All but the 8th, who has been released, confessed in a remarkably detailed and consistent manner before the Police; and the 5th before the Criminal Court, also: the 1st, 7th and 9th gave up property which they specify and identify in so particular a manner as part of that robbed from the Prosecutor, that one cannot doubt its being what they declared it to be notwithstanding the suspicious circumstance that not one of articles (unless it be №3) was specified by the Prosecutor in his first deposition before the Police nor till after they were discovered and produced.-

3. The 2d, 3d, 4th and 6th Prisoners the Court think are by no means convicted.-

4. Against the 2nd besides his police confession, there is nothing but the Earring №16 being given up by him; at the time he gave it he said it was not robbed; - and made the same statement in his police confession and his 1st witness confirms it. The 2nd witness says that his (the 2nd Prisoner's) Earring

*Session Proceedings Page 69.-

*Police Proceedings Page 49.-

Earring was larger but this might easily be a mistake; he describes it exactly as it is. The Earring should have been restored to him and himself acquitted.-

5. Against the 3rd Prisoner besides his Police confession there is only №19 being given up by him, which he said throughout was given him by the 9th Prisoner to keep for the latter. There is nothing to show that he knew it to have been robbed but the deposition of the 7th witness who says that the Prisoner produced it as part of the robbed property. It is a question the Court think security should be taken from him in 2 sureties and £20 Rupees each for 1 year.-

6. Against the 4th Prisoner there is nothing but a police confession. It has often been ruled that this is not sufficient ground to demand security. He should be released unconditionally.-

7. The 6th Prisoner's case is exactly similar to that of the 3rd and the Court would dispose of him

13th August 1844.- him in the same manner.-

Ordered accordingly that the Sessions Judge of Salem be required to carry out the instructions herein contained by modifying the sentences passed by himself to the extent indicated.-

Ordered also that Extract from these proceedings be forwarded to the Sessions Judge of Salem by Precept returnable in V. days from and after its receipt.-

(Sent following precept No. 1049)

Ordered also that Extract from these proceedings be transmitted to the Subordinate Judge of Salem for his information with reference to the proceedings of this Court dated 25th June last directing the suspension of the corporal punishment adjudged to the Prisoners in Case No. 46 of 1844 the Criminal Reports for May last which should now be inflicted.-

para: 5.

(Sent in No. 1041.)-

Case No. 46.

Wednesday
14th August 1844.

P. C.

At a Court of the Pondicherry Adalut.

Present.-

Geo: James Casamajor Esqre. 1st Puisne Judge.-
Malcolm Lewin —— Esqre. 2nd Puisne Judge.-
Alexander Maclean Esqre. 3rd Puisne Judge.-

Read the Criminal Reports submitted by the Acting Sub-ordinate Judge of Salem for the month of June, 1844.-

(Hereunto File No. 1816.)

Supplemental Report Case No. 22.-

1. The examination of this case is reported to be delayed in consequence of the non arrival of the witnesses from the Magistrate, to whom application was made on the subject on the 4th as well as on the 28th June last.-

2. The Court desire that the Magistrate will lose no time in forwarding the necessary witnesses to the Criminal Court.-

3. The attention of the Sudr Ameen is directed to the Circular Order

No.

No 539, from which he will perceive that the sentence of imprisonment passed upon the prisoner should have been in excess of six months.-

Case 50. 4. The date of the apprehension of the Prisoners should have been specified "Between 1st and 8th June 1844" is not sufficient information on that point.- Under Circular Order 24th January 1822 para. 4 the case should not have been declared in the Talook while search was being made for the property.-

Report No. 5. The Head of Police having
Case No 51. omitted to explain the delay which occurred between the apprehension of the prisoners on the 6th June, and their appearance before him on the 8th idem, the Court desire that the information now omitted may be supplied by the Magistrate direct.-

Case No 54. 6. Adverting to the charge made against the prisoner which was that of having sold liquor in a place not mentioned in his Puttah, and of which the evidence taken proved him guilty

guilty, the Court of Foujdaree Udalut consider that the Acting Subordinate Judge has passed a very heavy punishment upon him in fining him 50 Rupees or in default to be imprisoned for six months with hard labor but without irons.-

7. The Sessions Judge is directed to call for the record of this case, and pass such orders thereon, as he may consider proper, reporting the same for the information of the Court.-

Case No 57. 8. Referring to the remarks of the Acting Subordinate Judge regarding the absence of any provision in the Regulations for the punishment of the offence with which the prisoners were charged, the Court observe that it has been ruled that witnesses giving false evidence before the Police are not punishable.-

Circular Order No 57.-

9. The transmission of the prisoners to the Criminal Court was irregular.-

The

16th August 1844.

Case No 58.

10. The proceeding of the 1st witness the village Moonsiff in detaining the escaped prisoners 8 days in custody without making any report of the circumstance to the Head of Police is considered by the Court to be wholly irregular and highly objectionable.-

Ordered that Extract of these proceedings (paras: 6 and 7) be forwarded to the Session Judge of Salem by precept returnable in 5 days from and after its receipt.-

Sent following Precept No 1055/

Ordered also, that Extract of these proceedings be forwarded to the Acting Subordinate Judge of Salem for communication of paras: 1, 2, 4, 5 and 10 to the Magistrate of Salem, who will transmit the required information direct to this Court.-

Sent in No 1056/-

Ext W.

F 16.

Friday 16th August, 1844.- At a Court of the Foujdaree Udalut

Present,

G. S. Castamajor Esqre Actg 1st
Malcolm Lewin Esqre Actg 2d
A. Maclean Esqre Actg 3d
} Puisne Judges

Read return dated 29th July 1844 from the Acting Sessions Judge of Honore to the precept of the Foujdaree Udalut of the 19th idem, calling for a translation of the forged receipt referred to in Case No 16 of 1844 on the Calendar, as well as an explanation as to whether the payment of Beriz direct to the Circar according to the custom of the Country necessarily implies coheirship.-

/Vide Enter F. U. No 2031/

1. The Acting Sessions Judge has with his return submitted a translation of the receipt in question and explains that according to the custom of the country payment of Beriz direct to the Circar does not necessarily imply coheirship in as much as a person may enjoy

respecting possession of land the Deed of which is payable by himself either as Coheir or by right of purchase according to agreement or on Mortgaging tenure (Lease in perpetuity) or on Bopeady mortgage which expressly sets forth that the possessor is to pay the Deed.-

2. It appears to the Court that there is no sufficient ground for a prosecution for forgery even if it should be established that the prisoner is not the Coheir of the Prosecutor because the fabricated receipt does not declare him to be so and does not tend to prove that he is so.-

3. The Court therefore direct that the Session Judge do cancel his proceedings and the Security demanded of the Prisoner.-

4. The Court further remark that the mode of proceeding adopted by the Session Judge of declaring that the "prisoner should be brought to trial for "Forgery only in the event of its being clearly "established that he is the Servant at will

(and

"and not the coheir" is irregular and has a tendency to work great injustice. If there were grounds for the order passed by the Acting Session Judge there were grounds for the criminal trial when the point at issue would have been decided. It is not customary to defer criminal proceedings for the labors of the Civil Court but vice versâ.-

Ordered, that Extract from these proceedings be sent to the Acting Session Judge of Honore for his information by precept, returnable in 3 days from and after its receipt.-

/Sent following precept No. 1063

Read again letter dated the 15th Ultimo from the Acting Session Judge of Honore forwarding the record of the trial in Case No. 11 on the Calendar of the Session Court of Honore for 1864.-

/Here Enter No. 1885/

Read also return dated the 7th Instant from the Acting Session Judge of Honore to the Precept of the

Inquiries

16th August 1844.

Tanjore Vakeel of the 31st July 1844 returning letter forwarded by the Acting Sessions Judge with proceedings in Case No. 11 of 1844 on the Honore Calendar and directing him to give a distinct opinion as to the precise sentence to be passed on each of the Prisoners in the case.—

/Here Enter No. 2151/

Mr. Maclean.

The Court of Tanjore Vakeel 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 " Mahratty Rama

2nd " Do. — Nauguea

and

3rd " Do. — Naguppa

is sufficient to convict them of the crime of Murder, do convict them thereof; but, being of opinion under the circumstances of the case, that the punishment to which the prisoners are liable under the provisions of Section X Regulation VIII of 1802, would in this instance, be too severe, the Court, under the provisions of

of Clause Second Section III Regulation I of 1825, do sentence the prisoners,

1st " Mahratty Rama

and

2nd " Do. — Nauguea

to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for, and, during the period of their natural lives; and the prisoner,

3rd " Mahratty Naguppa,

to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for, and, during the period of /14/ fourteen years.—

/Sent following letter No. 1064/

Read letter dated the 8th Instant from the Sessions Judge of Cuddapah forwarding the translations of the records in Case No. 50 of the Calendar for 1844, for final sentence of the Tanjore Vakeel Suit.—

/Here Enter No. 2092 of 1844/

The

Mr. Castanajor
and
Mr. Maclean.

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

Dundoo Moochela Reddy,

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

On a mature consideration of the proceedings submitted by the Sessions Judge, the Court of Fujdaree Adalut are of opinion that there is no proof that a murder has been committed at all, and are surprised that under the circumstances of the case as they appear from the record, the Sessions Judge Mr. Lavie has deemed himself justified in recommending the infliction on the accused, of the extreme penalty of the law.—

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

/Sent following letter No. 1065/

Read

Read communication dated the 30th Ultimo from the Acting Sessions Judge of Honore requesting instructions whether when a Prosecutor cannot travel from wounds, the Sessions Court should direct the Government Vakeel to prosecute and then take evidence for the prosecution, or postpone the trial till the wounded man is out of danger.—

/Here Enter No. 2035 of 1844/

The Fujdaree Adalut are of opinion that under the circumstances stated the trial should be postponed in order that the issue of the temporary disability of the Prosecutor may be ascertained.—

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

/Sent in No. 1066./

Read Calendar submitted by the Sessions Judge of Cuddapah of Case No. 55 of 1844 on the file of the Sessions Court of Cuddapah.—

/Here Enter F.H. No. 1929/

Do

16th August 1844.

1. The Court of Tanjavore Udalut consider that the Sessions Judge acted irregularly in returning this case for adjudication by the Subordinate Judge which should have been decided by him under Section VI. Regulation II of 1822. It is quite clear that the prisoner took the bad Rupee knowing it to be bad coin, and with the object of paying it, which would have brought it into circulation.—

2. But as the offence of which the prisoner stands accused does not under the circumstances appear to involve any serious criminality and as the prisoner is equally liable under the law quoted by the Sessions Judge. The Court of Tanjavore Udalut resolve not to disturb the proceedings of the Sessions Judge.—

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

/Sent in No. 1067./

Minute

No.

16th August 1844.

Minute of the Acting 1st Puisne Judge

I object strongly to this draft because it involves the principle that a tender of money for a gambling debt is a "tendering in payment" of the kind contemplated in Section VI Regulation II of 1822. No law recognises such debts or payments as objects of legislation; and to do so is to legalise gambling.—

/Signed/ G. J. Casamajor

13th August 1844.

Read letter dated the 1st Instant from the Sessions Judge of Coimbatore requesting the opinion of the Court of Tanjavore Udalut whether a Magistrate can punish charges of Cattle stealing under the additional powers granted by Section LIV Act VII of 1843.—

/Here Enter No. 2023/

The Tanjavore Udalut concur in the view of the point submitted for their opinion, which has been taken by the Sessions Judge. They consider that Section LIV Act VII of 1843 does not

give

give Magistrates the powers conferred on Criminal Judges by Regulation VI of 1822.-

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

/Sent in No. 1068/

Read letter dated the 3rd Instant from the Sessions Judge of Bellary forwarding the record of the trial in Case No. 32 on the Calendar of the Sessions Court of Bellary for 1844.-

/Here Enter No. 2061/

Mr. Lewin. and Mr. Maclean.

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

1st. Bhagavan alias Ramoo
2nd. Mudder Burmah
3rd. Bhaganah
4th. Mulkah
5th. Nunja alias Anijah
6th. Khoobeyah

7th Tallary

7th Tallary Verkah
8th Bheekeyah

is sufficient to convict them of the crime of Gang Robbery attended with aggravating circumstances, do convict them thereof; and, under the provisions of Clause second Section IV Regulation XV of 1803, Sentence them severally to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and, during the period of their natural lives.—

/Sent following letter No. 1069/

Read return dated the 20th Ultimo from the Acting Subordinate Judge of Mangalore to the precept of the Foujdaree Udalut of the 13th Ultimo desiring to be informed under what Regulation he tried the Prisoner in Case No. 85 of the Criminal Reports for the Month of May 1844.—

/Here Enter No. 1898/

Read

16th August 1844.

Read Calendar dated the 26th Ultimo submitted by the Session Judge of Nellore in Case No. 13 of 1844.—

(Here Enter No. 1924)

Read Statement dated the 25th Ultimo submitted by the Session Judge of Chittoor of Batta paid to Prosecutors and Witnesses attending before the Session Judge during the 1st half Year of 1844.—

(Here Enter No. 1926)

Read letter dated the 25th Ultimo from the Principal Sudr Ameen of Cuddalore explaining the cause of delay in transmitting the Criminal Reports for the months of April, May and June 1844.—

(Here Enter No. 1938)

Read Calendar dated the 1st Instant submitted by the Session Judge of Calicut in Case No. 40 of 1844.—

(Here Enter No. 2041)

Read Calendar dated the 5th Instant submitted by the Session Judge of Guntoor in Case No. 1 of 1844.—

(Here Enter No. 2067)

End 4/44

No 2

No 16

F 16

Saturday, 17th August, 1844.

At a Court of the Foujdaree Udalut.

Present,

G. I. Casamajor Esqre.—Agt 1st } Puisne Judges,
Malcolm Lewin Esqre.—Agt 2d }
A. Maclean Esqre.——Agt 3d }

Circular Order

No. 160.

As the information conveyed by the copy of the warrant required to be transmitted to the Foujdaree Udalut by Circular Order of the 6th January 1823 is now laid before the Foujdaree Udalut at the close of each trial, in the Calendars of prisoners tried by the Courts of Session, the Judges of the Foujdaree Udalut resolve to cancel the Circular Order above referred to, and to direct that the transmission of the copy of Warrant be hence-forth discontinued as unnecessary.—

(Vide following Circular Order No. 177)

Read return dated the 23d July 1844 made by the Subordinate Judge in charge of the Sessions Court of Chittoor in

to the precept of this Court dated the 19th idem desiring him to make further enquiry regarding the relatives of the Prisoner Veerabudran in Case No. 4 of the Chittoor Calendar for the 1st Quarterly Sessions of 1843.—

/Here enter F.H. No. 1896/

1. The Subordinate Judge in the above return has stated that the prisoner in question has no relatives.—

2. The Court of Foujdaree Adalut, having taken into consideration the act for the perpetration of which the prisoner is now in confinement, direct the Sessions Judge to call upon him to furnish proper Security for his future good behaviour, and in default of his so doing that he be continued in confinement in the Zillah Jail the further orders of the Court being solicited after the expiration of six months from this date.—

Ordered, that Extract of these proceedings be forwarded to the Sessions Judge of Chittoor by precept, returnable in

in 5 days from and after its receipt.—

/Sent following precept No. 1078/

Read Calendar, submitted by the Sessions Judge of Cuddapah, of Case No. 57 of 1844 on the file of the Sessions Court of Cuddapah.—

/Here enter F.H. No. 1998/

1. The 1st prisoner in the above case was charged with having entered the bullock stall of the Plaintiff's house by removing the stick placed at the door thereof and stolen property valued at Rupees 10/4.—

2. The 2nd prisoner was charged with having received the stolen property from the 1st prisoner, knowing it to be such.—

3. The Sessions Judge in his remarks states "that there was no breaking into premises; for the bullock stall was an open place without a door and a mere piece of wood or bamboo was placed across the entrance to keep in or out the cattle. There was no violence used

(and)

and it is unknown when or how the rob-
bery was committed and the property
stolen was only valued at Rupees 104--

4 The Sessions Judge therefore
returned the case to the Subordinate Judge
for his disposal.—

5. If the fastening of the door
way was removed, the Court of Tinjavore
Adalut conceive it was a breaking and
has always been considered so, and the
value stolen was above 100 Rupees; the
case was therefore committable under
Clause Second Section II Regulation VII
of 1822.—

6. The bullock stall being in
an open place makes no difference. It
was a place used for the custody of
property.—

Ordered, that Extract of
these proceedings be forwarded to the
Sessions Judge of Cuddapah for his informa-
tion and guidance.—

/Sent in No. 1079/

Read letter dated the 2nd Instant

Instant from the late Acting Sessions Judge
of Cuddapah forwarding the Record in Case
No. 43 of the Calendar for the final Sentence
of the Tinjavore Adalut.—

/Here enter No. 2042/

On a consideration of the above
record there is one very material omission
in the trial (as it seems to the Court)
which might they think still be sup-
plied. The 1st Prisoner was not at the
trial called upon to account for the
spots of blood on his drawers. Several
witnesses say that when questioned as
to this by the Police he said that the
marks were the blood of a sheep killed
and eaten that day at a festival in
his house. No Enquiry was made whether
any such festival had been held in
his family. The Court resolve under these
circumstances that the Record be sent
back and this Enquiry ordered to be
carefully made, in order to its being
proved whether there was any such
festival.—

Agreed.

Ordered, that Extract from these proceedings be forwarded to the Session Judge of Cuddapah by Precept returnable without delay. and for communication to the late Acting Session Judge of Cuddapah for his information.-

Sent following precept No 1089/

Read the Criminal Reports dated the 1st Instant submitted by the Acting Subordinate Criminal Judge of Rajahmundry for the month of July 1844.-

/Here Enter No 2071/

Read the Criminal Reports dated the 31st Ultimo submitted by the Principal Sudr Ameen of Chingleput for the months of July 1844.-

/Here Enter No 2082/

Read Calendar dated the 7th Instant submitted by the Session Judge of Bellary in Case No 28 of 1844.-

/Here Enter No 2084/

Read Calendar dated the 5th Instant submitted by the Session Judge of Calicut in Case No 42 of 1844.-

/Here Enter No 2085/

Read

Read Order of Government dated the 10th Instant communicating with reference to the Proceedings of the Foujdaree Adalut dated 23d April last copy of a letter from the Supreme Government on the subject of obtaining the testimony of absent witnesses in Criminal Cases.-

/Here Enter No 2091/

Read Calendar dated the 30th Ultimo submitted by the Session Judge of Coimbatore in Case No 24 of 1844.-

/Here Enter No 2096/

Read Calendar dated the 5th Instant submitted by the Session Judge of Mangalore in Case No 34 of 1844.-

/Here Enter No 2097/

Read Calendar dated the 5th Instant submitted by the Session Judge of Mangalore in Case No 35 of 1844.-

/Here Enter No 2098/

Read report dated the 10th Instant submitted by the Acting Magistrate of Cuddapah of Cases tried by the Magistracy under the provisions of Section

17th August 1844.

Section LIV Act VII of 1843 during the months of July 1844.—

/Here Enter No. 2100/

Read letter dated the 6th Instant from the Session Judge of Chicacole submitting a Statement of Batta paid to Prosecutors and witnesses attending before the Session Judge during the 1st half year of 1844.—

/Here Enter No. 2119/

Read the Criminal Reports dated the 5th Instant submitted by the Principal Sudr Ameen of Sholapoor for the month of July 1844.—

/Here Enter No. 2126/

Read return dated the 6th Instant from the Agent to the Governor of Fort St. George at Vizagapatam to the Precept of the Sudr Adalut dated the 27th Ultimo containing their observations on the Criminal Reports for the month of June 1844.—

/Here Enter No. 2127/

Monday,
19th August 1844.

P. Co:

At a Court of the Poujdaree Adalut.

Present—

Mr. G. I. Casamajor Esqre Acting 1st
Malcolm Lewin Esqre Acting 2d
Alexander Maclean Esqre Acting 3d
} Puisne Judges—

Read again Calendar dated the 3d Ultimo submitted by the Session Judge of Chingleput in Case No. 13 of 1844.

/Here Enter No. 1658/

Read also Miscellaneous Petition presented on the 5th Instant by Aureekum wife of David a Prisoner in the Jail of Chingleput.—

/Here Enter M.P. No. 104/

The Prisoner brought to trial in the above case were charged on the complaint of the husband of the 1st with having committed adultery during his absence at sea and on their confession of guilt were punished the 1st to be imprisoned for one year and the 2nd for three years with hard labour.—

The

2 The papers submitted to the Fouzdaree Udalut by the wife of the
2d Prisoner seem abundantly to prove that the female prisoner has for many Months past been a Woman of bad Character and profligate habits, to which circumstance it is probable, in the opinion of the Court, that Evidence would have been forthcoming had the confession made before the Sessions Judge, been considered insufficient grounds for dispensing with witnesses for the prisoner's defence

3 The Fouzdaree Udalut are of opinion further that in a case of this nature there are various circumstances, which should regulate the amount of punishment, not one of which is referred to in the remarks on the trial recorded by the Sessions Judge.

4 It is accordingly resolved that the Sessions Judge be called upon to lay before the Court an account of the trial, showing the reasons under which he

he was induced to pass the sentence of which the petitioner before the Fouzdaree Udalut now complains.-

5 If however, the Sessions Judge should be of opinion that previous to the submission of the requisite report it will be advisable to ascertain by additional investigation whether the conduct alleged against the 1st Prisoner is such as it is described in the enclosures to the address of the Petitioner thereon, the Court authorize its being held and pending its result they permit the suspension temporarily of the sentence passed on the Prisoners.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chinglepute with Petition No. 107 of 1844 and its enclosures, by Precept returnable without delay.-

(sent following Precept No. 1082)

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

19th August 1844.

Read Miscellaneous Petition presented on the 22d July 1844 by Mohamed Abdallah.

(Here Enter M. P. No. 94 of 1844)

1 The object of the above address is to procure the issue of instructions from the Tonjdaree Adalut, investing the Petitioner with power to examine the Town Cazees in charge of mosques situated in Towns and Districts subject to the Madras Presidency and to report to the local authorities whether they are competent to perform the duties entrusted to them. In support of this application he states that those officers possess no certificates shewing their eligibility to and competency for the office of Cauzee, the duties of which, he alleges, they are often unable to perform.—

2 The Court of Tonjdaree Adalut decline any interference as sought for by the Petitioner, and reject this petition accordingly.

Ordered

J.A.

19th August 1844.

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

Read Miscellaneous Petition presented on the 29th Ultimo by Soobbareddy late Reddy Merasedar of the Village of Butlur in the Zillah of Cuddapah.—

(Here Enter M. P. No. 96)

1 The Petitioner asserts that in order to a consideration of his application to be restored to the situation of Reddy which he formerly held, the Collector of Cuddapah has required the production by him of a Copy of such remarks as were recorded by the Court of Tonjdaree Adalut on the Calendar noted in the margin in which Petitioner was concerned as Prisoner but was released.—

Case No. 26 Cuddapah 2d Sessions of 1840

2 The Petitioner further prays for the issue of orders to the Collector of Cuddapah to restore him to the

Reddyship

19th August 1844

Reddyship.—

3 The Petitioner has omitted to present the order of the Collector to which he has referred and as it is observed that he admits having been furnished with a copy of the Warrant for his release, the Fouzdaree Adalut decline without further information to grant transcript of the remarks solicited.—

4 It is not within the province of this Court to issue orders regarding the restoration of the Petitioner to Office

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

Read Miscellaneous Petition presented on the 29th July, 1844 by C. Mc natchie, the sister of Cullyunmall Prisoner in case No. 15 on the Calendar of the Sessions Court of Chittoor for 1844.—

(Here Enter M P No. 98 of 1844)

1 The Petitioner relates the circumstances

19th August 1844

circumstances of her sisters arrest by certain Police Peons, who, she alleges, took from her the sum of Rupees 21. 8. - and produced the same at her trial before the above Court.—

2 The Petitioner also complains of the sentence of 5 years imprisonment passed upon her sister by the Sessions Judge of Chittoor, and prays the Court of Fouzdaree Adalut to call for the record of the above case, and issue orders for her release and for the restoration to her of the above mentioned sum of money of which she was dispossessed.—

3 The Court of Fouzdaree Adalut have already perused the record of this cause, and themselves passed sentence on it.

4 Orders were issued at the time of passing sentence to secure the 21 1/2 Rupees which appeared to belong to the prisoner in order to its being restored to her, if all the other money which ought to have been

on

in the handy was forthcoming.-

Ordered that, copy of these proceedings be granted to the petitioner on her application.-

Read Miscellaneous Petition presented on the 5th August 1844 by Tungummay, the mother of Ramasawmy Moodelly in case No. 14 on the file of the Sessions Court of Cuddalore for 1843

(Here Enter M.P. No. 100 of 1844)

The Petitioner complains of the sentence of 14 years imprisonment passed on her son in the above case and prays the Court of Fouzdaree Udalut to call for the record and having perused the same to give instructions for the release of her son.-

2 The Petitioner is referred to the orders of this Court passed on her former petition which are final.- M.P. No. 33 of 1844.

Ordered that, copy of these proceedings be granted to the Petitioner on her application.-

Read

19th August 1844.

Read Miscellaneous Petition presented on the 5th August 1844 by Chinnamanal the mother of Appavoo Moodelly 1st Prisoner in case No. 22 on the file of the Sessions Court of Cuddalore for 1843.

(Here Enter M.P. No. 103 of 1844)

1 The Petitioner complains of the sentence passed upon her son in the above case and urges the same grounds for a modification of the same by this Court as set forth in her Miscellaneous Petition No. 51 of 1844.-

2 The Petitioner is referred to the orders passed upon her former Petition which are final.-

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

Read return dated the 31st Ultimo from the Sessions Judge of Chittoor to the precept of the Fouzdaree Udalut of the 3rd idem. stating his opinion that the sentence passed against

against the prisoner in case N.o 72 on the file of the Subordinate Judge of Chittoor need not be disturbed.

/Here Enter Fl. N.o 2001 of 1844/

Read Calendar dated the 31st Ultimo submitted by the Session Judge of Salem in Case N.o 10 of 1844.

/Here Enter Fl. N.o 2008 of 1844/

Read Returns, dated the 1st Instant from the Session Judge of Cuddapah to the precept of the Tongdaree Udalut of the 30th Ultimo submitting an explanation regarding the release of the Prisoners in Case N.o 49 of the Calendar of 1844.

/Here Enter Fl. N.o 2014 of 1844/

Read Calendar dated the 20th Ultimo submitted by the Session Judge of Chittoor in Case N.o 24 of 1844.

/Here Enter Fl. N.o 2022 of 1844/

Read letter dated 27th Ultimo from the Session Judge of Tellicherry transmitting translation of a futwa in Case N.o

N.o 7 of 1844 on the file of the Session Court of Tellicherry with a copy of the sentence appended thereto and reasons for passing the same.

/Here Enter Fl. N.o 2024 of 1844/

Read Calendar submitted by the Session Judge of Nellore in Case N.o 15 of 1844.

/Here Enter Fl. N.o 2029 of 1844/

Read Calendar dated the 1st Instant submitted by the Session Judge of Rajahmundry in Case N.o 8 of 1844.

/Here Enter Fl. N.o 2030 of 1844/

Read Letter dated 1st Instant from the Magistrate of Tinnevelly forwarding the report called for by the Tongdaree Udalut under date the 4th Ultimo relative to the conduct of the Police Ameen of Tuticorin.

/Here Enter Fl. N.o 2057 of 1844/

Read the Criminal Reports dated the 31st Ultimo submitted by the Session Judge of Chingleput for the month of July 1844.

/Here Enter Fl. N.o 2062 of 1844/

Read Calendar submitted by the Acting Session Judge of Masulipatam in Case N.o 5 of 1844.

/Here Enter Fl. N.o 2064 of 1844/

Read

19th August 1844

Read Miscellaneous Petition presented on the 29th July 1844 by Venkatarunga Pillay, Petitioner in Miscellaneous Petitions Nos 22, 44, and 53 of 1844 on the file of this Court -

(Here Enter M.P. No 99 of 1844.)

1 The Petitioner complains of the orders passed on his former Petitions and prays the Court to issue a precept to the Magistrate of Chattoor directing him to investigate his complaint.-

2 The Petitioner is referred to the former orders of this Court which are final -

Ordered that, Copy of these proceedings be granted to the petitioner on his application.-

E. C. Whitty

Tuesday
20th August 1844.-

F. C.

At a Court of the Foujdaree Udalut

Present

Geo: J. Casamajor Esqre Agt 1st Puisne Judge
Malcolm Lewin Esqre Agt 2nd Puisne Judge
A. M. Alexr Maclean Esqre Agt 3rd Puisne Judge

Read letter dated the 5th Instant from the Acting Sessions Judge of Tinnevelly forwarding the record of trial in Case No 7 on the Calendar of the Sessions Court of Tinnevelly for 1844.-

(Here enter F. C. No 2120)

Mr Casamajor and Mr Lewin

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

Pitchamoottoo,

is sufficient to convict him of the crime of murder, do convict him thereof, but, being of opinion under the cir-

-cumstances of

20th August 1844

circumstances of the case, that the punishment to which the prisoner is liable under the provisions of Section X Regulation VIII of 1802, would, in this instance, be too severe, the Court, under the provisions of Clause third Section III Regulation I of 1825, sentence the prisoner to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labour in irons on the public roads, or other public works, for, and during the period of his natural life.

1. The above communication is considered by the Foujdaree Adalut to be unsatisfactory as not exhibiting the grounds on which the Acting Sessions Judge has recommended a sentence of transportation instead of a sentence of death.—

2 The attention of that Officer is accordingly requested to the rule laid down in Circular Order No 188 which should in future carefully be observed.—

Ordered

20th August 1844

Ordered that Extract from these Proceedings be forwarded to the acting Sessions Judge of Trichinopoly for his information and guidance.—

(Sent in No 1087

Read letter from the Sessions Judge of Tellicherry transmitting translation of the Tuteva with his remarks on Case No 6 of 1844 on the file of the Sessions Court of Tellicherry.—

(Here enter F. C. No 2044)

1. The prisoner in the above case was charged with culpable homicide in causing the death of a Moplah by elevating him from the Earth by the neck suddenly wrenching it round, and throwing him violently forwards upon the Earth.

2. The Futwah of the Law Officer convicted the prisoner, in which conviction the Sessions Judge concurring sentenced him under the provisions of Clause 2nd Section XV Regulation VII of 1802 to nine years

20th August 1844

years imprisonment in irons with hard labor.—

3. From the remarks of the Sessions Judge appended to the above case the Court of Foujdaree Udalut are of opinion that the offence of the prisoner fell little if at all short of murder and that a much severer punishment was called for than the one which has been adjudged.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Tellicherry for his information and guidance.—

Sentence No. 1088.—

Read copy of the Calendar without date in Case No. 2 of 1844 on the Madura file submitted by the Sessions Judge of Madura.—

(Here enter F. 26 No. 1592)

Read also return dated the 23d ultimo from the Sessions Judge of Madura to the Precept of this Court of the 15th ultimo calling for translated copies

20th August 1844.

copies of the respective arrzees, the fabrication of which he doubts, can constitute "Forgery" as defined by the Regulations together with the note referred to in his return of the 20th June last.—

(Here enter F. 26. No. 1931)

1. The decision of the Sessions Judge in this case is approved of and the Court concur in the view taken by the Sessions Judge that the arrzees which form the subject of the charge do not involve forgery within the meaning of Regulation VI of 1811.—

2. They would however point out for Mr. Hooper's future guidance, that whenever he may in consequence of doubts entertained by him regarding the nature of a charge deem it necessary to make a reference to this Court it would be advisable to await the reply of the Court. In this instance he would have learned that

that tho' the prisoners were not chargeable under the regulation quoted with forgery they might have been put on their trial for misdemeanour or other offence according to the nature and circumstances of the injury attempted.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Madura for his information.—

(Sent in No. 1089.)

Read again Criminal Reports submitted by the Principal Sudr Ameen of Guntoor for the month of June 1844.—

(Here enter F. 26 No. 1702)

Read also return dated the 5th Instant made by the Sessions Judge of Guntoor to the precept of this Court dated the 29th ultimo directing him to call for the record of Case No. 16 of Report No. V of the above Criminal Reports, and

past.

pass such orders thereon, as he might deem proper.—

(Here enter F. 26 No. 2059)

1. The prisoner was charged before the Principal Sudr Ameen with having preferred a false complaint before the Head of Police of Guntoor against certain parties accusing them of having beaten him and his wife and taken from her person sundry ornaments &c. valued at Rupees 640, and from the remarks of that officer it appears that the Prisoner did not make a false charge as represented by the Police officer, and that the ornaments in question were voluntarily deposited with the Defendants by the prisoners wife. The Principal Sudr Ameen therefore considered the case to be of a civil nature, and for reasons which are far from clearly expressed in the Reports released the prisoner.

2. The Sessions Judge in the above

20th August 1844. above return having considered the charge made by the prisoner to be false and malicious, has directed the Principal Sudr Ameen to apply to the Magistrate for his reapprehension and award him such punishment under Section II Regulation IX. of 1832 as he may think fit.

3. The Court of Fouzdaree Udalut considering that the prisoner has been acquitted by a competent jurisdiction and that he cannot therefore be legally rapprehended and brought to trial again for the same offence, direct the order of the Sessions Judge to be annulled.—

Ordered that Extract of these Proceedings be forwarded to the Sessions Judge of Guntoor by precept returnable in X days from and after its receipt.—

(Sent following Precept No. 1090.)

Read letter dated the 26th Ultimo from the Sessions Judge of Chicacole submitting translations of the

F. C.

20th August 1844 the proceedings held in Case No. 2 of 1844 on the file of the Session Court of Chicacole for the final sentence of the Court of Fouzdaree Udalut.—

(Here enter F. C. No. 2028 of 1844)

The above trial should have been accompanied by a letter containing a short succinct summary of the evidence. The proceedings or opinion of the Session Judge is irrelevant for the most part to the matter of the trial and it is impossible to gain any knowledge thereof from its perusal. It contains a grave and general charge against the law officer which ought to form the substance of a separate letter. The Court therefore resolve to return the trial and direct the Session Judge Mr. Glass to forward it with the usual letter - and further to require him to make any representation, which mature deliberation may justify of the conduct of

20 20th August 1844 of the law Officer.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chicacole by precept returnable in III days from and after its receipt.—

(Sent following Precept No. 1091)

Encl 1

Read Calendar from the Sessions Judge of Salem in Case No. 14 for 1844 and the translation of the Tirukrah required by the Circular order No. 14 &c.—

(Here enter F. U. No. 2201 of 1844)

Read letter dated 16th August 1844 from the Acting Magistrate of Salem Reporting that no cases cognizable under Section I. N. Act VII of 1843 were disposed of by him or his Assistants during the month of July last.

(Here enter F. U. No. 2205 of 1844)

Read Return dated 17th Instant from the Sessions Judge of Salem to the Precept of the Tanjore Adalut

20th August 1844 Adalut under date the 13th Instant directing the modification of Sentences on the 2nd 3rd 4th and 6th Prisoners in Calendar No. 7 of 1843.—

(Here enter F. U. No. 2207 of 1844)

Read Report dated 20th Instant from the Acting Sessions Judge of Cuddalore of Convict Labor for the month of July 1844.—

Encl 11

(Here enter F. U. No. 2235 of 1844)

Read again Calendar dated the 3rd June last submitted by the Sessions Judge of Combaconum in Cases Nos. 24, 25, 26 and 27 of 1844.—

(Here enter No. 1399)

Read also again letter dated the 12th ultimo from the Magistrate of South Arcot affording explanation with reference to the orders contained in Tanjore Adalut letter of the 19th June 1844 regarding the issue of a warrant entrusted to one Sabapathy Moodelly for the apprehension of certain Robbers residents in the Tanjore District.—

(Here enter No. 1773)

Read

Read also return dated the 3d. Instant from the Magistrate of South Arcot to the precept of this Court of 29th Ultimo calling for a detailed statement of the information on which he acted in the first instance when applied to for a warrant by Mootteoomallaudy and of translations of any written Communications which may have been received by him from that individual or his party.—

Here enter No. 2032)

1 A transcript of the remarks appended by the Session Judge of Combaconum to Case No 24 in the Calendar above recorded having been forwarded to the Magistrate of South Arcot, the proceedings of that Officer do not appear to the Court to be irregular now that his explanation has been received. The Magistrate under the latter part of Section XIII Regulation IX of 1816 had undoubtedly authority to issue his warrant for the apprehension of the 29 persons therein named if, as is explained to have been the case, sufficient cause appeared for their apprehension upon credible information; and in such a case,

the

the Circular Order referred to by the Subordinate Judge of Combaconum do not apply. It is however to be regretted that more pains were not taken to ascertain the character of the informant and the degree of credit due to his statements.—

2 The Court observe that the Sentence passed by the Session Judge in Case No 24 under Clause Seventh Section II Regulation XV of 1803, should have been declared under Regulation III of 1819.—

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Combaconum for his information and for communication to the Magistrate of Tanjore.—

(Sent in No.)

Ordered also that Extract from these Proceedings (para 1) be forwarded to the Magistrate of South Arcot for his information

(Sent in No.).

Remarks

Thursday
22nd August 1844

F. U.

At a Court of the Foujdaree Udalut.
Present.

Geo. S. Casamajor Esqre Offg. 1st Puisne Judge
Malcolm Lewin Esqre Offg. 2nd Puisne Judge
Alex. Maclean Esqre Offg. 3rd Puisne Judge

Read communication dated 1st Instant from the Acting Sessions Judge of Trichinopoly (Vera enter No. 2052 of 1844)

1. The object of the foregoing communication, as appears from its enclosures, is to procure authority from this Court for the annulment of the sentence of imprisonment with hard labor passed by the Principal Sudr Ameen of Trichinopoly on the 2nd Prisoner in the case noted in the margin, the 1st Prisoner in which was committed for trial before the Court of Session on a charge of housebreaking. The Acting Session Judge having acquitted the 1st Prisoner,

No. 49 of 1844
Principal Sudr Ameen's file.

remarks

remarks that "it appears a manifest injustice to punish the 2nd Prisoner whom the Principal Sudr Ameen convicted of having received with a guilty knowledge the property of stealing which the 1st Prisoner has now been declared innocent."—

2. The Court observe that it was competent to the Session Judge without reference to the Foujdaree Udalut to order the release of the 2nd Prisoner since he had had under consideration the entire record of the trial in which the Prisoner was concerned and they now direct accordingly.—

3. It is further observed that the sentence of the Principal Sudr Ameen above referred to, attracted by its irregularity the notice of the Foujdaree Udalut when the Principal Sudr Ameens Criminal Report for June last was brought under revision on which occasion proceedings were recorded a transcript of dated 12th August 1844 paras 4 & 5 and 5 & 6 which is forwarded for the information of the Acting Sessions Judge.—

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Nellore for his information and guidance and communication to the Principal Sudr Ameen.—

(Sent in No. 1099.)

Read return dated the 9th Instant from the Sessions Judge of Nellore to the precept of the Foujdaree Udalut of the 27th ultimo requesting him to call for the Records of case No. 44 of the Nellore Report No. V for the month of June last and pass such orders in the case as he may deem proper.—

(Here enter No. 2104)

The Foujdaree Udalut think that in addition to the further enquiry which the Sessions Judge appears, from para. 10 of the above Return,

to

22nd August 1844

to have in contemplation, the Acting Magistrate of Nellore should be furnished with an Extract from the Sessions Courts proceedings for any notice he may think proper of the conduct of the Head of Village Police.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Nellore for his information and guidance.—

(Sent in No. 2000.—)

Read again the Criminal Reports submitted by the Principal Sudr Ameen of Nellore for the month of April 1844.—

(Here enter No 1205 of 1844.)

Read also return dated the 7th August 1844 made by the Sessions Judge of Nellore to the precept of this Court dated the 9th July last directing him to call for the proceedings held in cases Nos. 28 and 29 of the above Reports.

(Here enter No. 2080 of 1844)

The

22d August 1844

1. The Sessions Judge in the above return has stated that the Acting Head Assistant Magistrate in charging the prisoner in case No. 28 with perjury omitted to specify any of the particulars indispensably necessary in order to fix such an imputation upon him

2. The Court of Foujdaree Adalut consider that the Acting Head Assistant Magistrate acted wrong in omitting the above essential particulars.—

3. The Court concur with the Sessions Judge in thinking that in consequence of the above omission by the Assistant Magistrate, the Memorandum drawn up by this Officer could not be of the slightest use to the Principal Sudr Ameen, but was calculated rather to mislead him, two distinct matters perjury under Regulation 3 of 1826 and perjury under Regulation VI of 1811 having been mixed up in the Memorandum in question—

4 The Acting Head Assistant Magistrate

22nd August 1844

to have in contemplation, the Acting Magistrate of Nellore should be furnished with an Extract from the Sessions Courts proceedings for any notice he may think proper of the conduct of the Head of Village Police.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Nellore for his information and guidance.—

(Sent in No. 2000.)

Read again the Criminal Reports submitted by the Principal Sudr Ameen of Nellore for the month of April 1844.—

(Here enter No. 1205 of 1844.)

Read also return dated the 7th August 1844 made by the Sessions Judge of Nellore to the precept of this Court dated the 9th July last directing him to call for the proceedings held in cases Nos. 28 and 29 of the above Reports.—

(Here enter No. 2080 of 1844.)

The

22d August 1844

1. The Sessions Judge in the above return has stated that the Acting Head Assistant Magistrate in charging the prisoner in case No. 28 with perjury omitted to specify any of the particulars indispensably necessary in order to fix such an imputation upon him

2. The Court of Foujdaree Adalut consider that the Acting Head Assistant Magistrate acted wrong in omitting the above essential particulars.—

3. The Court concur with the Sessions Judge in thinking that in consequence of the above omission by the Assistant Magistrate, the memorandum drawn up by this Officer could not be of the slightest use to the Principal Sudr Ameen, but was calculated rather to mislead him, two distinct matters perjury under Regulation 3 of 1826 and perjury under Regulation VI of 1811 having been mixed up in the Memorandum in question—

4 The Acting Head Assistant Magistrate

22nd

22nd August

Magistrate is informed that it is plainly his duty in sending up any person to the Criminal Court to be prosecuted for perjury to point out in a manner not to be mistaken the false deposition and the evidence which proves it false, or to state the two contradictory depositions.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge for communication to the Acting Magistrate of Nellore for his information.—

(Sent in No. 2005)

Read the Criminal Reports submitted by the Principal Sudr Ameen of Masulipatam for the month of July 1844

(Here enter F. C. No. 2094)

Report No. V
Case No. 21

The Court of Foujdaree Adalut are not satisfied with the explanation given of the delay in this case by the Head of Police, who was not justified, with reference to para

22nd August 1844

para 4 Circular Order 26th January 1822, in detaining the case for want of further evidence.—

2. There does not appear to have been any necessity for the reference to the Assistant Magistrate.—

Ordered that Extract of these Proceedings be forwarded to the Principal Sudr Ameen of Masulipatam for communication to the Magistrate of Masulipatam.—

(Sent in No. 2002)

Read again Report of cases tried by the Magistracy of Bellary, under the provisions of Section LIV Act VII of 1843 during the month of June 1844.—

(Here enter F. C. No. 1819)

Read also return dated the 5th August made by the Magistrate of Bellary to the precept of this Court dated the 26th July last, directing him to explain the delay which had occurred in Case No. 11 of

22nd

22

22d August 1845.-

of the above Report.-
(Here enter F. 26. № 2090)

The Court of Fouzdaree Adalut observe that the Magistrate has omitted to recite the substance of the precept to the orders in which he was required to conform.-

Cuenlan Order 18th November 1823 Para: 7

2. The explanation of the delay of the above case given by the Joint Magistrate should have been entered in the Report in which the case first appeared.-

Ordered that Extract of these Proceedings be forwarded to the Magistrate of Bellary for his information and future guidance.-

(Sent in № 2003)

F. 26.

Friday 23d August 1845

At a Court of the Fouzdaree Adalut.-

Present

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

Read the Criminal Reports submitted by the Acting Subordinate Judge of Madura for the month of July 1845.-

(Here enter F. 26. № 2157.)

Supplemental Report 1. Case № 35.-

The Court of Fouzdaree Adalut conclude that this case is now before the Session Court otherwise they would have directed the commitment to be suspended as the charge of perjury brought against the prisoner appears wholly defective.-

Case № 52.

2. It does not appear that the prisoner Narigaraunen has been concerned in any other case, although his name has been inserted in red ink- the reason of this being so written must be stated.-

The

22nd & 23d August 1844.-

Case No 53.- 3. The Court desire to be informed who are intended by "the people" whom the prisoner was charged with having caused to beat the Prosecutor when he applied for the refund of the bribe mentioned in the charge.-

Case No 94. 4. The 1st witness in this case having admitted that he was suborned by the 2nd witness and others to perjure himself, the Court desire to know what has become of him.-

Report No V. Case No 106.- 5. This case, it is observed, was delayed in the talook from the 7th May to the 29th June, and the explanation of the same given by the Head of Police not being considered satisfactory, the Court of Foujdaree Udalut direct that the Magistrate, will explain how such an unusual delay occurred, and at the same time state the nature of the circular instructions of the 29th January 1844 from his office referred to by the Head of Police.-

Case No 110. 6. The Court consider that the Head of Police should have exercised his

23d August 1844.-

his own discretion on the point of reference which he is stated to have made to the Magistrate.-

Case No 111 7. Considerable mismanagement appears to have occurred in the examination of this case in the Talook which would have been avoided, had the Police Officer been cognizant of his duty.-

Ordered that Extract of these proceedings be forwarded to the Acting Subordinate Judge of Madura for communication of paras 5. 6. and 7. to the Magistrate of Madura who will transmit the informations required direct to this Court.-

(Sent on No 2012.)

Read letter dated 7th Instant from the Magistrate of Malabar forwarding copy of an Extract from the Proceedings of the Sessions Court reversing the decision of the Head Assistant Magistrate in case No 6 in the Report of cases tried under the provisions of Section XIV Act VII of 1843 in June last.-

(Here enter Pile No 2124.)

The

23rd August 1844.

The Court of Foujdaree Udalut concur in the view of this case taken by the Sessions Judge they consider that Section IV Regulation II of 1822 is not applicable to Magistracy acting under Section LIV. Act VII of 1843.

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

(Sent in No. 2013.)

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

(Sent in No. 2014.)

Read Calendar submitted by the Sessions Judge of Chingleput of Case No. 16 of 1844 on the file of the Sessions Court of Chingleput.

(Here enter P.C. No. 2138.)

1. The prisoners in the above case were charged with having at night in company with others not apprehended beaten the Prosecutor broken open his house and stolen therefrom property valued at Rupees 615-5.-

The

P.C.

23rd August 1844.

2. The Futwah of the law Officer declared the prisoners liable to Ookoobut and the Sessions Judge considering their guilt fully established, sentenced each of them, under clause 3rd Section IV Regulation XV of 1803, to 14 years imprisonment with hard labor in irons.

3. The Sessions Judge has recommended the sentence of the 3rd prisoner on account of his advanced age to be mitigated to 7 years imprisonment with labor in irons.

4. The Court of Foujdaree Udalut concurring in the mitigation of the 3rd prisoners sentence recommended by the Sessions Judge, direct the same to be carried into effect.

Ordered that Extract of these proceedings be forwarded to the Sessions Judge of Chingleput for his information and guidance.- (Sent in No. 2015.)

Read Calendar in Case No. 2 of 1844 submitted by the Acting Sessions Judge of Masulipatam.-

(Here enter No. 1604.)

Read also communication dated

dated the 23d Ultimo from the same officer representing the misconduct of the Head Police of Nozeed in connection with the circumstances in which originated the charge in Case No 2 of the Masulipatam Calendar for 1844 and recommending his permanent exclusion from Government employ.-

(Here enter No 1965)

Read also communication dated the 27th Ultimo from the Magistrate of Masulipatam stating that he entirely concurs in the opinion expressed by the Acting Sessions Judge as to the propriety of C Venkatakristnamah being excluded from further public employ.-

(Here enter No 1975)

Read also Miscellaneous Petition presented on the 5th Instant by K. Veerasawmy Naidoo asserting the innocence of his relative the Head of Police of Nozeed, of the charge preferred against him by the Acting Sessions Judge of Masulipatam and praying that the entire

entire record of the case in question may be called upon in order to the complete justification of the Head of Police and his relief from alleged culpability.-

(Here enter M. P. No 102)

1. The main point of charge made by the Acting Sessions Judge against Catoo Vencatu Krishnamah Head Police in the Gudapully Talook, is that he was the principal agent in bringing forward a complaint of riot and assault ending in the alleged murder of one "Kanjalu Nagaya" against certain individuals, which having investigated the Acting Sessions Judge has declared, in so much as the alleged murder is concerned, to be a fabrication which must have been got up with the assistance and connivance of the Head Police.-

2. That officer has accordingly been suspended from office by his immediate superior and the matter now comes before the Foujdaree Adalut, apparently under the provisions of Section XXXIX Act VII of 1843.-

On

23rd August 1844.-

3. On a deliberate consideration of the circumstances as set forth by the Acting Session Judge and as they appear on a perusal of the Calendar now under notice, the Sowjdaree Udalut are not of opinion that they would be justified in adopting measures for obtaining a declaration by Government that the Head of Police shall hereforward be permanently excluded from employment in the public service.-

4. The charge does not exhibit against him, as proved, any crime; and the matter is as yet not fully developed. His conduct showed culpable inactivity of the most objectionable character seeing the nature of the riot which had taken place when he was called upon to interpose his police authority and it appears to the Court that dismissal from the office he holds will be sufficient punishment which accordingly, under the powers vested in them by Section XXXIX Act VII of 1843, they are pleased to direct.-

Ordered that Extract from these

F. No.

23rd August 1844.- these proceedings be forwarded to the Acting Session Judge of Masulipatam for his information and guidance.-

(Sent in No. 2016.)

Ordered also that Extract from these proceedings be forwarded to the Magistrate of Masulipatam by precept returnable in 7 days from and after its receipt.-

(Sent following precept No. 2017.)

Read Calendar submitted by the Session Judge of Guntoor of case No. 6 of 1844 on the file of the Session Court of Guntoor.-

(Here enter File No. 2065.)

1. The 1st, 2d, 3rd and 4th prisoners in the above case were charged with having broken into the house of the 1st Prosecutor and stolen therefrom property valued at Rupees 12-8-0.-

2. The 5th, 6th and 7th prisoners were charged with having concealed portions of the said property.-

3. The Futwah of the Law Officer declared the 1st, 2d, 3d, 4th and 7th prisoners

prisoners guilty of the charge brought against them, and acquitted the 5th and 6th prisoners in consequence of the relation in which they stood to the 2d and 3d prisoners.-

4. The Sessions Judge concurred in the above Futwah and ordered the 1st and 4th prisoners, who had been found guilty of robbery by open violence in Calendar No. 8, to be released.-

5. The 3d prisoner having been before convicted of highway robbery and sentenced to 14 years imprisonment was sentenced to 7 years imprisonment and to receive 195 lashes with a cat of nine tails, and the 2nd prisoner was sentenced to 7 years imprisonment with labor in irons under Section XXI Regulation VII of 1802.-

6. The 7th prisoner was sentenced to 2 years imprisonment with labor not in irons under Clause fourth Section IV Regulation VI of 1822.-

7. The 5th and 6th prisoners were ordered to be released.-

8. The Sessions Judge has recommended the

the sentence of the 2d prisoner to be mitigated to 4 years imprisonment on the ground that no personal violence was committed by him.-

9. With reference to the above recommendation the Court think that, under the circumstances of the 2nd prisoner not being an old offender, 18 months imprisonment with hard labor in irons will be a sufficient punishment for his offence, which modified sentence they direct to be carried into effect.-

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

(Sent following precept No. 215)

Read the Criminal Reports submitted by the Subordinate Judge of Combacconum for the month of July 1844.-

(Nevesenter No. 216.)

Case No. 108.

The Court of Foujdaree Adalut

23d August 1816.

Abdulat desire to be informed of the nature of the reference made by the Police Ameen of Combaconum to the Assistant Magistrate, by which this case would appear to have been delayed ten days previous to being sent up to the Criminal Court.-

Ordered that Extract of these proceedings be forwarded to the Subordinate Judge of Combaconum for communication to the Magistrate of Tanjore who will transmit the required information direct to this Court.-

(Sent in № 2019)

Read the Criminal Reports submitted by the Subordinate Judge of Calicut for the month of July 1816.-

(Hereunto F.H. № 2109)

Report № V. Case № 100. 1. The Head of the village should be called to account for the evident neglect in this case of the provisions of Clause I, Section V. Regulation XI of 1816.-

Case № 114. 2. This case was delayed in the Taluk from the 19th to the 28th July, and the delay is stated to have occurred in

23d August 1816.

consequence of the non arrival of the prisoner who had been sent to the Head Assistant Magistrate.-

3. This requires further explanation.- If the prisoner ought not to have been sent to the Head Assistant Magistrate it must be explained who was responsible for so sending him, and he should be called to account.-

Ordered that Extract of these proceedings be forwarded to the Subordinate Judge of Calicut for communication to the Magistrate of Malabar who will transmit the required information direct to this Court.

(Sent in № 2020)

Read Calendar in Case № 14 of 1816 submitted by the Sessions Judge of Madura.-

(Hereunto F.H. № 2015)

Read letter dated the 3d Instant from the Magistrate of Madura reporting the powers vested in Magistrates by Section LIV. Reg. VII of 1813 have not been exercised in last month.-

(Hereunto F.H. № 2018)

Read

Read the Criminal Reports submitted by the Sessions Judge of Guntoor for the month of July 1844.

(Here enter F. No. 2053.)

Read letter dated the 5th Instant from the Sessions Judge of Rajahmundry forwarding copies of the Warrant and of the letter from the Subordinate Court showing that the final sentence of the Court of Foujdaree Udalut upon the Prisoner in Case No. 5 of 1844 has been duly executed.

(Here enter F. No. 2074.)

Read Report dated the 1st Instant from the Sessions Judge of Coimbatore shewing the labor of Convicts under his charge for the month of July 1844.

(Here enter F. No. 2076.)

Read Report No. IX dated the 1st Instant from the Sessions Judge of Coimbatore of Prisoners tried and whose cases have been referred to the Foujdaree Udalut, but on whom the sentence of that Court has not been received.

(Here enter F. No. 2077.)

Read

Read letter dated the 5th Instant from the Magistrate of Tichinopoly stating for the information of the Judge that the power vested in Magistrate by Section LIV Act VII of 1843 was not exercised by him during the month of July 1844.

(Here enter F. No. 2078.)

Read return dated the 6th Instant from the Sessions Judge of Combaconum in obedience to the precept of the Foujdaree Udalut of the 31st Ultimo directing the transmission of a translation of the finding of the Jury in Case No. 34 on the Combaconum Calendar for 1844.

(Here enter F. No. 2079.)

Read Report dated the 1st Instant from the Joint Magistrate of Ootacamund shewing the labor of Convicts in the Jail for the month of July 1844.

(Here enter F. No. 2081.)

Read letter dated the 9th Instant from the Subordinate Judge of Bellary transmitting the Criminal Reports for the month of July 1844.

(Here enter F. No. 2143.)

Read

23rd August 1844.

Read Calendar in Case No 14 of 1844 submitted by the Session Judge of Nellore.-

(Here enter F.C. No 2145.)

Read return dated the 12th Instant from the Agent to the Governor of Fort Saint George at Kurnool to the precept of the Foujdaree Adalut of the 2nd idem, regarding the Criminal Reports for the month of June 1844.-

(Here enter F.C. No 2149.)

Read letter dated the 9th Instant from the Acting Session Judge of Nowre reporting with reference to the Foujdaree Adalut communications of the 10th and 31st Ultimo, that Setty the Prisoner in Case No 15 of 1844 on the Calendar was on the 9th August, hanged by the neck until he was dead at the usual time and place of execution.-

(Here enter F.C. No 2159.)

Read return dated the 8th Instant from the Acting Subordinate Judge of Madura to the precept of the Foujdaree Adalut of the 5th idem reviewing the Criminal Reports for the month of June 1844.-

(Here enter F.C. No 2161.)

Ld Wk.

F.A.

Saturday, 24th August, 1844.

At a Court of the Foujdaree Adalut.

Present,

G.M. G. J. Casamajor Esqr. Actg 1st Puisne Judge,
M.L. M. Lewin Esqr. Actg 2d Puisne Judge,
A.M. A. Maclean Esqr. Actg 3d Puisne Judge,

Read Calendar submitted by the Session Judge of Guntoor of Case No 1 of 1844 on the file of the Session Court of Guntoor.-

(Here enter F.A. No 2066.)

1. The 1st, 2nd, 3rd and 4th prisoners in the above case were charged with having stolen from the Prosecutor's sheepfold sundry articles valued at Rupees 8. 10. -- and the 5th prisoner with having concealed and caused to be melted a portion of the said property.-

2. The Futwah of the Law Officer acquitted the 2nd and 3rd prisoners, and adjudged the 1st and 4th to be liable to Dookoobut or discretionary

discretionary punishment, Soorkay Coobra being barred in consequence of the place where the robbery occurred, and the crime not partaking of the usual elements of highway robbery by open violence- the 5th prisoner was also declared liable to Oookoobut.-

3 The Sessions Judge in consequence of the above remarks of the Law Officer put a second question to him to the following effect "If the legal exception had not existed as to the place where the crime was committed and the Prosecutor's wife being asleep when the robbery was committed to what punishment would the 1st and 4th prisoners have been liable.-

4 The Sessions Judge in his sentence erroneously supposes the Law Officer to have declared the 1st and 4th prisoners guilty of Robbery by open violence, and concurs in the Futwah regarding the guilt of the remaining prisoners.-

The

The 1st and 4th prisoners were sentenced by the Session Judge to 14 years imprisonment with labor in irons under Section XXI Regulation VII of 1802 which sentence he recommends to be mitigated to 7 years imprisonment on the ground that they committed no personal violence- No sentence was passed on the 5th prisoner in consequence of her having been sentenced in another Calendar.-

6. The Session Judge is informed that the 2d question put by him to the Law Officer was a wrong question- The 2d question ought to have been "If the legal exceptions against the 1st, 2nd, 3rd, 4th, 8th and 9th witnesses did not exist, what would be punishment."

7 The crime proved was evidently not robbery but theft; and removing exceptions to the evidence can never alter the nature of the crime.-

Ordered,

24th August, 1844.

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

/Srut in No. 2023/

Read Communication from the Subordinate Judge of Calicut forwarding with reference to this Court's proceedings of the 1st Instant copy of the order of the Sessions Court returning for disposal by the Subordinate Court Case No. 79 on Report No. V for June last.—

/Here enter F.M. No. 2130/

1. The 1st prisoner in Case No. 79 was charged with having at dusk opened with false keys the lock of a room and that of a box secured therein and stolen therefrom property to the value of Rupees 200. 11. 5 and 2 other prisoners were charged with knowingly receiving the stolen property.—

2. The 1st prisoner was committed for trial the other two were released.

F.M.

24th August, 1844.

3. The Sessions Judge remands back the case to the Subordinate Court considering the evidence altogether insufficient to establish the fact of "the prisoners having picked the lock "of the room in which the property "was alleged to have been secured, "the only circumstance which could bring "the case under Clause I Section II "Regulation VII of 1802 and render its "committal necessary". The Sessions Judge further doubted "whether even "if the above point were fully esta-"blished the offence would amount "to house breaking agreeably to the "wording of the aforementioned en-"actment which appear to him "to have reference to people "breaking "into a ware house, store house, or "other building or place from out-"side".—

4. The Court approve of the proceeding of the Sessions Court on the ground that the evidence

to

2

to prove the fact of breaking was in=
sufficient but they are of opinion
that entry by an inmate, who has no
right of entry, into a closed or lock=
ed room, is breaking in law.—

Ordered, that Extract
from these proceedings be sent to
the Sessions Judge of Calicut for
his information and for commun=
ication to the Subordinate Judge,
for his information.—

/Sent in No. 2024.

Read the Criminal Re=
Reports submitted by the Principal
Sudr Ameen of Cuddalore for the
month of July, 1844.—

/Were Entr. F. R. No. 2155./

Report No. V
Case No. 83— 1.

The Court of Foujdaree
Udalut observe that the Principal Sudr
Section III Regu= Ameen has quoted a wrong Regulation
=lation XV of 1803. in support of the committal of the
prisoners, who should properly have
been committed under Clause 3, Sec=
=tion IX, Regulation X of 1816.—

Case No. 86. 2.

Adverting to the cause

of

of offence which the Prosecutrix ap=
=pears to have given to the Prisoner,
the Court think that the Prin=
=cipal Sudr Ameen has awarded
much too severe punishment to
the prisoner in sentencing him
to six months imprisonment with
labor.—

3. Under the circumstances
of the case as they appear upon
the Report, the Court think
that two months imprisonment
with hard labor will be a suffi=
=cient punishment for the pri=
=soner, and direct that the ori=
=ginal sentence be modified ac=
=cordingly.—

Ordered, that Extract
from these proceedings be forwarded
to the Principal Sudr Ameen of
Cuddalore by Precept returnable
in V days from and after it's
receipt.—

/Sent following Precept No. 2025.

Read Criminal Reports
for

24th August 1844.

for the month of July 1844 submitted by the Agent to the Governor of Fort St. George in Vizagapatam under date the 1st Instant.

/Were enter F.U. No. 2209/—

Read letter dated the 14th Instant from the Magistrate of Madura replying with reference to the Foujdaree Udalut's Proceedings of the 5th idem relative to Case No. 94 on the Subordinate Court's file.—

/Were enter F.U. No. 2210/

Read letter dated the 12th Instant from the Magistrate of Tinnevelly reporting that no case was investigated under Section LIV Act VII of 1843

/Were enter F.U. No. 2212/—

Read letter dated the 17th Instant from the Sessions Judge of Madura returning Calendars Nos. 13 and 15 of 1844 to which the requisite Dockets and Endorsements have been duly affixed.—

/Were enter F.U. No. 2221/—

F.U.

Monday 26th August 1844

At a Court of the Foujdaree Udalut

Present

Malcolm Lewin Esquire Actg 3d Puisne Judge

Alexander Maclean Esquire Actg 5th Puisne Judge

Read letter dated 17th Instant from the Sessions Judge of Mangalore submitting the record of trial in Case No. 357 on the Calendar of the Sessions Court at Mangalore for 1844.

/Were enter F.U. No. 2217/

Mr. M. Lewin and Mr. A. Maclean

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

1st Narnachary and

2d Narama

is sufficient to convict them of the crime of Murder do convict them thereof, and under the provisions of Section X Regulation VII of 1802 sentence them to suffer death by being hanged at the usual time and place of execution.—

/Seal following letter No. 2028/

Read

Read Criminal Reports
for the Month of July submitted by the
Sessions Judge of Chicacole
/Vide Inter P.R. No. 2115/

Supplemental Report
Case No 6

The Prisoners in this case
were charged with breaking into the
prosecutor's house and stealing therefrom
property to the Amount of Rs 94-16-0 as
and have been committed to take their
trial before the Sessions Court but the date
and the grounds of the commitment
are not given in the proper Columns, nor is
the reason apparent for the Commitment
at all under the circumstance of the
Class's jurisdiction embracing the functions
of a Criminal Judge and of a Sessions
Judge also.—

Ordered, that Extract of
these proceedings be sent to the Sessions
Judge of Chicacole for his information
by precept, returnable in 3 days from and
after it's receipt

/Sent following precept No 202/

Read Miscellaneous Petition
presented

presented on the 15th July 1844 by Avoy
Lutchemy the Sister of Appavoo Moorelly
prisoner in Case No 6 of 1844 on the
file of the Sessions Court of Madura.—
/Vide Inter M.P. No 87 of 1844/

The Petitioner complains
of the Sentence of 4 years' imprison-
-ment passed by the Sessions Judge of
Madura upon her brother Appavoo
Moorelly the prisoner in the above Case
who, she alleges, was unjustly convicted
of perjury in consequence of the deposition
which he gave before the Joint Magistrate
of Madura, having been erroneously
transcribed and his signature to
the same fraudulently obtained.—

2 The Petitioner states
that her brother made no contradiction
before the Subordinate Judge who
committed him for perjury, as to
the dates of the arrival and departure
of one Chinnapa Naiken the Zemin-
dar of Veerapantchy, from his house
and also regarding the precarity
of

of his brother Mootiah Moodelly, but deposed to the same effect before that officer as he did before the joint Magistrate.-

3. The Petitioner prays the Court to call for the record of the above case, and order her brother to be released from confinement.-

4 The Court of Zoujdaree Adalut having reason to doubt the propriety of the prisoner's conviction in the above case for perjury directs that a copy of this Petition be forwarded to the Sessions Judge of Madura who will be pleased to forward a translation of the record of the case in question and at the same time explain fully the nature of the contradictions made by the Petitioner's brother and on what point they were material to the issue of the trial before the Court.-

Ordered that Extract of these Proceedings be forwarded to the Sessions

Sessions Judge of Madura by precept returnable in 30 days from and after its receipt.-

/Sent following precept No 2039/

Ordered also, that Copy of these Proceedings be granted to the Petitioner on her application.-

Read Miscellaneous petition presented on the 15th July 1846 by Andy Lutchemy, the sister of Mootyah Moodelly, the 3d prisoner in Case No 2 of 1846 on the file of the Sessions Court of Madura

/Here enter M.P. No 88 of 1846/

The Petitioner complains of the sentence of 4 years' imprisonment passed on her brother Mootyah Moodelly by the Sessions Judge of Madura, who she alleges was unjustly convicted of perjury in consequence of certain threats held out to him by the public Servants of the joint Magistrate's office to retract a deposition which he had made

26th August 1864

mase before the said officer regarding
the fact of the Zemindar of Veerapantely
having written an argee to the Principal
Collector of Madura, complaining of
certain acts committed by the Joint Ma-
-gistrate of the same district.—

2 The Petitioner states that
it was solely in consequence of the above
threats that her brother retracted the
deposition which he first mase before
the Joint Magistrate and which re-
-tracted deposition, she states, was not taken
notice of by the Joint Magistrate
until her brother has complained of
before the Magistrate of Madura of
the conduct of the public servants
of the Joint Magistrates towards him.—

3 The Petitioner prays the
Court to call for the record of the above
case, and if fit orders for the release of
her brother from confinement.—

4 Adverting to the orders
passed upon the petitioner's former pe-
-tition the Court of Fujdaree Adalut

M.P. No 87 of 1864.

26th August 1864

do not consider it necessary to pass any
order upon the Petition now under
consideration.—

Ordered that a copy of
these Proceedings be granted to the Peti-
-tioner on her application.—

Read Miscellaneous Petition
presented on the 29th July 1864 by
Soobroya Moodely of Palany in the
Zillah of Madura.—

/Here Enter No 97 of 1864/

Read also Miscellaneous
Petition presented on the 12th August
1864 by the above Petitioner, soliciting
that the documents accompanying
it may be duly considered in connection
with the above mentioned Petition,
and that an order may be passed
thereon.—

/Here Enter M.P. No 106 of 1864/

The Petitioner in his Petition
of the 29th July last states that he is the
Nattamgar of Palany and other villages
in the Zillah of Madura, from which
situation

situation, he complains that he was dis=
=missed in the month of October 1842 by
the Magistrate of Madura, who alleged
as a reason for so doing, his disqua=
=lification for the public service, in con=
=sequence of the Circuit Judge having
furnished him the (Magistrate) with
an Extract from the Proceedings of
the Circuit Court to the effect that
he (Petitioner) and his relatives had
conspired together and fabricated the
false charge of Murder preferred against
Arundya Pillay, late Tashildar of
Tyumpilly, in Case No 7 on the Madura
Calendar for the 2d Sessions of 1842.—

2 The Petitioner denies that
he was in any way concerned in the
above case, and in proof of his assertion
begs to refer the Court to the record of
the case held in the above trial.—

3 The Petitioner explains
the reason why he was prevented from
sooner preventing this petition and concludes
by

by praying the Court to call for the Record
of the trial in question and issue
orders for his restoration to his Office
of Tatamungal of the Villages above
=mentioned.—

4 The Court of Foujdaree
Adalut having duly considered the Calen=
=dar of the trial in which the Petitioner
is stated to have been concerned, see
no reason to impugn the propriety
of his dismissal from the situation

5 The Court accordingly reject
this Petition.—

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

Read letter dated the 31st
Ultimo from the Sessions Judge of Telli=
=cherry returning the Criminal Re=
=ports for June 1844 duly amended.—

/ Here enter File No 2039 of 1844 /

Read return, dated the 5th
Instant from the Sessions Judge of Chittoor
to

to the precept of the Foujdaree Adalut under date the 27th July last requiring him to explain regarding the discrepancy in the dates of the prisoners apprehension in case No 83 of 1844 on the file of the Subordinate Criminal Court of Chittoor and to call for the record of the trial in the said Case and pass such orders as he may consider proper reporting the same for the information of the Foujdaree Adalut.—

/Here Enter Fl. No 3046 of 1844/

Read letter dated the 5th Instant from the Acting Magistrate of North Arcot, forwarding a report of cases tried by the Acting Joint Magistrate under the provisions of Section LIV Act VII of 1843 during the month of July last and informs that during the above period neither himself nor the Head Assistant Magistrate exercised the powers vested by that Act.—

/Here Enter Fl. No 3047 of 1844/

Read Criminal Reports dated

dated 5th Instant submitted by the Agent to the Governor of Fort Saint George at Ootacamund for the month of July 1844.—

/Here Enter Fl. No 3083 of 1844/

Read Return dated the 7th Instant from the Sessions Judge of Bellary to the precept of the Foujdaree Adalut dated the 29th July 1844 directing the recal of the Original Warrant issued in case No 5 of 1844 on the file of the Sessions Court at Bellary and ordering the simple imprisonment of the prisoner Chenna Bungapah in the said Case for one year.—

/Here Enter Fl. No 3086 of 1844/

Read return dated the 6th Instant from the Principal Sudr Ameen of Tinnevelly to the precept of the Foujdaree Adalut dated the 31st July 1844 calling for the grounds by which the Sudr Ameen arrived at the conclusion that 3 out of 4 Witnesses for the defence in case No 57 of 1844 are worthless people.—

/Here Enter Fl. No 3089 of 1844/

Read

26th August 1844

Read letter dated the 6th Instant from the Acting Magistrate of Canara furnishing information in reply to an Extract from the Proceedings of the Zillah Adalut dated 25th June on the Criminal Reports of the Sessions Court of Honore for May regarding the Cases Nos. 39-41 and 46.

(Here Enter Ft. No. 2101 of 1844)

Read letter dated the 6th Instant from the Magistrate of South Arcot reporting that no cases were decided under Section LIII Act VII of 1843 in the Month of July 1844

(Here Enter Ft. No. 2102 of 1844)

Read Jail Report No. 6 dated the 31st July 1844 submitted by the Sessions Judge of Nellore for the Month of July last.

(Here Enter Ft. No. 2117 of 1844)

Read Jail Report dated the 31st Ultimo submitted by the Sessions Judge of Nellore of the Labor of Convicts and additional Persons employed for the Month of July 1844.

(Here Enter Ft. No. 2118 of 1844)

Read

26th August 1844

Read return dated the 8th Instant from the Subordinate Judge of Bellary to the precept of the Zillah Adalut under date the 3d idem directing certain irregularities in Nos. 70-71 and 73 of the Criminal Report No. V for the Month of June 1844 to be brought to the notice of the Magistrate.

(Here Enter Ft. No. 2121 of 1844)

Read Jail Report dated the 8th Instant submitted by the Acting Sessions Judge of Masulipatam for the Month of July

(Here Enter Ft. No. 2128 of 1844)

Read letter dated the 10th Instant from the Sessions Judge of Salem submitting the Criminal Statement No. IX forwarded by the Acting Subordinate Judge of Salem.—

(Here Enter Ft. No. 2133 of 1844)

Read letter dated the 8th Instant from the Sessions Judge of Tellicherry forwarding Criminal Reports for the Month of July 1844.

(Here Enter Ft. No. 2135 of 1844)

Read report dated the 9th Instant

26th August 1844

26

Instant submitted by the Subordinate Criminal Judge Chittoor of prisoners tried and whose cases have been referred to the Foujdaree Adalut but on whom the sentences of that Court has not been received in the month of July 1844.

(Here Enter F.R. No. 2139 of 1844)

Read report dated 10th Instant submitted by the Sessions Judge of Bellary of prisoners tried and whose cases have been referred to the Foujdaree Adalut but on whom the sentence of that Court has not been received in the month of July 1844

(Here Enter F.R. No. 2148 of 1844)

Read translation of the report dated the 2d Instant submitted by the Sessions Judge of Havore, of Criminal Cases disposed of by the Sudr Ameen of Sorey during the month of July 1844.

(Here Enter F.R. No. 2137 of 1844)

Ed H.

P. 86.

Tuesday
27th August 1844. At a Court of the Foujdaree Adalut

Present,

Mr Malcolm Lewin Esqr. Acting 2d Puisne Judge
Alexander Maclean Esqr. Acting 3d Puisne Judge.

Read letter dated the 19th Instant from the Sessions Judge of Coimbatore submitting the record of the trial in case No 25 on the Calendar of the Session Court at Coimbatore for 1844.

(Here enter F.R. No. 2228)

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 proof against the Prisoner, "Moroogun", is sufficient to convict him of the crime of Murder, do convict him thereof; and, under the provisions of Section X Regulation VIII of 1802, sentence him to suffer death, by being hanged at the usual time and place of Execution.-

(Sent following Letter No. 2034)

Read

27th August 1844.

Read again Criminal Reports dated the 1st Ultimo submitted by the Subordinate Criminal Judge of Mangalore for the month of June 1844.

(Here enter No 1772)

Read also return dated the 9th Instant from the Sessions Judge of Mangalore to the precept of the Fouzdaree Udalut of the 25th Ultimo, directing him to call for the proceedings in Case No 91 on the Mangalore Criminal Reports for the month of June last, and to pass such orders as he may deem necessary, reporting the same for the information of the Fouzdaree Udalut.

(Herewith No 2129)

1. Although the above Return shows the opinion of the Sessions Judge on the case regarding which he was required to pass such orders as he might deem necessary, the Fouzdaree Udalut do not find that any orders have actually been issued to the Subordinate Judge in amendment of the trial reviewed.

2. They accordingly request the

27th August 1844.

the Sessions Judge further to report what he may have done and to pass final orders should none have been transmitted to the lower Court.

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

(Sent following precept No 2035)

Read Criminal Report submitted by the Magistrate of Rajahmundry of cases tried by the Magistracy under the provisions of Section LIV. Act VII of 1843, during the month of July 1844.

(Herewith Pkt. No 2112)

Cases No 4 and 5. The Court of Fouzdaree Udalut deem it proper to direct the Session Judge of Rajahmundry to call for the proceedings held in these cases and pass on them such orders as may appear to him proper, reporting the result for the information of the Fouzdaree Udalut.

Ordered that Extract from these

27th August 1844. these proceedings be sent to the Sessions Judge of Rajahmundry for his information by precept, returnable in 28 days from and after its receipt.

(Sent following precept No. 2036)

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

(Sent in No. 2037.)

Read the Criminal Reports submitted by the Principal Sudr Ameen of Guntoor for the month of July 1844.

(Seventeen P.Cs. Nos. 2111.)

Supplemental Report. 1. The 1st prisoner was charged
Case No. 19. with having scaled the compound wall of the Prosecutor's house entered it through an open door, and stolen therefrom property valued at Rupees 23, and the 2d. prisoner with having purchased the above stolen property, knowing it to be such.

2. The 1st prisoner confessed his guilt before the Head of Police and the Court, which was further established by the evidence of four witnesses.

3. The 2d prisoner pretended that

27th August 1844. that the stolen property was mortgaged to him for the sum of Rupees 15, but on consideration of the secrecy with which the transaction was performed, the Principal Sudr Ameen considered him guilty of knowingly receiving the stolen property in question and sentenced him under Section IX Regulation XIII of 1832 to 2 months imprisonment with hard labor in irons. The 1st prisoner was sentenced under Section VII Regulation X of 1816 to 3 months imprisonment with hard labor in irons.

4. The Court consider that the Principal Sudr Ameen has passed a very lenient sentence upon the 1st prisoner, whose offence, from his having scaled the Prosecutor's compound wall and by that means effected an entry into his house amounted to burglary, and should therefore have been punished by imprisonment for a period in excess of six months.

Circular Order No. 139.

Report No. V. Case No. 20.

5. The point of reference on which the Head of Police solicited the

the orders of the Acting Head Assistant Magistrate must be stated.-

6. There appears to have been no necessity for making the reference in question.-

Case No. 23. 7 A delay of 16 days is observed to have taken place in the examination of this case in the Talooke, of which an explanation must be given.-

8. The interference of the Acting Head Assistant Magistrate in this case does not appear to have been called for.-

9. The Principal Sudr Ameen is informed that no necessity exists for his affixing his signature to the back of the Reports now under consideration, and is directed to avoid the irregularity in the transmission of his future Reports.-

Ordered that Extract of these proceedings be forwarded to the Principal Sudr Ameen of Guntoor for his information, and for communication of paras. 5. 6. 7 and 8. to the Magistrate of Guntoor who will transmit the required information direct to this Court.-

(Sent in No. 2038.)

Read communication dated the 29th Ultimo from the Acting Sessions Judge of Tinnevelly requesting with reference to Circular Order No. 158 information whether the Sudr Ameen of Sivagunga is competent to receive and dispose of cases of breach of Salt and tobacco laws which may be sent to him by the Police or Magistracy of the Division subject to his jurisdiction. also if the Sudr Ameen of Sivagunga is competent to dispose of such cases, who is to conduct the prosecutions before that Officer; as there is no Government Vakeel attached to his Court; and whether the extent of imprisonment to be adjudged by him in default of payment of a fine under Clause first Section IV Regulation V. of 1831 must of necessity be limited to six months, with reference to Section XLVII of Act VII of 1843.-

(Herewith No. 2034.)

1. The Sowdaree Udalut consider the Sudr Ameen of Sivagunga competent to dispose of the cases referred to in the Acting Sessions Judge's 1st question.-

2. The Court think a Government Vakeel

27th August 1864.

Vakeel should be allotted to the Establish-
-ment of the Sudr Ameen of Tirag and
will make on the subject the necessary
communication to Government on the
receipt from Mr. Forsyth of the applica-
-tion for that addition in the Form
prescribed by the orders of the Supreme
Government referred to in this Courts
circular letter dated 8th April 1864.-

3. None of the prescribed
penalties (see note p. 498 of Campbells
Regulations) necessarily exceed 200. Rupees
for which amount 6 months imprisonment
is held by the Regulations an equivalent.-

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

(Sent in № 2039.)

Read the Criminal Reports
submitted by the Subordinate Judge of Chittoor
for the month of July 1864.-

(Here enter F.C. № 2093.)

Supplemental Report
Case № 102.-

1. The Subordinate Judge in releasing
the

3.

F.C.

27th August 1864.

the 4th, 5th, 6th and 7th prisoners, has remarked
that there was no evidence whatever to shew
that they took part in the fray mentioned
in the charge.-

2. The Police Ameen of Vellore
should be required to explain why he sent
the above prisoners to the Criminal Court.-

Report № V.
Case № 103.

3. In the remarks appended
to this case it is stated that the prisoner
was directed by the Head of Police to
turn the Prosecutor out of the Village as he
was a suspicious character.-

4. The order as above stated
was illegal and the Magistrate is required
to explain on what grounds when the case
was referred to him, he ordered it to be
sent to the Court.-

5. This case appears to have
been delayed in the Pullook from the 29th
January to the 22nd May, of which delay
the Report contains no explanation.-

6. The interval from the 29th
January to the 22nd May must be
accounted for.-

The

27th August 1866.

Case No 106.

7. The Court of Sessions are not satisfied with the way in which this case has been disposed of. It is clear that something poisonous was administered in cakes given to the children by a person at enmity with their father, of which one child died.

8. The Court desire that the Sessions Judge will call for the record and pass any order thereon which may appear to him requisite reporting the same. One principal object of enquiry should be whether the Police took all proper measures to ascertain where the cakes were procured.

9. As there appears to have been no evidence produced against the 2d prisoner the Police Amen should be called to explain why he sent him up to the Court.

Case No 108. 10. The witnesses in this case it is observed, state that they were kept in the custody of peons for several days, and compelled to affix their signatures to the papers placed before them by the Head of Police.

The

27th August 1866.

11. The Court trust that these statements were immediately brought to the notice of the Magistrate, if not, they should be so now.

Case No 110. 12. This case is one of petty theft and should have been sentenced by the Magistrate.

13. The sentence of the Court should have been passed under Section VII Regulation X of 1816 and must be reduced accordingly. One month's imprisonment, would the Court think, be enough.

Case No 113. 14. The Head of Police states that on the 26th June, and on the 11th July he addressed the Joint Magistrate soliciting his orders regarding this case.

15. The exact points of reference on these two occasions to the Joint Magistrate and his replies must be furnished.

Case No 114. 16. The Head of Police is reported to state that some of the prisoners were apprehended on the 13th July and others on the 17th and 18th July.

Find

27th August 1844.

17 This account is not satisfactory.-

18 It does not appear that more than two prisoners were apprehended yet three dates of apprehension are given.-

19 The provisions of Clause 1st Section V. Regulation XI of 1816 could not have been attended to or it would not have been necessary to send for all the witnesses after the Prosecutor appeared before the Head of Police.-

Case No 115. 20 The Court having reason to question the propriety of the decision which the Subordinate Judge has passed in this case, direct the Sessions Judge to call for the record, and pass such orders thereon as he may deem requisite, reporting the same for the information of the Court.-

21 With reference to Circular Order No 33, it appears that one Peon in excess of the prescribed number has been employed in superintending the convicts at work outside the Jail. The Subordinate Judge is desired to explain on what grounds an additional Peon beyond the prescribed number was employed by him.-

Ordered

Ellc.

27th August 1844.

Ordered that Extract of these proceedings (paras: 7. 8. and 20) be forwarded to the Sessions Judge of Chittoor by precept returnable in X days from and after it's receipt.-

(Sent following precept No 2040)

Ordered also that Extract of these proceedings be forwarded to the Subordinate Judge of Chittoor for communication of paras: 1-2-3-4-5-6-7-8-9-10-11-14-15-16-17-18 and 19 to the Magistrate of North Arcot who will transmit the required information direct to this Court.-

(Sent in No 2041)

Read letter dated the 1st Ultimo from the Subordinate Judge of Bellary transmitting copy of a letter from the Magistrate of Bellary containing explanation of certain errors of the Criminal Reports for January 1844, called for by the Pongary Adalut.-

(Here enter No 1840)

Read Calendar submitted by the Sessions Judge of Salem in Case No 11 of 1844.-

(Here enter No 1845)

Read

29th August 1844.

Read report dated 17th Ultimo submitted by the Acting Magistrate of Nellore of cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the months of June 1844.-

(Here enter No. 1848.)

Read return dated the 17th Ultimo from the Acting Subordinate Judge of Cuddapah to the precept of the Foujdary Adalut of the 6th Ultimo affording the explanation required upon the Criminal Reports for May 1844.-

(Here enter No. 1850.)

Read report dated 13th Ultimo from the Session Judge of Cuddapah of prisoners tried and whose cases have been referred to the Foujdary Adalut but on whom the sentence of that Court has not been received up to the 30th June 1844.-

(Here enter No. 1860.)

Read letter dated 20th Ultimo from the Magistrate of Chingleput stating that the office copy of the report for May 1844 and the abstract exhibited in it shews that both the Prisoners in Case No. 23 were punished.-

(Here enter No. 1879.)

Read Criminal Reports submitted by the Principal Sudr Ameen of Nellore for the months of July 1844.-

(Here enter No. 2166.)

Ed W.

RDR

27th August 1844.

Read return dated the 19th Instant from the Session Judge of Combaconum to the precept of the Foujdaree Adalut of the 12th idem directing him to insert in the Calendar in addition to the names the condition of the Jury and that the omission in Case No. 43 should be supplied.-

(Here enter No. 2233.)

Read Supplemental return dated the 17th Instant from the Acting Agent to the Governor of Fort Saint George at Ganjam to the precept of the Foujdaree Adalut of the 23rd April last calling for a translation of the record of the trial in Case No. 13 of 1843 on the Agent's file.-

(Here enter No. 2263.)

F. C.

Wednesday,
28th August 1844 At a Court of the Foujdaree Udalut.

Present,

Mr. Malcolm Lewin Esqre Actg 2d Puisne Judge,
A. M Alexr Maclean Esqre Actg 3d Puisne Judge,

Read the Criminal Re-
ports submitted by the Session Judge
of Tellicherry for the month of June
1844.—

(Here enter F. C. No 1814)

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

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

(Sent in No 2044)

Read the Criminal Re-
ports submitted by the Principal
Sudr Ameen of Tinnevelly for the
month of July 1844

(Here enter F. C. No 2040)

Report

28th August 1844
Report No V
Case No 79

1. The Court of Toydaree Udalut not being satisfied with the Sentence which has been passed upon the prisonner direct it to be suspended and desire the Sessions Judge to call for the record and pass such orders as he may deem proper, reporting the same for the information of the Court.

2 Adverting to the dangerous position in which the certificate of the Lillah Surgeon shews the prosecutor to have been placed from the effect of the blow inflicted upon him by the Prisoner, the Court think that a statement should have been taken from the Prosecutor whilst he was in the above state, and that the trial should have been postponed until the result of the injury he received was ascertained.—

3. The conduct of the Head of Police of Tinnivelly in not causing the necessary medical aid to be furnished to the Prosecutor should be

28th August 1844 be brought to the notice of the Magistrate.—

4 It is omitted to be stated in the charge how the prisoner effected an entry into the Prosecutors house this information must now be supplied.—

Case No 81.— 5 The Court having reason to question the propriety of the Sentence which the Principal Sudr Ameen has passed upon the prisoner, direct it to be suspended and desire the Session Judge to call for the record and pass such orders thereon as he may deem requisite, reporting the same for the information of the Court.—

Case No. 85.— 6. The prisoner was charged with having on the 19th October 1844 in company with others beaten and wounded the prosecutors.—

7 The Court desire that Explanation may be given regarding the insertion of the date viz: the 19th October 1844 on which the prisoner

was

28th August 1844

was charged with having committed the above offence.-

Ordered that Extract from these Proceedings (paras 4 and 5) be forwarded to the Sessions Judge of Tinnevelly by precept returnable in 10 days from and after its receipt.-

(Sent following Precept No 2045)

Ordered also that Extract from these Proceedings be sent to the Principal Sudr Ameen of Tinnevelly by precept returnable in 5 days from and after it's receipt.-

(Sent following Precept No 2046.-

Read the Criminal Reports submitted by the Principal Sudr Ameen of Trichinopoly for the month of July 1844

(Here enter F. 26 No 2182)

Report No V Cases 1. No 54 and 55

In both these cases considerable delay is observed to have occurred in consequence of the provisions of Claus I Section V Regulation XI of 1816 not having been attended to by the Head of

28th August 1844

of the village, who should be called to account for his neglect.-

Cases Nos 56 and 58

2 The Session Judge is directed to call for the records of these cases and pass such orders thereon as he may deem requisite reporting the same for the information of the Court. The sentences passed by the Principal Sudr Ameen being in the mean time suspended.-

Case No 42

3. The Court consider that the Session Judge was not justified in directing the Principal Sudr Ameen to reinvestigate the charge brought against the prisoners, after it had been regularly tried by him and the prisoners not proved guilty of the same.-

4. The Principal Sudr Ameen is directed to release the prisoners from the security which he has taken from them.-

Ordered that Extract of these Proceedings (paras 2 and 3) be forwarded to the Session Judge of Trichinopoly by precept returnable in 5 days from and after its receipt.-

(Sent following precept No 2047) ordered

28th August 1844.—

Ordered also that a Extract from these Proceedings be sent to the Principal Sudr Ameen of Tiruchirapoly by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 2048)

Exd.

Read communication dated 20th Instant from the Acting Magistrate of North Arcot submitting explanation in Cases Nos. 81-92 and 97 of 1844 of the Criminal Reports for the month of June last, as required by the Court of Fouzdaree Udalut in the Extract from their Proceedings under date the 29th Ultimo—

(Here enter F. C. No. 2226 of 1844)

Read return dated 21st Instant from the Sessions Judge of Chittoor to the Precept of the Foujdaree Udalut under date the 17th August 1844 directing the Sessions Judge to call upon the Prisoner Veerabadrun in case No. 4 of the Chittoor Calendar for the 1st Quarterly Sessions 1843 to furnish proper Security for

28th August 1844.— for his future good behaviour and in default of his so doing that he be continued in confinement in the Tillah Jail. the further orders of the Court being solicited after the expiration of 6 months.—

(Here enter F. C. No. 2229 of 1844)

Read letter dated 14th Instant from the Sessions Judge of Tellicherry transmitting translation of a Fulwah in Case No. 8 of 1844 on the file of the Sessions Court.—

(Here enter F. C. No. 2227 of 1844)

Read report dated 20th Instant from the Acting Sessions Judge of Cuddalore of casualties and Prisoners released during the month of July 1844.—

(Here enter F. C. No. 2234 of 1844)

Read return dated 17th Instant from the Agent to the Governor of Fort St. George, to the Precept of the Foujdaree Udalut of the 8th Instant directing the release of the Prisoner Alloory Rayaparauze on the

28th August 1844 the file of the Agents Court at Vizagapatam.

(Here enter F. C. No. 2230 of 1844)

Read report dated 10th Instant from the Session Judge of Cuddapah of Prisoners tried and whose cases have been referred to the Foujdaree Adalut but on whom the sentence of that Court has not been received up to the 31st July 1844.

(Here enter F.C. No. 2247 of 1844)

Read Calendar from the Session Judge of Chingleput of Prisoners tried under Clause Second Section V Regulation VII of 1822.

(Here enter F. C. No. 2238 of 1844)

Read Statement dated 20th Instant from the Acting Sessions Judge of Cuddalore of Extra Jail Peons employed during the month of July 1844.

(Here enter F.C. No. 2237 of 1844.)

Read Estimate dated 20th Instant from the Acting Sessions Judge of Cuddalore of the value of the produce of the Prisoners' labor for the month of July 1844.

(Here enter F.C. No. 2236 of 1844)

End 7 H

F.C.

Monday 29th August 1844

At a Court of the Foujdaree Adalut

Present.

Malcolm Lewin Esqr. Acting 2d } Puisne Judges
Alexander Maclean Esqr. Acting 3d }

Read letter dated 31st July 1844 from the Magistrate of Bellary.

(Here Enter F.C. No. 2036)

1 With his letter the Magistrate forwards Extracts from a Correspondence with the Sessions Judge of Bellary and submits for the consideration and opinion of the Foujdaree Adalut as to whether he is not justified in forwarding a prisoner to the Criminal Court to request that he may be sent back to the Magistrate to receive charge of property in his deposit.

2 The Sessions Judge differed from the Magistrate and suggested that the most "simple & unobjectionable course would be the reapprehension of the party by the Police."

3 A Prisoner released by the competent Court cannot of course be reapprehended except on a new charge

neither

neither ought he to be subject to any further confinement or coercion. If his presence before the Magistrate is required only to restore some property to him it would probably always be sufficient to ensure his attendance if he were informed what he was wanted for. He cannot be sent under custody.-

4. The Court regret that their time should be thus needlessly taken up by a reference which a little reflection and a greater degree of cordiality between the Sessions Judge and Magistrate would have obviated.-

Ordered that a Extract from these proceedings be sent to the Magistrate and to the Sessions Judge of Bellary for their information respectively.-

(Sent in Nos 2057 & 2058)

Read Calendar dated the 27th Ultimo submitted by the Sessions Judge of Rajahmundry in Cases Nos 1, 6, 7 and 8 of 1843.-

(Here Enter No 2007)

Ends

case No 6

1 In one part of the remarks recorded regarding this case by the late Acting

Acting Sessions Judge Mr J. Austruther the Foujdaree Adalut observe that sentence had been passed against the 1st Prisoner to the extent of 15 years imprisonment with hard labor under Clause Seventh Section II Regulations XV of 1803, whilst in another (the second and only other Prisoner having been released) a sentence of seven years imprisonment is recorded "on the Prisoner"

2 The Judges desire explanation may be submitted regarding the above noted discrepancy and that the sentence actually passed may be specifically declared.-

case No 7

3 In this case according to the late Acting Sessions Judge's own showing the trial ought to have been referred as the intent was obviously from the nature and place of the wounds to kill. the punishment of stripes is inappropriate and the Court resolve to remit them for the foregoing reasons also that they have been so long hanging over the prisoner.-

Ordered that Extract from these

these proceedings be forwarded to the Sessions Judge of Rajahmundry by Precept returnable in V days from and after its receipt.-

/Sent following precept R:=2059./

Read Calendar submitted by the Sessions Judge of Calicut in case R:=46 on the file of the Sessions Court.-

/Vide Enter FH R:=2219/

1 The prisoner was charged with having whilst giving evidence for the prosecution in Case R:=24 of 1843 on the file of the Criminal Court of Calicut committed wilful perjury.

2 The Futwah of the Law Officer convicted the prisoner, in which conviction the Sessions Judge concurred but being of opinion that the prescribed punishment was too severe as there was no doubt that the prisoner had been tampered with and intimidated on his way to the Court, has recommended him to be sentenced to a mitigated punishment Four years' imprisonment with hard labor in irons.-

The

3 The Court of Foujdaree Adalut under the circumstances attending the prisoner's conviction & the above offence approve of the mitigated sentence recommended by the Sessions Judge, which they direct to be carried into effect.-

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

/Sent following precept R:=2060./

Read the Calendar submitted by the Acting Sessions Judge of Masulipatam in Case No. 8 of 1844 on the file of the Sessions Court.-

/Vide Enter FH R:=2239/

1 The Prisoner in the above case was charged with having at night proceeded armed in company with others to the house of the prosecutor, severely beaten him and plundered him of property valued at Rupees 101-14.-

2 The Mahomedan Law Officer in his Futwah declared the statement of the prosecutor to be unworthy of credit on account of the discrepancy in the depositions given

given by him before the Sessions Court and the lower tribunals, and also that the charges brought against the prisoner was not established by any evidence, and therefore that he was entitled to be released.-

3 The Sessions Judge in directing the release of the Prisoner has remarked upon the apparent discrepancy in the dates of the apprehension of the prisoner, the Head of Police having reported that he was apprehended on the 26th June, while the Duffadar alleges that he was apprehended on the 21st June, from which discrepancy in conjunction with the prisoner's statement that he was detained at the Talook Cutcherry it would appear that the conduct of the Head of Police in the examination of this case is liable to much suspicion.- The unnecessary reference of the case to the Assistant Magistrate also adds to the suspicion attaching to the proceedings of the Head of Police.-

4 The Court of Foujdaree Sudaut desire that a copy of the sentence and remarks

remarks made by the Sessions Judge in this case be forwarded to the Magistrate of Masulipatam for his information.-

5. The Court also desire that the sentence and remarks made by the Sessions Judge in future Calendars may invariably be inserted in printed ink.-

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

/sent in N°2061/

Read Report dated the 12th Instant submitted by the Acting Magistrate of Canara of cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the month of July 1846.-

/Here Enter N°2175/

Case N°1
16th August 1846.

1 The Foujdaree Sudaut have ruled that the additional powers conferred on the Magistracy by section LIV Act VII of 1843 do not extend to such cases of Cattle stealing as are cognizable by the Criminal Courts under Regulation VI of 1832.-

Short

2 Should the case entered in the above report not have been disposed of by the magistrate as regards the 1st Prisoner on receipt of these proceedings, it should be transmitted to the Subordinate Court.

Ordered, that Extract from these Proceedings be sent to the Acting Magistrate of Canara by precept returnable in 7 days from and after its receipt.-

/Sent following precept Nº 2062/

Read return dated 17th August 1844 from the Acting Sessions Judge of Tondalore to the precept of the Tonjdaree Adalut of the 12th idem directing the dismissal of Mr. Egan the Sailor on account of his violent hasty temper and his assault on certain convicts and reporting his reappointment by the Magistrate of South Arcot as Sailor at Mercaunnut.-

/Were Enter Ft. Nº 2202/

The Court of Tonjdaree Adalut resolve to direct that a copy of the return above recorded be forwarded to the Magistrate of the Southern Division Arcot who will be pleased to submit such explanation as

as he may consider necessary regarding the Statements contained in the Acting Sessions Judge's return explicitly reporting whether he has appointed Mr. Egan to any office and explaining under what circumstances he has considered himself justified in reference to the cause of his dismissal in taking such a step.-

Ordered, that Extract from these proceedings be sent to the Magistrate of the Southern Division of Arcot for his information and guidance by precept returnable in 3 days from and after its receipt.-

/Sent following precept Nº 2163/

Read Calendar dated 29th Ultimo submitted by the Sessions Judge of Cuttack in Case Nº XLVIII of 1844.-

/Were Enter Ft Nº 2144 of 1844/

Read Report dated 14th Instant submitted by the Magistrate of Chittagong of Cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 for the Month of July 1844.-

/Were Enter Ft Nº 2165 of 1844/

Read Calendar dated 14th July

submitted

submitted by the Sessions Judge of Cuddapah
in case No: 58 of 1844

/Here Enter Fl. No: 2170 of 1844/

Read Calendar dated 14th
Instant submitted by the Sessions Judge
of Cuddapah in Case No: 60 of 1844.

/Here Enter Fl. No: 2171 of 1844./

Read Calendar submitted
by the Sessions Judge of Chingleput
in case No: 15 of 1844.

/Here Enter Fl. No: 2180 of 1844/

Read Calendar, dated 15th Instant
submitted by the Acting Sessions Judge
of Trichinopoly in Cases No: 14 of 1844.

/Here Enter Fl. No: 2181 of 1844/

Read return dated the 15th Instant
from the Sessions Judge of Salem to the
Precept of the Fouzdaree Adalut under
date the 9th Idem directing the release of
G: Brett, the Prisoner in Case No: 2 on
the file of the Magistrate of Salem.

/Here Enter Fl. No: 2184 of 1844./

Read return dated the 13th Instant
from the Principal Sudr Ameen of Tinnevelly
to the precept of the Fouzdaree Adalut dated
9th Idem, calling for a full explanation of
the grounds on which the Principal Sudr

Ameen

29th August 1844.

Ameen imposed a fine of 50 Rupees
on the 2d Witness in Criminal Case
No: 55 of 1844.

/Here Enter Fl. No: 2190 of 1844/

Read report dated the 14th Instant
submitted by the Acting Sessions Judge
of Trichinopoly, of Casualties, and of
Prisoners released in the Zillah of
Trichinopoly in the month of July 1844.

/Here Enter Fl. No: 2191 of 1844/

Read Jail Report dated
14th Instant submitted by the Acting
Sessions Judge of Trichinopoly for the
month of July 1844.

/Here Enter Fl. No: 2192 of 1844/

Read letter dated 15 Instant
from the Acting Joint Magistrate in Charge
of Tanjore informing that no persons
have been tried by the Magistracy under
Section LIV Act VII of 1843 during the last
Months.

/Here Enter Fl. No: 2194 of 1844/

Read letter dated 13th Instant
from the Magistrate of Salem reporting that
the powers vested by Section LIV Act VII of
1843 were not exercised by the Magistra-
cy during the months of July 1844.

/Here Enter Fl. No: 2195 of 1844/

Read

2d:- 29th August 1844.-

29

Read letter dated 12th Instant from the Magistrate of Coimbatore - reporting that the powers vested in the Magistracy by Section LIV Act VII of 1843 were not exercised in the month of July 1844.-

Eg. D

/Here Enter Ill No: 2198 of 1844/

Read report of Cases tried by the Magistracy of Bellary under the provisions of Section LIV Act VII of 1843 during the month of July last.-

(Here enter No: 2176)

Case No: 11.

1 The Court have ruled that Section LIV Act VII of 1843 does not give Magistrates the power conferred on Criminal Judges by Regulation VI of 1822.-

2 Under this interpretation the Magistrate had not jurisdiction in this Case which should have been forwarded by the Tahsildar direct to the Subordinate Court. The Magistrate will be pleased to issue the necessary instructions to his Police officer in order to prevent similar cases being in future forwarded to him for disposal.-

Case No: 12.

3 The Court are disposed to question the propriety of the Magistrate having proceeded to pass sentence in this Case the Prisoner would appear to have rendered himself liable to commitment for trial before the Sessions Court.-

4. The Sessions Judge will be pleased to call for the proceedings held in the case and pass on them such orders as may appear to him proper reporting the result for the information of the Foujdaree Board

To

The.

Ill:
29th August 1844
Case No: 13

5 The Sessions Judge will also call for and report on the proceedings held in this case in which the Court doubt the propriety of the decision passed by the Joint Magistrate.

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

(Sent in No: 2064)

Ordered also, that Extract from these Proceedings (paras: 3,4,5) be sent to the Sessions Judge of Bellary for his information and guidance by precept returnable in 15 days from and after its receipt.-

(Sent following precept No: 2065)

24 August 1844 -

2 : 24

Case

C.

F. U.

Friday
30th August 1844 Held a Court of the Faujdaree Udalut, &c

Present,

Malcolm Lewin Esqre 1st Jr. 2nd Mr
Alexr Maclean Esqre 1st Jr. 3rd Mr } Puisne Judges

Read Calendar submitted by the Sessions Judge of Guntoor of Case No 11 of 1844 on the file of the Sessions Court

(Here enter F. U. No 2240)

1 The prisoners in the above case were charged with having entered the Prosecutor's house by making a hole in the wall of the same, and stolen therefrom property valued at Rupees 23 - 15 -

2 The Futwah of the Law Officer declared the prisoners guilty of having committed a burglary, as they confessed the crime before the Principal Sudr Ameen's Court, and as the stolen property was dis-

covered

30th August 18th.

discovered as pointed out by the 1st Prisoner. It is also declared in the said Futwah that the 1st prisoner who confessed having stolen the prosecutors property stated in the charge is liable to Thatag Dustarnuk & Zbund, and that the 2d and 3d prisoners who did not confess their guilt before the Court were liable to Tokoobut.—

3. The Session Judge concurred in the Futwah of the Law Officer and Sentenced the prisoners under Section XXI Regulation VII of 1802 to seven years imprisonment with labor in irons, the 2d prisoner also to receive 195 lashes with the Cat o'nine tails in consequence of his having been before convicted of burglary.

4 The Session Judge, considering that no act of personal violence existed in this case, has recommended the sentence of the 1st and 3d prisoners to be mitigated to

30th August 18th to four years imprisonment

5 The Court of Foujdaree Uadalut concur for the reason stated by the Session Judge in the mitigation of the 1st and 3d prisoners Sentence proposed by him, and accordingly direct the same to be carried into effect.—

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Guntoor by precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 2076)

Read Report of Case tried by the Magistracy of Guntoor under the provisions of Section IV Act VII of 1843 during the month of July 1844.—

(Here enter F. U. No. 2211)

Case No. 33 The Court of Foujdaree Uadalut desire that the Session Judge will call for the record of this Case, and pass such orders thereon as he may deem requisite, reporting the same

Same for the information of the Court

2. Under the circumstances of the case as detailed in the Report, the Court consider that the prisoner have been leniently punished by the Assistant Magistrate.—

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Guntoor by precept returnable without delay—

(Sent following Precept No 2077)

Ordered also that Extract from these Proceedings be sent to the Magistrate of Guntoor for his information.—

(Sent in No 2078)

Read the Report of Cases tried by the Magistracy of Malabar under the provisions of Section IV Act VII of 1843 during the month of July 1844.—

(Here enter F. W. No 2196)

Case No 1— 1. Adverting to the nature of

F. W.

30th August 1844

of the charge brought against the Prisoner, of which, it is stated that he was fully proved guilty, and to the circumstances under which the assault is related to have taken place, the Court of Sessions do not consider that the Joint Magistrate has passed too lenient a sentence upon the prisoner in adjudging him to be imprisoned for two months and to pay a fine of 10 Rupees or in default of payment to undergo two months additional imprisonment.—

Case No 2— 2. This case should have been sent up to the Criminal Court, as the offence which the prisoner was charged with having committed was a burglary.—

Case No 3— 3. The above remarks apply equally to this case.—

Case No 4— 4. Upon consideration of the serious charge brought against the prisoner, the Court consider that

30th August 1844 that this case should have been committed.—

5 The Joint Magistrate has passed a very lenient sentence upon the prisoners.—

6. The Court of Foujdaree Adalut desire that in conformity with the rule laid down for observance by Criminal Judges in para 2 Circular Order 16th November 1831. the Reports of cases tried by the Magistracy under the provisions of Section IV Act VII of 1843 may in future always contain "a concise but distinct note "of the grounds of their order on sentence "in each case."

Ordered that Extracts of these Proceedings be forwarded to the Magistrate of Malabar for his information and future guidance.

(Sentin No. 2079)

Read letter dated the 9th Instant from the Agent to the Governor of Fort St. George at

30th August 1844 at Kurnool submitting a Summary of the evidence against a prisoner charged with wounding and communicating his opinion as to the punishment to be passed on the prisoner.—

(Here enter F. D. No. 2150)

The Court of Foujdaree Adalut having maturely considered the Summary of the evidence taken before the Agent, the statement of the grounds for the conviction, and his opinion as to the punishment to be passed on the prisoner, resolve to confirm the sentence of 18 months imprisonment with hard labor on the prisoner "Rajah Ali"

which the Agent has proposed they are however, of opinion that the sentence passed irregularly by the Agent to the Governor is far too lenient for an assault and wounding under the circumstances

of

of aggravation which mark the case.—

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George at Kurnool for his information and guidance.—

(Sent in No. 2080)

Read the Criminal Reports submitted by the Acting Subordinate Judge of Salem for the month of July 1844

(Here enter F. 20 No. 2110)

Supplemental—1.
Report for 250

The two Prisoners whose names appear in this case 1st Sookanora Ajsary and 5th Pareyan were charged with gang robbery attended with aggravating circumstances, an offence punishable only by the Sessions Court and that under the provisions of Clause Second Section IV Regulation XV of 1803.—

2. The Acting Subordinate Judge Mr. C. Story so far as can be inferred from his brief sentence, dated

F. 20.
30th August 1844

dated 2d ultimo, would seem to have acquitted all the prisoners, save the 1st and 5th, whom he sentenced, under Clause fourth Section IV Regulation VI of 1822, to two years imprisonment with hard labor in irons, the names of any other Prisoners originally brought to the Bar being omitted in the proper Column of this Report and no mention being made by Mr. Story of the modes in which he previously dealt with them.—

3. The case however was it seems remanded back to the Subordinate Court for reinvestigation, by the Sessions Judge, the order to that effect having apparently emanated from a petition presented by the prisoners to the Sessions Court the result of which was that the Acting Subordinate Judge on a second investigation committed the prisoners for trial by the Sessions Court remarking that as the contradictions he had supposed to exist had greatly influenced him in doubting

the

30th August 1876

the identity of the two prisoners and as that contradiction did "not exist": he considered they ought to be sent up to take their trial before the higher Tribunal for the crime laid to their charge; but whether this second decision by Mr. Story was held by him to affect only the 1st and 5th Prisoners and not those who were in the first instance to have been before him on trial, or whether the 2nd, 3rd and 4th Prisoners were not subjected to the ordeal of a second trial are points unexplained as they should have been with reference to existing practice by any part of the Monthly Report now before the Foujdaree Adalut.

4 The Court would here remark that if the crime of gang robbery was not established, the Subordinate Judge should according to the rule indicated in Circular Order 14th July 1826. have entered a note at the foot of the sentence passed on the 4th July stating

30th August 1876

stating this circumstance, as also that the only offence brought home to the prisoners was that of knowingly receiving stolen property for which they seem, on reference to the Regulation quoted, to have been punished.—

5 But if it was proved that the prisoners had received the property knowing it to have been obtained by the perpetration of Gang robbery, they were liable to committal under Clause Second of the Regulation and Section quoted by the Subordinate Judge.—

6 The Court are however unable from the imperfect manner which the abstract of the evidence has been drawn up by Mr. Story to form any correct opinion of the merits of the subsequent proceedings of the Subordinate Judge nor is it clear on what grounds the prisoners have been committed to take their trial for the crime of Gang robbery.—

Before

7 Before therefore passing any final orders on the case the Court resolve to direct the Sessions Judge to call for the proceedings and submit a report thereon stating, in respect to the irregularities now noticed, such instructions as he may think required.—

Report No. V
Case No. 62

8. The Acting Subordinate Judge appears from his remarks in this case to have cross questioned certain of the Prisoners. He is informed that a proceeding of that nature has been repeatedly prohibited and is at variance with judicial practise.—

9 The Report before the Court does not show where the Prisoners were from the 25th to the 30th June last, on which date they appear to have been produced before the Subordinate Police Officer. An explanation should accordingly be furnished, by the Acting Subordinate Judge if procurable from the record of the

the case, otherwise by the Magistrate of Solaun direct.—

Case No. 65 10. The Court of Foujdaree Udalut desire they may be informed by the Magistrate what the point of reference was on which the Head Police deemed it necessary to forward this Case to the Joint Magistrate instead of the Court, to which it was eventually ordered to be transmitted.—

Cases Nos. 64 and 65 11 The same Prisoner appears to be concerned in both these cases his name in the latter being entered in red ink; but from a remark by the Acting Subordinate Judge it is shewn that as regards the offence charged in the latter case the Prisoner has actually been sentenced by the Acting Magistrate to receive 150 lashes.

12 By the Acting Subordinate Judge he has been sentenced in the former Case to imprisonment for

30.

30th August 1844

for a period of two years with labor and further to receive 150 lashes with a Cat of nine tails under the provisions of Clause Sixth Section II Regulation VI of 1822 and in Case 66 it is observed that the Acting Subordinate Judge declares no further steps are necessary under the circumstances of a sentence to the full legal extent having been recorded in Case 67

13. The Court presume that any sentence which has been passed by the Magistracy has merged into that of the Subordinate Court and if not already cancelled by the proper officer they desire it may be annulled.

Ordered that Extract from these Proceedings paras 11 to 13 be forwarded to the Sessions Judge of Salem by precept returnable without delay.

(Sent following Precept No 2081)

Ordered also that Extract

30th August 1844

Extract from these Proceedings be sent to the Acting Subordinate Judge of Salem for his information and guidance and communication of paras 9 to 13 to the Magistrate of that District.—

Ex. Clerk

(Sent in No 2082)

Read return dated the 15th Instant from the Magistrate of Malabar to the precepts of the Fourteen Idadut of the 29th Ultimo conveying their remarks on Case No 3 of the Magistrates Report for the month of June 1844

(Here enter No 2197)

The Return of the Magistrate does not in conformity with this Courts' Circular Orders contain the purport of the orders issued to him, and to which the above Return is a reply.—

9th December 1819.
B.
4th September 1820.

2. The Court request the Magistrate

30th August 1844. Magistrate will in future observe the Rule therein laid down and require also its observance by the Joint Magistrate whose address to himself is open to similar objections.—

Ordered that Extract from these Proceedings be forwarded to the Magistrate of Malabar for his information.—

(Sent in No. 2083.)

Wednesday 31st August 1844

Saturday 31st August 1844.

F. C.

Mca Court of the Fouydaree Udalut

Present

Mr Malcolm Lewin Esqre Jr 2d Puisne Judge
Alexr Maclean Esqre Jr 3d Puisne Judge

Read Supplemental Report dated the 1st Ultimo of Persons apprehended in the separate Tracts of Vizagapatam and delivered to the Agency and regarding whom no final orders had been passed on the date of the Report ending 30th June 1844.—

(Here enter F. 26 c No. 1774)

Supplemental-1. From a remark appended to
Report Case 1846 this Case in the Report dated 1st July
it would appear that the Prisoner con-
-cerned" is now undergoing the Sentence
"passed on him in No. 1" but the Court
do not find from the Reports received
that the Prisoner has been sentenced at all—On the contrary he would
seem to be "under examination" from
the Criminal Report for the month
of

30th

31st August 1844

of May last which is the first Report in which Case No 17 has been entered.-

2 The Agent to the Governor is requested to report in what manner the Prisoner has been disposed of in No 17 and explain the circumstances of its omission in the usual form in the Supplemental Report for June last.-

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor at Vellore with a Return by first opportunity returnable in X days from and after its receipt.-

Sent following Precept No 2089

Read the Calendar, submitted by the Session Judge of Combaconum of cases Nos 44 to 47 of 1844 on the file of the Session Court.-

(Here enter F. 26 No. 2169)

Case No 45

The circumstances of this case as detailed in the Calendar, appearing to the Court of Foujdaree Udalut to

31st August 1844

to represent a case little if any short of murder the trial should have been referred to them.-

Ordered that Extract of these Proceedings be forwarded to the Session Judge of Combaconum for his information.-

Sentence No 2099

Read letter dated 20th Instant from the Session Judge of Salem forwarding the return of the Subordinate No 12 on the Salem Calendar for 1844 together with the letter required by Circular Order 20th September 1830.-

(Here enter F. 26 No. 2249)

1. The warrant issued by the Session Judge in the foregoing case is dated the 13th August, but the prisoner was not presented till the 20th idem in consequence of his having expressed a desire to see his children whose attendance at Salem was not earlier procurable.-

The

31st August 1844.

The Court do not consider that the reason assigned at all justified the Subordinate Judge in delaying execution of the sentence which required that the prisoner should be hanged so soon as conveniently could be after the receipt of the Warrant.—

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

(Sent in A. 2091.)

Read the Calendar submitted by the Sessions Judge of Cuddapah of Case No. 61 of 1844 on the file of the Sessions Court.—

(Here enter F. 20 No. 2172)

The Court of Foujdaree Udalut having reason, from the marks upon the person of the deceased at his death, to question the propriety of the sentence passed by the Sessions Judge in the above case direct that it be suspended, and

31st. August 1844 and that a translation of the Record of the trial be transmitted without delay to the Court.—

Ordered, that Extract of these Proceedings be forwarded to the Sessions Judge of Cuddapah by precept returnable in XV days from and after its receipt.—

(Sent following Precept No. 2092)

Read return dated 15th Instant from the Sessions Judge of Cuddapah to the Precept of the Foujdaree Udalut of the 6th Idem directing him to call for the Proceedings held in cases Nos. 136. 137. 141 and 152 of the Cuddapah Criminal Reports for June and pass on them such orders as may appear to him proper reporting the result to the Foujdaree Udalut.—

(Here enter F. 20 No. 2183)

Cases Nos. 136 and 137.

In these two cases which are closely connected the prosecutor in the one case being the prisoners in the other the Sessions Judge is of opinion that the Extra Assistant has judged

correctly

3. 31st August 1844 correctly in fining all the prisoners whereby it is hoped they may in future abstain from similar disturbances

2 The Sessions Judge adverting to the power possessed by the Magistracy of binding over parties to keep the peace considers it very doubtful whether "such a course of proceeding would have had "so good an effect as the convictions in the case."

3. The Court observe that the Magistrate is empowered notwithstanding the punishment inflicted on the parties in these cases to take security from the principal persons should he deem it proper. The object of Section V Regulation VI of 1827 being expressly the due maintenance of the peace within their (the Magistrates) respective jurisdictions and this without interfering in any respect with the punishment prescribed by Section VII Regulation X of 1816 for a breach of it already committed.—

4 Should therefore any of the

31st August 1844 the circumstances of the case seem to the Sessions Judge to render it advisable that the principal parties in the case should be bound over to keep the peace he will be pleased to communicate his opinion to the Magistrate with a view to proper measures being adopted to prevent a further infraction of the peace

5 The Court approve of the Proceedings of the Sessions Judge in Case No. 152 and they direct that the prisoner if not already released be immediately set at liberty.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for his information by precept returnable in 3 days from and after its receipt.—

(Sent following Precept No. 2093.

F. 16.

Monday
2d September 1844. At a Court of the Foujdaree Adalut

Present

Malcolm Lewin Esqre Acting 2d } Puisne Judges
Alexander Maclean Esqre Acting 3d }

Read again Miscellaneous Petition presented on the 24th June, 1844. by Soondaramaul Surrana Moodelly and Pyanee Moodelly, the heirs Ambalavana Moodelly, Rangana Moodelly and Chocalingo Moodelly, the Prisoners in Case No. 19 of 1844 on the file of the Sessions Court of Cuddalore.

/Here Enter M. P. No. 66 of 1844/

Read also return dated 22d August 1844 made by the Acting Sessions Judge of Cuddalore to the precept of this Court under date the 29th July last calling upon him to submit to the Court any remarks which the circumstances of the above mentioned case might seem to require.

/Here Enter F.U. No. 2269/

The Court of Foujdaree Adalut having

having considered the remarks made by the Acting Sessions Judge of Cuddalore with reference the Petition in question are of opinion that they furnish a satisfactory reply to the alleged injustice which the petitioner complains, has been committed by the above officer in passing sentence upon the prisoners in the case above referred to.

2 The Court accordingly direct the dismissal of the Miscellaneous Petition presented by Soundaranaul, Seetavanna Moodelly and Pyance Moodelly.

M. P. No. 66.

3 The Acting Sessions Judge having referred to the frequent disputes occurring between the right and left hand Castes with which the Case above noticed is stated to have been connected, and having intimated that he is prepared to offer a proposition for the consideration of the Court, which will in his opinion effectually put an end to such disputes to the satisfaction of all parties, the Court

of Tonjadore Udalut will be glad to receive and give their consideration to any suggestions which Mr Lascelles may have to offer on a subject of such importance.

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

/Sent in N. 2094/

Read again Miscellaneous Petition presented on the 1st July last by Rungacharyar, a Defendant in Suit No. 82 of 1825 on the file of the late Zillah Court of Combaconum.

/Here Enter M.P. No. 74/

Read also petition dated the 5th Ultimo from the Magistrate of Trichinopoly to the Precept of the Tonjadore Udalut of the 22d July last forwarding a copy of a petition from Rungacharryar and directing the Magistrate to report whether the petitioner has any just grounds for the apprehension expressed in para. 2 of his

his petition.-

/Here Enter No. 2193./

The report from the Magistrate is considered by the Court to be sufficient to justify the rejection of the above address being satisfactorily shown from Rungacharry, or that no present cause exists for the appeal which the petitioner has made to the Tanjadarce Adalut.-

Ordered accordingly and that Extract from these proceedings be forwarded to the Magistrate of Trichinopoly for his information.-

/Sent in No. 2095/

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

Read Miscellaneous Petition presented on the 22d July, 1844 by Ramaswamy Reelakoodian, the brother of Vythealinga Reelakoodian, the 6th Prisoner in case No. 27 of 1844 on the file of the Sessions Court of Combaconum.-

/Here Enter M.P. No. 92 of 1844./

1 The Petitioner complains of

of the sentence of 5 years imprisonment passed upon his brother by the Sessions Judge of Combaconum and states that the verdict of guilty delivered by the jurors P. Appa Chetty C. Poorooshoattum Chetty upon the above trial was delivered from ill feelings towards his brother, as they were formerly arrested by him under the orders of the Magistrate of Tanjore, and subsequently committed for trial before the Court of Circuit.-

2 The Petitioner prays the Court to call for the record of the above case, and order the release of his brother Vythealinga Reelakoodian.-

3 The Court of Tanjadarce Adalut direct that a copy of this petition be forwarded to the Sessions Judge of Combaconum, who will be pleased to make due enquiry as to the statements made by the Petitioner with reference to the character of the jurors who sat upon his trial, and also to transmit any other remarks

remarks upon the allegations contained in the petition which he may think proper.-

Ordered that copy of these proceedings be forwarded to the Session Judge of Combaconum by precept returnable in XV days from and after its receipt.-

/sent following precept No 2096/

Ordered also that copy of these proceedings be granted to the petitioner on his application.-

Read Miscellaneous Petition presented on the 19th August 1844 by Amance Kunnal of Chittoor-

/Here Enter M.P. No 109 of 1844/

The petitioner states that she has been plundered of all her property including a bond to the amount of Rupees 700 and odd by certain persons, to whom she had lent that sum, and who also on a second occasion having beaten and stripped

2d September 1844-

stripped her of her clothes carried away sundry brass Utensils.-

The Petitioner complains 2 that she has been unable to obtain any redress for the above acts of the offenders from the Head of Police or Magistrate of Chittoor before whom she has preferred her complaint- she therefore prays that this Court will direct her complaint to be investigated by the Magistrate of Chittoor.-

The Court of Foujdaree 3 Adalut direct that a copy of this Petition be transmitted to the Magistrate of Chittoor who will be pleased to forward to the Court any orders which have been passed by him, having reference to the Petition now under consideration.-

Ordered that Extract of these proceedings be forwarded to the Magistrate of North Arcot by precept returnable without delay.

/sent following precept No 2097/

Ordered

2

Ordered also that Extract of these proceedings be granted to the petitioner orther application

Read Extract from the proceedings of the Sessions Court of Tinnevelly under date the 20th August 1844 submitting for the consideration of the Tondaree Adalut whether with reference to their Circular Order of the 12th July 1830 (A) it is competent to the Principal Sudr Ameen to adjourn his Court to a distance for the purpose of making some local examination respecting a case forwarded to the Criminal Court.

/Here Enter Vol R. No. 2270/

1

The Court of Tondaree Adalut concur with the Sessions Judge in considering that no legal objection exists to a Principal Sudr Ameen adjourning his Court to a short distance for the purpose of making a local investigation should sufficient cause be shown for the proceeding and they desire that in the particular case out of which the question submitted has arisen the Sessions Judge will issue such orders to the Principal Sudr Ameen as may appear to him proper after an investigation into the necessity of the step proposed by

Tirumalachary

2d September 1844. Tirumalachary.-

2

The Court agree generally in the remarks recorded by Mr. Douglas in the proceedings under acknowledgment-

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

/Sentin No. 2098/

Read Calendar in Case No. 41 submitted by the Sessions Judge of Calicut for 1844-

/Here Enter No. 2054./

The above Calendar not requiring any remarks from the Court of Tondaree Adalut-

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

/Sentin No. 2099/

Rungachary of the Zillah Combaconum, moves the Court to return the Enclosures in his Miscellaneous Petition Nos. 61 and 74 of 1844-

Ordered accordingly

Read Calendar, dated 25th July 1844, submitted by the Sessions Judge of Mangalore

in

in Case No. 32 of 1844.-

/Here Enter 7th No. 1960 of 1844./

Read Statement, dated the 1st July 1844 submitted by the Session Judge of Bellary, of cases referred to, and called up by the Court of Tongdaree Udalut, during the half year ending the 30th of June 1844.

/Here Enter 7th No. 1971 of 1844/

Read letter, dated the 27th July 1844, from the Magistrate of Masulipatam stating that no cases of the description alluded to in Section XIV Act VII of 1843 have come under his cognizance during the last month.-

/Here Enter 7th No. 1974 of 1844/

Read Return dated the 27th July 1844 from the Acting Session Judge of Cuddalore, to the precept of the Tongdaree Udalut of the 15th July 1844, reporting his revision of the Sentences passed by the Principal Sudr Ameen in Cases No. 47, 50, and 70 of 1844.

/Here Enter 7th No. 1977 of 1844./

Read Calendar, dated 20th July 1844 submitted by the Session Judge of Chittoor, in Case No. 23 of 1844.-

/Here Enter 7th No. 1978 of 1844./

Read

Read Calendar dated 27th July 1844 submitted by the Session Judge of Bellary in case No. 25 of 1844.-

/Here Enter 7th No. 1979 of 1844/

Read Calendar dated 27th July 1844 submitted by the Session of Bellary in Case No. 26 of 1844.-

/Here Enter 7th No. 1980 of 1844/

Read Statement, dated 24th July 1844 submitted by the Acting Session Judge of Bonore, of Batta paid to Prosecutors and Witnesses attending before the Session Court at Bonore for the half year ending 30th June 1844.-

/Here Enter 7th No. 1985 of 1844/

Read letter dated the 26th July 1844 from the Magistrate of Vizagapatam explaining the nature of the Circular orders issued by his Assistant whereby a delay occurred in committing a certain case and reports the orders he has issued in consequence.-

/Here Enter 7th No. 1994 of 1844/

Read Calendar dated the 29th July 1844 submitted by the Session Judge of Cuddapah in Case No. 54 of 1844.-

/Here Enter 7th No. 1997 of 1844/

F. U.

Tuesday, 3rd " September, 1844.

At a Court of the Foujdaree Udalut.

Present,

M. Lewin Esq.re " Acting 2d Puisne Judge,

A. Maclean Esq.re " Acting 3d Puisne Judge,

Read letter dated 3rd " August 1844 from the Session Judge of Bellary forwarding the proceedings held on the trial of cases No.s 22 of the Sessions Calendar of 1844 for the consideration and final orders of the Court of Foujdaree Udalut.

(Here entr F. U. No.2061 of 1844.)

1. The attention of the Court, during its perusal of the proceedings recorded above, has been drawn to the mode in which amongst others the examination of the 9th " and 10th " witnesses has been conducted by the Subordinate Judge previous to the commitment of the case for trial by the higher tribunal.

3d September, 1844 - tribunal -

2. That Officer having commenced the examination by causing to be read over to the witnesses in question the depositions previously given by them before the Police, concluded it after a long and detailed further examination -

3. The Foujdaree Udalut find nothing in the law which now regulates the committal of cases for trial by the Sessions Courts, to justify a method of preliminary enquiry so obviously calculated to defeat the operation of false evidence and, as such, so unfair to the party accused -

4. They think a Committing Officer is at liberty to read over a case and when the depositions have been confirmed, to pass it on to the superior tribunal - but where a long examination is to be held, the latter should precede the reading over to the witness, of his previous deposition -

Ordered,

3rd September, 1844 -

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Bellary for his information and communication to the Subordinate Judge of Bellary -

(Sent in No. 2106)

Read return dated 5th Ultimo from the Magistrate of Madura to the Precept of the Foujdaree Udalut of the 1st idem directing with reference to the suggestion contained in the concluding para of the Magistrate's letter of the 24th May last that a Copy of the Sessions Judge's communication of the 17th May together with its enclosure be submitted for the consideration of the Foujdaree Udalut -

(Were enter F.W. No. 2070)

In the concluding para of the Magistrate's letter above quoted Mr. Blackburne suggested "in modification of the authority "of the Foujdaree Udalut to the "Subordinate Court (date not shewn) "to

3d September, 1844-

"to refrain from furnishing the Magis-
"trate with the return till the 15th
"day after due, that in all cases where
"the Court deems the Police open to
"animadversion the decision in the
"case should be forwarded the same
"day (or as early after as may be)
"to the Magistrate thro' the Sessions
"Judge under provisions of Section XL
"Act VII of 1843- For independent of
"the trouble given to the Magistrate by
"ransacking proceedings supposed to
"finally disposed of and utterly for-
"gotten, the necessary reprehension
"loses its principal effect when
"administered, 2, 3, 4 and 5 months
"after its cause originated".-

2. The Court being at a
loss to understand what order of
theirs was alluded to as authorizing
"the Subordinate Judge to refrain
"from furnishing the Magistrate
"with the reports till the 15th day
"after due" called for a copy of the
"Sessions Judge's letter of the 17th May

and

F.M.

3rd September, 1844-

and its enclosures.-

3. With his return the Magis-
=trate has furnished the Court with
a copy of Mr. Simonds' letter of
the 14th May to the Session Judge.-

4. In that letter the Sub=
=ordinate Judge, referring to a complaint
from the Magistrate of the incon=
=venience he experiences from the
delay in receiving Copies of the Month=
=ly Criminal Reports observes that
"the case which elicited this complaint
"was No. 38 of 1844 which was com=
"mitted by me on the 10th Ultimo - it
"should therefore appear in the Cri=
"minal Report for the month of
"April and for the preparation and
"transmission of this report in con=
"sideration of the labor it involves
"and the time it requires I am allowed
"by the Judges of the Foujdaree Adalat
"until the 15th of the present month-
"The complaint of the Magistrate is
"therefore I beg to say somewhat pre=
=mature and premature".-

The

3d & 3rd September, 1844-5.

The Court do not know where the Subordinate Judge finds that he is allowed until the 15th of the month succeeding that for which the reports are furnished, to prepare the Reports - In the 5th para: of their Circular Order No. 40 it is expressly stated that the Criminal Courts are to transmit them in future, so as to arrive at Madras by the 15th of the month on which they become due; but this order has no reference to the Circular of the 10th April 1823 which requires Criminal Judges to furnish to Magistrates a monthly report of all such cases as have been forwarded to the Criminal Courts by the Magistrate or Police Officers.

6.

In order that these reports may prove of use and answer the object which the Court had in view in directing their transmission to the Magistrate it is obvious that they should be furnished as early as practicable after the decision of the cases.

3d September, 1844-

cases.-

With a view therefore

7

of obviating future inconvenience and misconstruction the Court resolve to direct that the sentence of the Subordinate Court together with the remarks in the case drawn up in the form laid down in Circular Order 10th April 1823 be forwarded to the Magistrate according to his request immediately after the sentence has been passed.-

8.

The Court take this opportunity of furnishing the Subordinate Judges with an Extract from their proceedings, paras. 1 and 2 of the 1st Ultimo to the suggestion contained in which they desire he will conform.-

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

(Sent in No. 2107)

Ordered also, that Extract of

3d September, 1844.

of these proceedings be sent to the Subordinate Judge of Madura for his information.—

(Sent in No. 2108)

Read the Calendar submitted by the Session Judge of Tuddapah of cases Nos. 62 and 63 of 1844 on the file of the Session Court.—

(Vide enter F. W. No. 2246.)

1. The prisoners in case No. 62 were charged with having attacked and robbed the Prosecutor of property valued at Rupees 11. 3. " and the prisoners in case No. 63 (of whom the 1st and 2nd were concerned in case No. 62) with having attacked the Prosecutor's wife and his son and robbed them of property valued at Rupees 198. 8. "—

2. The Mahomedan Law Officer convicted all the prisoners in case No. 62 and declared them liable to lose a right arm and leg and in case No. 63, 3d prisoner of Cauntgerry, the remaining prisoners being acquitted on account of their conviction in the previous

F. W.

3d September, 1844.

previous case.—

3. The Session Judge concurrs with the Futwahs of the Law Officers, who it is stated, in answer to a third question of the following effect "If the 3d prisoner had not made his present denial, to what punishment would he have been liable" in each case convicted all the prisoners and declared them severally to be liable to lose a right arm and leg. The Session Judge accordingly sentenced them each to fourteen years imprisonment with hard labor in irons agreeably to Section XXI, Regulation VII of 1802.—

4. The Court of Foujdaree Udalut consider that the 3d question put by the Session Judge in each of the above cases to the Mahomedan Law Officer was needless as the prisoners were fully convicted by the 2d question of the Session Judge, and the Regulations prescribe a punishment independent of the

3rd September, 1844- the Mahomedan Law-

Ordered, that Extract of these proceedings be forwarded to the Session Judge of Cuddapah for his information and future guidance.

/Sent in No. 2109

Read the Criminal Reports submitted by the Principal Sudr Ameen of Cochin for the month of July, 1844-

/Were entd F.M. No. 2291./

Report No. V
Case No. 28.

The Court of Foujdaree Adalut having reason to doubt the propriety of the sentence which the Principal Sudr Ameen has passed upon the prisoner, direct that it be suspended and desire that the Session Judge of Calicut will call for the record of the case and pass such orders thereon as he may consider requisite; reporting the same for the information of the Court.

Ordered, that Extract of these proceedings be forwarded to the Session Judge of Calicut by precept returnable in X. days from and after

3rd September, 1844-

after its receipt.-

/Sent following precept. No. 2110

Ordered also, that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Cochin for his information.-

/Sent in No. 2111

Read the Statement of batta paid to Prosecutors and Witnesses attending before the Session Court of Tinnevelly from 1st January to 30th June, 1844-

/Were entd F.M. No. 2244./

Cases Nos. 9 and 15 of 1844-

With reference to Circular Order No. 131, the Sessions Judge is desired to explain why the persons who gave their attendance before the Court in these cases were detained for a period exceeding four days.-

Ordered, that Extract of these proceedings be forwarded to the Sessions Judge of Tinnevelly by precept returnable without delay.-

/Sent following precept. No. 2112

Read

2.

3. 3rd September, 1844.

Read Criminal Reports for the month of July 1844 submitted by the Acting Sessions Judge of Vonore.

/Were enter F.H. No. 2141/

Cases Nos. 57 and 59.

The prisoners in these cases were detained 14 and 18 days in the Tanjore in consequence of references to the Acting Joint Magistrate. These references occasioning such protracted delays appear to the Court of Foujdaree Udalut to be improper. The Circular Order of the 28th November 1834 however is explanatory of the opinion of the Foujdaree Udalut on this subject and the attention of the Acting Joint Magistrate should be called to it by the Acting Magistrate. The Peishcar having also omitted to conform to the requisition contained in Circular Order No. 62 of shewing the cause of the references. The Acting Magistrate will be pleased to call for and supply the omission.

Ordered, that Extract from these proceedings be sent to the Acting Sessions Judge of Vonore for his

4. F.H.

3rd September, 1844. his information.

/Sent in No. 2113

Ordered also, that Extract from these proceedings be sent to the Acting Magistrate of Canara for his information by precept returnable in 5 days from and after its receipt.

/Sent following precept No. 2114

Read the Criminal Reports submitted by the Principal Sudr Ameen of Coimbatore for the month of July, 1844.

/Were enter F.H. No. 2200/

Report No. V Case No. 67.

1. The Court of Foujdaree Udalut desire to be furnished with a Copy of the Circular Order quoted in the margin, in conformity with which the Sessions Judge is reported to have referred back this case to the Principal Sudr Ameen to be disposed of by him.

Circular Order No. 29 dated 4th August, 1835.

Case No. 69.

2. The precise point of reference on which the Head of Police solicited the orders of the Magistrate in this case, must, in conformity with

3d September, 1844.

with the Circular Order No. 62 of this Court be stated.—

Ordered, that Extract of these proceedings be forwarded to the Principal Sudr. Ameen of Coimbatore by Precept returnable without delay, and for communication of para. 2 to the Magistrate of Coimbatore, who will transmit the required information direct to this Court.—

Sent following Precept No. 2115

Read Return dated 9th Ultimo from the Acting Sessions Judge of Cuddalore to the Precept of this Court of the 3rd July last requiring from that Officer certain detailed information regarding the causes which had operated to create a marked improvement in the health of the Convicts confined in the Jail at Cuddalore, since the 12th January 1841.—

Were Enter No. 2186

1. The letter from the Acting Zillah Surgeon, Mr. Cadwell which is submitted with the above Return, does

does not, it is observed, bear out the impression of the Acting Session Judge that the general health of the Prisoners under his charge has greatly improved consequent on the introduction by the Acting Session Judge of a new system of diet, in substitution of that which had existed under his predecessors.—

2. The delay which occurred between the probable date of receipt by the Acting Session Judge of this Court's proceedings dated 3d July last, and the communication to the Acting Zillah Surgeon on the subsequent 29th of the requisition ordered to be addressed to him, requires explanation, the more especially that intermediately viz. on the 17th July, Mr. Lavelles had publicly examined the Jail Dresser on points which the Acting Zillah Surgeon had by the Fouzdaree Adalat been directed to be called upon to elucidate.

The

3d September, 1844.

3 The Court further remark that the Acting Sessions Judge has not conformed to the orders contained in para 3 of the proceedings of Tonjdaree Adalut dated 3d July requiring him to procure from the Medical Officer "permanently" attached to the Zillah Jail an opinion on the points which Mr Lavecliffe has referred only to the Officiating Zillah Surgeon.—

Ordered, that Extract from these proceedings be forwarded to the Acting Session Judge of Cuddalore by Precept, returnable in X days from and after its receipt.

(Sent following precept. No 2116)

End 1/4.

Wednesday

4th September 1844. At a Court of the Tonjdaree Adalut

Present.

Mr Malcolm Lewin Esqre No 192 } Puisne Judges
Mr Alexr Machant Esqre No 123 }

Read communication dated 19th Ultimo from the Session Judge of Calicut

(Here Enter No 2260 of 1844)

1 In the above address the Session Judge reports, that consequent on instructions issued by himself, the subordinate Judge of Calicut made an enquiry into a charge of bribery preferred against one of the Officers of his Court confining his decision upon the matter to the culpability or innocence of the party complained against, which has terminated in the "committal of the individual petitioning "and her 1st Witness for perjury"

2 The Session Judge states that he now entertains doubts of the legality of the course followed and that he has strong misgivings whether a party litigating his or her claim under the provisions of Regulation XII of 1802 would be liable

to

4th September 1844.

to a prosecution for perjury, the judgment to be passed against the accused on the proof of extortion or corruption being only "a refund of the amount so taken and to pay a fine of three times the amount of it to Government, and on failure of proof to be declared, by clause 12th of Section XIII "at liberty to prosecute the accuser for damages" Wherefore, reasoning from analogy, the Sessions Judge believes the accuser is likewise free from an indictment for perjury- and consequently he has deemed it his duty to postpone the trials until he can receive the instructions of this Court upon the above points.-

3 The Court on a mature consideration of the subject are of opinion that an indictment for perjury might be preferred if the act charged were punishable and the perjury were uttered in a judicial investigation, having for its object to try the guilt of the accused, but not otherwise; the commitment must be annulled.-

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

/Sentence R.C. 2122/

4th September 1844

Read communication dated the 17th Ultimo from the Acting Sessions Judge of Cuddalore reporting the refusal of certain witnesses residing at Pondicherry to attend at the Sessions Court to give evidence in a case in which a Prisoner is accused of smuggling Arrack and requesting instructions how, under such circumstances, he is to act.-

/Here Enter 20th 2224/

It is observed that under the arrangement entered into with the French authorities at Pondicherry for procuring the attendance, as witnesses before the established Courts, of individuals residing within the Limits of the Settlement's boundary a reservation was made that such attendances should be voluntary.

Letter from Government dated 7th March 1843.-

If therefore, the testimony

2

of the Witnesses referred to in the above letter, cannot be obtained by any legal process, the case must fall to the ground, unless the evidence otherwise available be sufficient for a conviction.

Ordered that Extract from these proceedings be forwarded to

to the Acting Sessions Judge of Cuddalore
for his information.-

/Sent in No 2123/

Read Calendar dated the
24th Ultimo submitted by the Sessions Judge
of Mangalore of Case No 36 of 1846

/Here Enter No 2303/

In this case the two Prisoners
were charged by the husband of the 1st
with adultery and theft and were sentenced
by the Sessions Judge to imprisonment
with labor. to be undergone in the case
of the 2nd Prisoner, with "irons".-
2 =

The Court of Foujdaree Adalut
do not think
appropriate and resolve to annul so
much of it they also resolve to call for
a statement of the grounds upon which
the punishment has been adjudged by
the Sessions Judge.-

Ordered that Extract from
these proceedings be forwarded to the
Sessions Judge of Mangalore by Precept
returnable in V days from and after its receipt.-

/Sent following Precept No 2124/-

Entd

L. M.

Thursday
5th September 1846.

Mad Court of the Foujdaree Adalut

Present

M
A.M

G. J. Casamajor Esqre Agt 1st
Malcolm Lewin Esqre Agt 2d
Alexr Maclean Esqre Agt 3d
} Puisne Judges

Read letter dated the 8th Ultimo
from the Acting Subordinate Judge of
Mangalore, forwarding the Criminal Reports
for the Month of July 1846.-

/Have enter No 2114/

Appear to call for any Remark from the Court
of Foujdaree Adalut

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

/Sent in No 2128/

Read the Criminal Reports
submitted by the Subordinate Judge of
Bellary for the Month of July 1846.-

/Have enter No 2103/

Thos

5th September 1864.

Supplmental Report Case No 77.-

1 The Subordinate Judge is observed to have occupied four closely written pages with his remarks on the evidence adduced against the prisoners. Such an elaborate statement of the facts is not called for under existing orders.-

Report No 5 Case No 85.-

2. The number and value of the coins fraudulently detained by the Prisoners should have been specified in the charge.-

3. The detention of the prisoners from the 2nd and 5th until the 6th July by the village authorities, was very irregular.

4 Adverting to the charge brought against the Prisoners, the Court consider that the imposition of a fine of 5 Rupees upon them, was not justifiable.-

5. The Court having reason to question the propriety of the sentence passed by the Subordinate Judge direct it to be suspended, and desire the Sessions Judge to call for the Record and pass such orders thereon, as he may consider requisite, reporting the same for the information of the Court.-

Case No 91. 6 The precise point of reference, on

F. M.

5th September 1864.

which the Head of Police solicited the order of the Magistrate must, in conformity with Circular Order No 62, be stated.-

Case No 94- 7. The Court of Foujdaree Adalut desire that the original document, which is stated to be in many parts unintelligible received from the Head of Police in explanation of the delay which occurred in this case may be forwarded for their inspection.

Case No 95. 8. This case should never have been sent up to the Criminal Court by the Head of Police, as the complaint made against the prisoner appears to be entirely of a Civil nature.-

Case No 96. 9. With reference to the Circular Order of the 18th May 1852 the explanation of the delay given in this case by the Head of Police, was not necessary as the detention of the prisoners appears not to have exceeded the period of 5 days.-

Case No 99. 10. The precise point of reference on which the Head of Police solicited the orders of the Magistrate must in conformity with Circular Order No 62, be stated.

The

dec 5th September 1844.

Case No 101 11. The Court are not satisfied with the explanation of the delay furnished by the Head of Police, whose duty it was to search the houses of the prisoners previous to the enquiry being entered upon, and not subsequently, as he appears to have done.—

12. The Court direct that the original report of the Head of Police, which is represented to be most confused, may be forwarded for their inspection.—

Ordered that Extract of these proceedings / paras 2, 4, and 8 / be forwarded to the Sessions Judge of Bellary by precept returnable in X days from and after its receipt.—

/ sent following precept No 2129 /

Ordered also that Extract of these proceedings be sent to the Subordinate Judge of Bellary by precept returnable in V days from and after its receipt and for communication of / paras 3, 6, 9, 10 and 11 / to the Magistrate of Bellary who will transmit the required information direct to this Court.—

RDH / sent following precept No 2130 /—

Ent WH.

P.C.

Friday 6th September 1844.

At a Court of the Pongalaree Adalut.—

Present:—

Malcolm Lewin Esqr — Acting 2d — } Puisne Judges
Alexr. Maclean Esqr — Acting 3d — }

Read letter dated 28th Ultimo from the Sessions Judge of Bellary transmitting for the final orders of the Pongalaree Adalut the Proceedings held in case No 30 of the Session Calendar for 1844 and recommending the Capital Punishment of the Prisoner.—

/ Here Enter P.C. No 2368 /

Mr. M. Lewin, and Mr. Maclean

The Court of Pongalaree 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

Mungala Ramadavoy

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

/ sent following letter No 2137 /

Read

Read letter dated the 21st August 1844 from the Sessions Judge of Cuddapah forwarding translations of the record in case No. 59 of 1844 on the file of the Sessions Court for the final sentence of the Court of Foujdaree Adalut

/Here Enter F.C. No. 2258/

The Court of Foujdaree Adalut but before passing any order on the Proceedings of the above case, desire the Sessions Judge to revise the translations of the charges brought against the prisoners before the Sessions Court, as it seems doubtful whether a person can be found guilty upon them.

2 The charge brought against the 1st prisoner in the opinion of the Court does not seem necessarily to involve any act of crime. The charge against the 2nd prisoner is having paid a bribe without setting forth the object for which it was paid it cannot be assumed that it was a bribe. it is obvious that the mere giving of a sum of money could not constitute an offence. the money must be given for some illegal purpose and as the object constitutes the offence. it is required to be

be set forth in the indictment, in order that the accused may know to what point he is called upon to plead.

Ordered that Extract of these Proceedings be forwarded to the Sessions Judge of Cuddapah by precept returnable without delay.

Sent following Precept No. 2133

Read 15th Calendar, dated 29th August 1844 submitted by the Sessions Judge of Guntoor in case No. 1 of 1844.

/Here Enter F.C. No. 2372 of 1844/

Read return dated 12th Ultimo from the Sessions Judge of Chicacole to the precept of the Foujdaree Adalut of the 22d July directing to return the fines to Prisoners in cases No. 3 4/1844 on the file of the Principal Sudr Ameens Court at Vizagapatam, and to cancel the security bond taken from the 1st Prisoner.

/Here Enter F.C. No. 2377 of 1844/

Read letter dated the 31st Ultimo from the Acting Head Assistant Magistrate (in charge) of Guntoor stating with reference to the Extract from the Proceedings of the Foujdaree Adalut dated 27th August 1844 on Cases No. 30 and 23 of Report

No.

N.V submitted by the Principal Sudr Ameen of Tuntoor for the Month of July 1844, the point on which the Head of Police solicited the orders of the Acting Head Assistant Magistrate, in the former case, and explains the causes of a delay of 16 days in the latter case owing to the careless manner in which the late Head of Police of Nizampatam made the primary investigation and for which he has been reduced from 40 Rupees a Month to 14 Rupees a salary—Adds, that the circumstance of the delay was duly communicated to the Principal Sudr Ameen in the reports, and Argues which accompanied the prisoner—

/Here Enter H.R. N.o 2378 of 1844/

Read letter dated 5th Instant from the Magistrate of Chingleput, reporting that no sentences were passed by himself and his Assistants during the last Month under section 14 Regn VII of 1843—

/Here Enter H.R. N.o 2380 of 1844/—

Eng. J.

Saturday 7th September 1844

H. Vo:

At a Court of the Foujdaree Udalut

Present.

Malcolm Lewin Esqr. Acting 2d
Alexr. Maclean Esqr. Acting 3d
} Puisne Judges

Foujdaree Udalut.

Circular Order

N.o 161.

1 It has recently been brought to the notice of the Foujdaree Udalut that the Reports prescribed by their Circular Order dated 10th April 1833, frequently reach the Magistrate's Cutcherries late in the month succeeding that for which they are prepared, thus rendering partially ineffectual the measures required for adjudication immediately on the disposal in the Criminal Courts of the cases which the reports embrace—

2 The Foujdaree Udalut accordingly resolve to direct, in modification of the Circular Order above quoted, that a report of each case drawn out in the form therein prescribed, be transmitted to the Magistracy within twenty four hours after the proceedings of the Criminal Court

Courts have been brought to a Close.

/Sent following Circular Order No 2134/

Read the Calendar submitted by the Sessions Judge of Chicacole of Cases Nos 6 of 1844 on the file of the Sessions Court.

/Here Enter Folio No 2333/

1 The prisoners were charged with having dug a hole in the wall of the Prosecutor's house, entered in thereby, and stolen therefrom property valued at Rupees 94-14-0.

2 The Futwah of the Law Officer declared the prisoners liable to discretionary punishment.

3 The Sessions Judge concurring in the above Futwah, and considering that there was no doubt of the 1st prisoner having carried the stolen property to the house of one, Nelamah and that he was well aware of the property having been stolen, sentenced him to find securities for his good conduct for one year in 100 Rupees or in default to be confined for that period under Clause V Section VIII, Regulation VI of 1827.

4 Adverting to the bad character borne by the 2d and 3d prisoners the Sessions

Sessions Judge deemed it right to sentence them respectively to find two securities of Rupees 250 each for their good conduct or in default, to be imprisoned for that period under Clause V Section VIII Regulation VI of 1827.

5 The Court of Foujdaree Adalut consider that the charge of receiving the stolen property was clearly proved against the 1st prisoner, who ought therefore to have been sentenced to the punishment prescribed for the offence.

6 As the 2d and 3d prisoners were charged as "old offenders" their former convictions should, in conformity with the Circular Order noted in the margin have been set forth in the Calendar.

C. O. 6th Sept 1821. A.

Ordered that Extract of these proceedings be forwarded to the Sessions Judge of Chicacole for his information and future guidance.—

/Sent following letter No 2135/

Read the Calendar submitted by the Sessions Judge of Condapah of Cases Nos 67 and 68 of 1844 on the file of the Sessions Court.

/Here Enter Fol No 2308./

The

Courts have been brought to a Close

/Sent following Circular Order No 2134/

Read the Calendar submitted by the Sessions Judge of Chicacole of Cases Nos 6 of 1846 on the file of the Sessions Court.

/Here Enter Fll. No 2333/

1 The prisoners were charged with having dug a hole in the wall of the Prosecutor's house, entered in thereby, and stolen therefrom property valued at Rupees 494-14-0.

2 The Futwah of the Law Officer declared the prisoners liable to discretionary punishment-

3 The Sessions Judge concurring in the above Futwah, and considering that there was no doubt of the 1st prisoner having carried the stolen property to the house of one, Neelamah and that he was well aware of the property having been stolen, sentenced him to find securities for his good conduct for one year in 100 Rupees or in default to be confined for that period under Clause V Section VIII, Regulation VII of 1827-

4 Adverting to the bad characters borne by the 2d and 3d prisoners the Sessions

Sessions Judge deemed it right to sentence them respectively to find two securities of Rupees 250 each for their good conduct or in default, to be imprisoned for that period under Clause V Section VIII Regulation VII of 1827-

5 The Court of Foujdaree Udalut consider that the charge of receiving the stolen property was clearly proved against the 1st prisoner, who ought therefore to have been sentenced to the punishment prescribed for the offence-

6 As the 2d and 3d prisoners were charged as "old offenders" their former convictions should, in conformity with the Circular Order noted in the margin have been set forth in the Calendar-

C. O. 6th Sept 1821. A-

Ordered that Extract of these proceedings be forwarded to the Sessions Judge of Chicacole for his information and future guidance-

/Sent following letter No 2335/

Read the Calendar submitted by the Sessions Judge of Vizagapatam of Cases Nos 67 and 68 of 1846 on the file of the Sessions Court.

/Here Enter Fll No 2338./

The

7th September 1844

1 The prisoners in Case No. 67 were charged with having attacked the Prosecutor and robbed him of property valued at Rupees 2--2-- and the same Prisoners in Case No. 68 were charged with having attacked the Prosecutor and 1st Witness and robbed the former of property of the value of Rupees 6-4- and the latter of property valued at Rupees 9--

2 The Punchayet in Case No. 67 convicted the prisoners of Thoumt Goorubgerry or suspicion of the robbery but declared them entitled to their release from this charge because they were convicted by the Punchayet in Case No. 68.-

3 The 2d question in this Suit was put to the Law Officer and on his reply to which, the prisoners in the latter case were convicted of Zoorma Bharrutgherry, was to the following effect. If the evidence of the Prosecutor and the 1st Witness be admitted, to what punishment would they have been liable, and of what crime would they have been convicted

The

J. W.
7th September 1844.

4 The Sessions Judge having no reason to doubt that the Prisoners were guilty of the charges brought against them in both the cases, and with reference to the reply given by the Mahomedan Law Officer to a 3d question put to him in Case No. 68, that the prisoners were liable to suffer amputation of their right arms and legs, sentenced them severally to fourteen years' imprisonment with hard labour in irons agreeably to the provisions of Section XXI. Regulation VII of 1802.-

5 The Court of Sudder Adawlut consider that the form of the 3d question put by the Sessions Judge to the Mahomedan Law Officer in case No. 68 was incorrect, and must be put again to him in the following form. If the evidence of the Prosecutor and the 1st Witness be free from legal exception, to what punishment would they have been liable and of what crime would they have been convicted"

The

The sentence passed by the Sessions Judge upon the Prisoners cannot stand founded on the 2d Question above noticed.-

Ordered that Extract of these Proceedings be forwarded to the Sessions Judge of Cuddapah by Precept returnable without delay.

(Vide following Receipt Nº 2307)

Read letter dated the 22d Ultimo from the Magistrate of Coimbatore, forwarding copy of a communication from the Joint Magistrate of Ootacamund affording explanation regarding the transmission of prisoners in case Nº 49 of 1844 communicating the measures adopted for the discontinuance of the practice of "Allo Pitchay" and that the Police Officers have been warned against unnecessarily referring Police cases for the opinion of the Magistrates.

(Here Enter Fee Nº 2300 of 1844)

Read Calendar dated the 24th Ultimo submitted by the Sessions Judge of Mangalore in case Nº 38 of 1844.-

(Here Enter Fee Nº 2304 of 1844)

Read Calendar dated the 27th Ultimo submitted by the Sessions Judge of Nellore in case Nº 20 of 1844.

(Here Enter Fee Nº 2306 of 1844)

Read Calendar dated the 24th Ultimo from the Sessions Judge of Cuddapah in case Nº 56 of 1844.

(Here Enter Fee Nº 2307 of 1844)

Read Calendar dated the 24th Ultimo submitted by the Sessions Judge of Cuddapah in case Nº 69 of 1844.-

(Here Enter Fee Nº 2309 of 1844)

Read return dated the 28th Ultimo from the Principal Sudr Ameen of Cuddalore, to the Precept of the Foujdaree Adalut of the 24th idem directing him to modify the sentence in Criminal Case Nº 86 in Nº V for July last.

(Here Enter Fee Nº 2314 of 1844)

Read Statement dated the 1st July, submitted by the Sessions Judge of Salem, of Batta paid to Prosecutors and Witnesses attending before

7th September 1844.

Sessions Judge in the Zillah of Salem during the 1st half of 1844

/Here Enter File No. 2325 of 1844./5

D.U.

Monday
9th September 1844. At a Court of the Foujdaree Udalut

Present.

Malcolm Lewin Esqre Acting 2nd
Alexander Maclean Esqre Acting 3d
} Puisne Judges.

Read Miscellaneous Petition presented on the 19th August 1844, by Audyeppa Nayk, the father of Sawmy Nayken, Prisoner in Case No. 20 of 1844 on the file of the Sessions Court of Cuddalore

/Here Enter W.P. No. 112 of 1844/

The Petitioner complains of the sentence of seven years imprisonment passed by the Sessions Judge of Cuddalore upon his son the prisoner in the above case and states that the charge brought against him of having killed one Chinnakobundy, a servant of the Petitioner's by a blow with an iron bolt, was false and brought through enmity of certain persons towards him. The death of the deceased, he alleges, was caused from the effects of a boil on his head, which circumstance was proved by the evidence taken before the Head Police, of several persons

amongst

among st whom were the Village Moneagar, four relatives of the deceased, and by the Ryots of his Village who gave a Mahazernamah to that effect.

2 The petitioner further states that the evidence of the witnesses examined at the trial of the prisoner differed materially from the evidence given by them before the Head of Police, and that the Prisoner's alibi was fully proved before the Sessions Court by the evidence of six persons.

3 The Petitioner prays the Court to call for the record of the trial in question, and cancel the sentence passed against his sons.

4 The Court of Foujdaree Adalut having reason to question the justice of the sentence passed by the Sessions Judge upon the prisoner, desire that a translation of the record of the trial in question may be forwarded for their consideration.

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

I sent following precept No 2467

Ordered

Ordered also, that Extract of these proceedings be granted to the petitioner on his application.

Read Miscellaneous Petition presented on the 12th Ultimo, by Mahomed Ippoo and Sheik Imaum, Peons attached to the Jail at Gimdy.

(Mem Entered M.P. No 1061)

The Petitioners state that they are Peons of the Zillah of Cuddapah and have been doing duty at the above mentioned Jail for a period of 8 years.

2 in consequence of the omission of the Zillah Judge of Cuddapah to relieve them; because they were entertained in the service at Gimdy.

The Petitioners, believing that in conformity with the orders of Government, the Peons doing duty at Gimdy should be relieved every two years, pray the Court to issue orders to the Zillah Judge of Cuddapah, directing him to relieve them from their present duty.

3 As the Petitioners do not appear, on their own showing, to have been deputed by the Judicial Authorities at Cuddapah, to Gimdy, the Court

Court do not consider them entitled to
the indulgence prayed for.-

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

Read Miscellaneous Petition
presented on the 19th August 1844 by
Venkatadutchmmmal, mother of one of
the prisoners in Case No. 23 of 1841 on
the file of the Sessions Court of
Cuddapah.-

(Here Enter M.P. No. 111)

The Petitioner reiterates the
facts relative to the above trial which
M.P. Nos. 86 & 124 of 1844. were contained in her former Petitions
" Nos. 124, 58 and
127 of 1842 and prays the Court to call for the
record of the trial in question and
direct the release of her son from
confinement.-

2 The Petitioner is referred to
the orders passed by this Court on
her former Petitions, which are final.-

Ordered that this Petition
be dismissed, and that a copy of
the proceedings be granted to the
Petitioner on her application.

Read Miscellaneous Petition

presented

presented on the 26th August 1844 by Ven-
-catarunga pillay of Chittoor-

(Here Enter M.P. No. 114 of 1846)

1 The Petitioner requests to
be furnished with attested Copies
of the Petitions Nos. 22, 44 53 and 99- pre-
-sented by him to this Court and
also of the orders passed thereon.-

2 Ordered that attested Copies
of the Petitions and orders in question
be granted to the Petitioner.-

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

Read Miscellaneous petition
presented on the 21st Ultimo by D
Veropuththiah of Tillack Rajahmundry

(Here Enter M.P. No. 115)

4 The Petitioner complains
of proceedings held by the Magis-
-trate of Rajahmundry regarding
a charge of resistance to proces
the result of which was a sentence
of imprisonment and fine and in
default payment imprisonment for
a further period against Petitioner
and certain others on whose behalf he
appeals.-

He

2 He states that on applic-
ation for recess to the Session Judge
that Officer confirmed the Magistrate's
orders. He now therefore solicits the in-
terference of the Tongdaree Adalut
and prays that they will call for and
peruse the entire record of the proceed-
ings held by the Magistrate.-

3 The Petitioner has omitted to
submit a copy of the Magistrates
order as also that of the Session Judge
without which and in the absence of
any grounds to impugn the propriety
of the decision of those officers the
Tongdaree Adalut decline to comply
with the Petitioner's request.-

Petition rejected.-

Ordered that Extract of
these proceedings be granted to the Peti-
tioner on his application.-

Read communication dated the
19th Ultimo from the Acting Session Judge of
Tipperah requesting the decision of
the Tongdaree Adalut whether under Act
VII of 1843, the committing Court is relieved
from the necessity of observing the provisions
of Section XIII Regulation X of 1816 as modified
by Regulation II of 1822.-

(Here Enter No. 2265)

The

1 The above reference originates
in the omission of the Principal Sudr
Ameen since the enactment of Tongdaree
Adalut Circular Order No. 155, to question
Prisoners committed for trial by the Session
Court as to whether they wish to have
any Witnesses examined on their defence
before the higher tribunal.-

2 The Acting Session Judge
points out that Section XIII Regulation
X of 1816 is unrepealed and expresses the
opinion that the question to the prisoners
which is therein legalised, is on many
grounds advisable.-

3 The Court observe that the
fact of receiving from prisoners under
commitment to the Session Court
a statement of the Witnesses whom
they wish examined on their defence
would have the effect of partially
committing them to a particular line
of defence before their trial and before
they know what are the strongest points
to be brought against them and to which
his defence ought to be addressed.-

4 They are therefore of opinion
on reference to the mode of investiga-
tion which should now be adopted

by

9th September 1844.

by the Criminal authorities in commutable cases, that Section XIII Regulation X of 1816 must be deemed to have been virtually repealed and that the Principal Sudr Ameen is right in reserving from the question which under that Section would formerly have been asked.-

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

(Sent in R. No 2147.)

Tuesday-

10th September 1844.

J.N.:-

At a Court of the Poujdarry Adalut

Present.

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

Read the Calendar submitted by the Acting Session Judge of Trichinopoly of Case No 15 of 1844 on the file of the Session Court.-

/Enter D.A. R. 2330./

1 The Prisoner was charged with having robbed the prosecutrix of Jewels valued at Rupees 50-6- while she was proceeding on the high road.-

2 The Futwah of the Mahomedan Law Officer convicted the prisoner upon his own confession of having committed a dreffpafs, but acquitted him of the more serious charge of highway robbery.-

3 The Acting Session Judge concurred in the opinion of the Law Officer

Officer that the Prisoner was convicted of trespass and under Clause II, section VII Regulation XV of 1803 sentenced him to 12 Months imprisonment with hard labor in irons.

4 The Court of Fouzdaree Udalut desire that the Acting Session Judge will explain the grounds upon which he considered the prisoner convicted of a trespass and left unnoticed the charge brought against him of having robbed the prosecutrix of her property.

Ordered, that Extract of these proceedings be forwarded to the Acting Session Judge of Tinnevelly by precept returnable without delay.

/Sent following precept No. 2149./

Read the Calendars submitted by the Session Judge of Madura, of Cases Nos. 64, 65, 66, 70 and 71 of 1844. on the file of the Session Court.

/Here Enter No. 23488/

1 The prisoners in case No. 64 were charged with having thrown a lighted cloth

cloth on the roof of the Prosecutor's hut with intent to set fire to it, and the prisoners in cases Nos. 65 and 66 who were also concerned in the previous case with having committed robbery.

2 The Futwah of the Law Officer convicted the prisoners in case No. 64, and declared them liable to Dootroobut at the discretion of the Judge.

3 The Session Judge concurring with the Law Officer in the conviction of the prisoners, sentenced Each of them to seven years imprisonment with hard labour in irons under clause VII Section II, Regulation XV of 1803.

4 It appears from the remarks of the Session Judge in this case, that he entertained no doubt that the prisoners were also guilty of the charges brought against them in Cases Nos. 65 and 66, still as they had been tried on the more serious charge of arson and convicted thereof, he did not think it necessary to place them

them on their trial in those cases.

5 The Court of Poygdaree Adalut are of opinion that if the Sessions Judge thought the prisoners in this case also guilty of having committed the two robberies set forth in cases Nos. 65 and 66, they ought to have been put on their trial for the same - which they now direct the Sessions Judge to do, and in the meantime to suspend the sentence passed on the prisoners in this case, which ought to have been referred to the Court, if the prisoners were guilty in the other cases.-

Cases Nos 65 & 66.

6 The prisoners in Case No 64 having also been concerned in these cases, their names should in conformity with the Circular Order, 5th December 1831 have been inserted in red ink.-

Case No 71.

7 The prisoner in this Case, a female, was charged with highway robbery and having been convicted of that crime was sentenced by the Sessions

Sessions Judge to 14 years imprisonment with labour suitable to her sex and without irons, under Section XXI, Regulation VII of 1802.-

8 Adverting to the sex of the Prisoner, the Court desire to be informed whether any circumstances exist in this case which would justify the Sessions Judge in recommending a mitigation of the sentence passed upon the prisoner.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Cuddapah, by Precept returnable without delay.-

(Sent following Precept No 2169)

Read Return, dated the 24th Ultimo from the Magistrate of Salem, to the Precept of the Court of Poygdaree Adalut under date 9th August, on the subject of the illegality of the sentence passed by the Head Assistant Magistrate of Salem in the case of Brett

the

the Garrison Writer of Salem - stating that agreeably to orders the said person has been released, and forwarding copy of a letter from the Head Assistant Magistrate in explanation of the irregularities pointed out in the return of the Sessions Judge of Salem made to the Foujdaree Court's precept of the 3d July last -

/Here Enter F.R. N.o 2321 of 1844/

Read Return dated the 24th Ultimo from the Acting Sessions Judge of Honore, to the Precept of the Foujdaree Adalut under date 16th ideem, directing the Acting Sessions Judge to cancel his proceedings and the security demanded of one Timmanapa Shetty, Prisoner in case N.o 16/1844 on the Honore Calendar -

/Here Enter F.R. N.o 2327 of 1844/

Read Calendar dated the 28th Ultimo, submitted by the Acting Sessions Judge of Cuddalore of case N.o 44 of 1844 -

/Here Enter F.R. N.o 2331 of 1844/

Read

Read letter dated the 27th Ultimo from the Magistrate of Malabar, transmitting a supplemental Report of Cases tried under the provisions of Section LIV Act VII of 1843 for July last -

/Here Enter F.R. N.o 2341 of 1844/

Read Calendar, dated 28th Ultimo submitted by the Sessions Judge of Tinnevelly of Case N.o 25 of 1844 -

/Here Enter F.R. N.o 2349 of 1844/

Read Calendar dated 30th Ultimo, submitted by the Sessions Judge of Mangalore of Case N.o 39 of 1844 -

/Here Enter F.R. N.o 2360 of 1844/

Read Calendar dated 30th Ultimo, submitted by the Sessions Judge of Mangalore of case N.o 40 of 1844 -

/Here Enter F.R. N.o 2361 of 1844/

Read Calendar dated 20th Ultimo, submitted by the Sessions Judge of Bellary, of Case N.o 27 of 1844 -

/Here Enter F.R. N.o 2362 of 1844/

Read

Read Return dated 31st Ultimo from the Acting Sessions Judge of Cuddalore, to the Precept of the Fouzdaree Udalut dated 10th idem, conveying observations on the report of the Acting Sessions Judge on the state of the Police in the Zillah of Cuddalore, and directing that paras 1 to 6 of the Proceedings of the Fouzdaree Udalut be sent to the Magistrate regarding the supersession of deceased Peons by their younger relatives, and the promulgation in the Prisoners' Villages the sentence passed upon them.-

/Here Enter Ft. R. No. 2364 of 1844/

Read 13th Calendar dated the 21st Ultimo, submitted by the Sessions Judge of Guntoor of case No. 1 of 1844.

/Here Enter Ft. R. No. 2370 of 1844/

Read the 14th Calendar dated the 21st Ultimo, submitted by the Sessions Judge of Guntoor of case No. 1 of 1844.-

/Here Enter Ft. R. No. 2371 of 1844/

Wednesday
11th September 1844.

F. U:

At a Court of the Fouzdaree Udalut

Present.

Malcolm Irwin Esqre. Acting 2d
Alexander Maclean Esqre. Acting 3d
} Puisne Judges

Read Communication dated the 2d Instant from the Acting Subordinate Judge of Salem submitting certain explanation regarding the remarks of the Fouzdaree Udalut made in the proceedings on the Salem Criminal Reports for July 1844, dated 30th Ultimo.-

(Here Enter No. 2375.)

The Acting Subordinate Judge represents that of the two Prisoners concerned in case No. 67 of the abovementioned Report, in which they are sentenced by himself to imprisonment for two years with hard labour in irons and to receive 150 lashes the 1st Prisoner Cora Sugaren, actually received 150 lashes some time in December last, under the Magistrate's sentence for the offence charged in No. 68 of the Subordinate Court's File, wherein the Acting Subordinate Judge has refrained from passing sentence on the only Prisoner therein charged viz. the 2d

Prisoner

Prisoner in N° 67 Cora Vydhee, because he has been punished to the full legal extent in N° 67; and with reference to para 13 of Jongdaree Vidalut proceedings dated 30th Ultimo the Acting Subordinate Judge now requests to be informed, whether, as the crime for which the 1st prisoner received 150 lashes occurred more than six months ago, the order contained in that para is or is not to be applied to his case

2

As the punishment by the Magistrate took place many months ago, the sentence recorded in by must take effect, but the Court notwithstanding the stripes already gone beyond the offence, the remainder of the punishment being abundant.-

3

It is to be regretted that the Acting Subordinate Judge did not show by the remark appended to Case N° 67 that the sentence of the Magistrate had been not only passed, but carried into effect as now appears to be the case.-

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

Sent in N° 2062/

Read order of Government dated the 16th Ultimo N° 508 communicating transcript of a letter from the Acting Deputy Adjutant General of the Army and enclosures, bringing to the notice of His Excellency the Commander-in-Chief, the sale of the daughter of a late Private in the 46th Regiment Native Infantry by her grand mother and aunt; and as the offence is not specially provided for by the Regulations of Government requesting information, whether the act of thus selling the child in question, is punishable by Tazeer, or discretionary punishment under the Mahommedan Law.-

(Here Enter N° 2178 of 1844.)

1

The Judges observe that the above question is disposed of by their Circular Order N° 111, dated 17th September 1839, in which on a reference to their Mahommedan Law Officers, it was declared that the act of a parent selling a child is not punishable, when committed in a season of famine, but that at all other times is punishable by Tazeer

2

In order however to the removal

8

of any doubt whether the case of the sale of a female child for the purposes of prostitution is embraced in the opinion which forms the basis of the Circular Order above referred to, the Judges have propounded to the Sunzee-ool-Coozat a specific question, a copy of which and his answer thereto is herewith transmitted, which show that no exception is made and that the parties concerned in the sale are punishable by Tazeer.-

Ordered that Extract from these proceedings be sent to the Secretary to Government in the Judicial Department for submission to the Most Noble the Governor in Council.-

Question

An old woman by name Toolja Bhaie alias Gunga Bhaie sold her own grand daughter Doorgah to a dancing woman for the purposes of prostitution. It appears that the dancing woman, accompanied by the said old woman Toolja Bhaie, and the old woman's daughter Annundy Bhaie and her grand daughter Doorgah, went before the Amildar, who gave his permission for the purchase of the child Doorgah, and directed the party to repair to

to the Talookdar's Cutcherry, and there complete it. There is the old woman's own confession before several people, that she sold the child, as also a deed of sale and purchase.-

It does not appear that Annundy Bhaye, the daughter of the old woman, acted in the sale of the sale of child; but there is proof that she went with her mother, and was present at the whole of the business

Under these circumstances you are required to state whether in the offence of Toolja Bhaie alias Gunga Bhaie, and of her daughter Annundy Bhaie is punishable under the Mahomedan law, and if so, how.-

Answer.

Under the foregoing circumstances Toolja Baie who ventured to commit the aforesaid evil act, and Annundy Baie who abetted her in the commission thereof, are liable to Tazeer, in proportion to their offences, at the discretion of the Judge.-

/ Sentence 2063. /

Read

Read letter dated the 6th Instant from the Magistrate of North Arcot informing that during the month of August last the Magistracy did not exercise the powers vested in them by Section LIV of Act VII of 1843.

/Here Enter Jl. R. No. 2402 of 1844/

Read Return dated the 2d Instant from the Sessions Judge of Mangalore to the Precept of the Tongdaree Adalut of the 27th Ultimo, directing him to report what he may have done on review of the Proceedings in Case No. 91 on the Mangalore Criminal Reports for June last, and to pass final orders should none have been transmitted to the lower Court.—

/Here Enter Jl. R. No. 2406 of 1844/

Read return dated the 4th Instant from the Sessions Judge of Coimbatore reporting the execution, at 7 O'Clock on the morning of the 1st Instant, of the sentence of death passed on Moorgun the Prisoner in Case No. 25 of 1844 on the Calendar of the Sessions Court at Coimbatore.—

/Here Enter Jl. R. No. 2408 of 1844/

Read Statement dated the

31st

31st Ultimo Submitted by the Sessions Judge of Coimbatore - shewing the instances in which the powers of Punishment created by Regulation X of 1832 have been exercised for August 1844.

/Here Enter Jl. R. No. 2428 of 1844/

Read Report of the Labour of Convicts submitted by the Sessions Judge of Coimbatore for the Month of August 1844.—

/Here Enter Jl. R. No. 2429 of 1844/

Read return dated the 6th Instant from the Sessions Judge of Guntoor to the precept of the Tongdaree Adalut under date the 30th August 1844 sanctioning the mitigation of the sentence of the 1st and 3d Prisoners in Case No. 1 on the 11th Calendar of 1844 of the Sessions Court of Guntoor.—

/Here Enter Jl. R. No. 2430 of 1844/

Read return dated the 29th Ultimo from the Magistrate of Masulipatam to the precept of the Tongdaree Adalut dated the 23d Ultimo forwarding Extract from their proceedings to the effect that the dismissal of Vencata Kroodnamah from the office of

Read

Read of Police of Collapilly being a sufficient punishment an application to Government for permanently withholding him from employment in the public service is not necessary.-

/Here Enter F&R No 2439 of 1844./-

Exd JHSW

Fol.

Thursday 12th September 1844.

At a Court of the Toujdaree Udalut.

Present,

M. Lewin Esqre Actg 2d Puisne Judge,

A. Maclean Esqre Actg 3d Puisne Judge,

M.L.
A.M.

Read again letter dated 31st July 1844 from the Sessions Judge of Tellicherry transmitting translation of a Futwa in Case No 6 of 1844 on the file of the Session Court of Tellicherry with a copy of the sentence appended thereto and reason for not passing the same.-

/Here enter No 2044 of 1844./

Read also communication dated 28th August 1844 from the Session Judge of Tellicherry explaining, with reference to the extract from the proceedings of the Toujdaree Udalut under date the 20th August 1844, the reasons for not passing a much more severe punishment than

12th September, 1844.

than the one adjudged to the Prisoner in the above case.-

/Here enter No. 2346 of 1844./

1. The Sessions Judge pre-sumes, being invisible the remark recorded by the Foujdaree Adalut regarding the leniency of the sentence in question, is abstractedly correct that it was passed in consequence of the Prisoner having most deeply felt the situation into which his act of anger had plunged him - a state of mind which as opposed to sullen indifference, appeared to call for commiseration, and a more lenient sentence than would otherwise have been imperative.-

2. The Court cannot concur with the Sessions Judge that there existed any necessity for the exercise of leniency towards the Prisoner, whose act appears to have been deliberated to a great extent, - and on the grounds above assigned, they think

12th September, 1844.

think that Mr. Waters was not justified in mitigating the sentence, the sentence properly had respect to the prisoners mind when he committed the crime, not to his state of mind when under trial.-

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

/Sent in No. 2166

Read the Calendar submitted by the Sessions Judge of Guntoor of case No. 12 of 1844 on the file of the Sessions Court.-

/Here enter T.M. No. 2369./

1. The prisoners were charged with having committed burglary in the house of the Prosecutor and stolen therefrom certain articles of property. The charge being fully established against them both in the opinion of the Law Officer and the Sessions Judge,

12th September, 1844.

Judge, the 1st prisoner, having been sentenced for a similar crime in the Calendar of case No. 11 of 1844, was released. The 2nd, 3rd, and 4th prisoners were sentenced to fourn years imprisonment with labor in irons under Section XXI, Regulation VII of 1802. the 4th prisoner, as an old offender - was further sentenced to receive 195 lashes with a cat o'nine tails.-

2. The Sessions Judge has recommended the sentence of the 2nd and 3rd prisoners to be mitigated to 2 years imprisonment on the ground that they offered no personal violence to the Prosecutor or any of his family.

3. Adverting to the number of the prisoners concerned in the present case of burglary and to the object which, from their numbers, it is presumed they had in view viz. of committing violence in case of meeting with resistance, the Court of Foujdaree

Udalut

2.

211.

12th September 1844.

Udalut are unable to concur in the mitigation of the sentence of the 2nd and 3rd prisoners proposed by the Sessions Judge.-

4. The Court request that the Sessions Judge will henceforward discontinue the system of numbering the Calendars of cases committed to the Sessions Court in the manner adopted by him which creates confusion on the occasion of reference to record.-

5. Each case should bear a distinct number commencing with the year, and the Calendar should be endorsed "Calendar of Case No. on the file of the Sessions Court of Guntoor for 184-".-

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

/ Sent in No. 2167.

Read

12th September, 1844.

Read again Calendar dated the 1st April 1844 submitted by the Sessions Judge of Calicut in Case No 9 of 1844 on the file of that Court.—

/Here enter No 894./

Read also letter dated the 17th July last from the same Officer submitting copy of a return received from the Magistrate of Malabar to the Sessions Court's Proceedings regarding the above case.—

/Here enter No 1902./

Read also letter dated the 30th July last from the same Officer transmitting the record of Case No 31 of 1844 on the Calendar.—

/Here enter No 2134./

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

Munhapre Krishna Menon

is not convicted on presumptive or

/proof

12th September, 1844.

proof, or on the evidence of credible witnesses, or on his own confession, of the crime of Subornation of Perjury do acquit him thereof, and direct that he be unconditionally released.—

/Sent following letter No/

In the case noticed in the above letter, the Prisoner Munjaporah Kristna Menon, Head Police Officer of Betetnaad, was charged with having Suborned one Coppuni Puttur to appear and give false evidence as a Witness, in Case No 9 on the Sessions Court Calendar; and the Law Officer, in a Futwah of which the Sessions Judge approves, has convicted him on Shooboh-i-gumee and declared him liable to Seeasut; and as the Prisoner has presented a petition particularly requesting that the Sessions Judge would not pass sentence but forward the proceedings for the orders of Higher Authority, he has "on consideration

of

12th September, 1844.

"of the circumstances of the case and "the prisoner's situation as well as to "save him the disgrace of being sent "to Jail," felt it his duty to accede to "his request and to submit the trial for the final sentence of the Court of Foujdaree Udalut.

2. The circumstances of the case having already been before the Foujdaree Udalut in Calendar 9 of 1844 above recorded, the Sessions Judge has refrained from a recapitulation of them and states that he deems the charge preferred against the Head of Police brought to trial for subornation of perjury, to hinge on two points viz.st 1st whether the said Coopsum Putter did reside in the Tanikaat Illom from Chingum / Augt Septr to Dhanoo / Decr Jany, and if so, was an eye witness of the murders to which he was an alleged witness and 2dly whether he is called Ungnidesswara Putter; after a most careful considera-tion of which and of all the circumstances of

F.C.C.

12th September, 1844.

of the case, the Sessions Judge further states that it appears to him there cannot be a doubt that the said Putter is not called Venguidesswara and of Cholah Desham, and that if he did really reside in the Tanikaat Illom he was not an eye witness of the murders and therefore not forwarded to the Court in the first instance as a witness; and that his subsequent evidence under that name on the 26th February was the result of subornation, - that he considers the Head of Police guilty of suborning him as above, but if convicted by the Foujdaree Udalut "the Judges may "perhaps in consideration of his age, "long services and high character deem "dismissal from office a sufficient "punishment, but if not, that he "would recommend a mitigated one "of two years imprisonment and in "mercy to himself and high connexion, "add banishment from the district".

The

3. The Sessions Judge it is observed refers the above trial to the Foujdaree Udalut for decision under Clause first Section III Regulation VII of 1811, concluding the 2d para of his letter with the recommendation quoted in the preceding para:- The prisoner is a Head of Police and (according to the charge) made use of the means which his office afforded of stimulating and suborning a man who knew nothing of the matter, to declare that he was an eye witness of certain murders - in other words, the Head of Police suborned the prisoner falsely to accuse parties of crimes which, if proved, would have subjected them, under the law, to loss of life. It is in favor of a public officer deemed by the Sessions Judge guilty of so abominable a crime that he has pleaded for mercy.

4. The Court think that the perceive of leniency in a case of the above nature would be extremely ill judged and they cannot but regret to have received from the Sessions Judge a suggestion of leniency in such a case.

5. But in regard to the guilt or innocence of the accused Police Officer, the Foujdaree Udalut find it impossible, on a deliberate and mature consideration of the record, to concur in the view of the charge which has been adopted by the Sessions Judge.-

6. They are of opinion that the Prisoner is not guilty of any part of the charge preferred against him, and that he is entitled to an unconditional acquittal, they are moreover of opinion that Coopum Putter is the identical Vrnguidesh wara Putter of Cholah deshom who was present in the Illumar Graham of the murdered Numboodry at the time when he and there met their death and that as regards the acquittal of the Trivicraman Numboodry - the Arooyangiry Tammooran there seems to have been a

failure

12th September 1844

failure of justice.—

7 The perusal by the Court of the entire record of the proceedings held before the several Magisterial and criminal authorities previous to and on the trial of the Prisoner adverted to above, has led to a reconsideration of the Proceedings of the Fouzdaree Udalut dated 5th Ultimo held on Calicut Calendar No. 29 of 1844 and, in modification of the instructions therein issued that the Sessions Judge should "use his discretion on the points referred", now to declare that they perceive nothing in the case of the Prisoner Coopoon Putter which calls for the slightest interposition in his favor; and accordingly they now order that he be employed as other Convicts with labor in irons.—

8. The Court deem it just, in disposing of the above trial, to record the satisfaction they have experienced from the perusal of the report submitted

to

F. H.

12th September 1844

to the Magistrate of Malabar by Mr Head Assistant Magistrate, H. D Cook, which developing in a clear and forcible manner the origin and progress of the circumstances under which the trial of the Head of Police arose, does credit to the zeal and efficiency brought by Mr Cook to bear on the enquiry entrusted to him by his immediate superior Mr Conolly.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Calicut for his information and guidance and for Communication to the Magistrate of Malabar, by precept returnable without delay.—

Sent following precept No. 2168.—

End H.

F. A. C.

Friday,
13th. September,
1844.

At a Court of the Foujdaree Adalut.

Present,

Mr. M. Lewin Esqre. Actg 2d. Puisne Judge

Mr. A. Maclean Esqre. Actg. 3d. Puisne Judge.

Read again the Calen-
dar submitted by the Acting Ses-
sion Judge of Trichinopoly of case
No. 10 of 1844 on the file of the
Session Court.

(Here enter F. A. No. 1747)

Read also return dated
the 31st. August last made by the
Acting Session Judge of Trichinopoly
to the precept of this Court under
date the 31st. July last, directing the
early transmission of the proceedings
held in the lower Courts and before
the Police in the above case.—

(Here enter F. A. No. 2354)

The Court of Foujdaree
Adalut having duly considered the
proceedings in question, are of
opinion

13th September, 1844-

opinion that the recognition of the prisonrs at the time of the robbery was proved, they having been known before to the witnesses, and their voices being then heard by them- The discovery of a jewel in the house of the 1st prisonr as well as of the top knot from which it was taken, in the dung hill adjoining the house (a point which appears not to have been the subject of enquiry before the Session Judge, but which is deposed to before the Police Officer) clearly prove the guilt of the 1st prisonr; the evidence against the 2d and 3rd prisonrs is not so complete, although there is little doubt as to their guilt.-

2. Under all the circumstances of the case, the Court of Foujdaree Udalut consider that a failure of justice has occurred in its disposal by the Acting Sessions Judge.-

Ordered,

13th September, 1844-

Ordered, that Extract of these proceedings be forwarded to the Acting Session Judge of Trichinopoly for his information.-

(Sent in No. 2169.)

Read the Report of cases tried by the Magistracy of Trichinopoly under the provisions of Section LIV, Act VII, of 1843, during the month of August, 1844-

(Here enter F.D. No. 2379.)

Case No. 1- 1. Adverting to the charge brought against the prisonr, the Court of Foujdaree Udalut are of opinion that this case should be committed to the Criminal Court, in order that if connivance between the prisonrs and the runaway convict be there proved, he may be committed to the Session Court.

2. The Magistrate of Trichinopoly is accordingly directed to commit the prisonrs in this case for trial before the Criminal Court, and annul the security taken from

from him for his good conduct and appearance within 12 months.—

Ordered, that Extract of these proceedings be forwarded to the Magistrate of Trichinopoly by precept returnable in 7 days from and after its receipt.—

/Sent following precept No. 2170

Read letter dated the 3d Instant from the Sessions Judge of Coimbatore submitting for the consideration and final sentence of the Court of Zoujdaree Udalut the record of the trial in Case No. 28 on the Calendar of the Sessions Court of Coimbatore for 1844.—

/Here enter No. 2384./

Before passing judgment in this case the Zoujdaree Udalut resolve to return the record to the Session Judge and request he will examine the Medical Officers of the Station as to the nature of the wounds alleged to have

have been inflicted on the deceased— It is stated that one of his testicles had disappeared from the Scrotum, and that the other had burst— The Court do not believe that any external injury could produce the latter result— It is also alleged that blood issued from the urethra and anus of the deceased— neither would it is believed these results ensue from an external injury, unless the same were more palpable externally than is alleged in this case.—

Ordered, that Extract from these proceedings be forwarded to the Session Judge of Coimbatore by precept returnable without delay.

/Sent following precept No. 2171

Read letter dated the 3d Instant from the Session Judge of Guntoor forwarding, with reference to the Extract from the proceedings of this Court under date the 24th August last an amended

futwa

13th September, 1844- futwa in the Calendar of Case No. 8 of 1844 and requesting permission to reverse the sentence of the 1st and 4th prisoners, in the above case from 14 years imprisonment to 2 years imprisonment with labor in irons.-

(Vide Entr. No. 2386)

The Court of Foujdaree Adalut concur in the proposed mitigation of the sentence passed upon the 1st and 4th prisoners in the above case and accordingly direct that they be respectively sentenced to 2 years imprisonment with labor in irons.-

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

(Sent in No. 2172)

Read letter dated the 7th Instant from the Magistrate of Chingleput requesting permission to offer a conditional pardon to the 1st and 2d witnesses in Case No. 17 on the Criminal file.-

(Vide Entry No. 2409)

The

13th September, 1844-

The Court of Foujdaree Adalut having maturely considered the circumstances represented by the Magistrate of Chingleput resolve, under the authority vested in them by Section XII Regulation XIII of 1832, to sanction the offer of a pardon to the witnesses

1st Valen

and

2nd Yandegan

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

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

(Sent in No. 2173)

Ex. Ord.

No. 11.

Saturday
14th September 1844.

At a Court of the Tonjedaree Udalut

Present:-

Malcolm Lewin Esqre. Acting 2d
Mat. Maclean Esqre. Acting 3d } Puisne Judges.

Read letter dated the 7th instant from the Session Judge of Cuddapah stating that Tukaroochun, Prisoner in case No. 21 of the Calendar for the 2d Sessions of 1841, is now reported by the Zillah Assistant Surgeon and the Jailor to be in a perfectly rational and sound state of mind and as he has exhibited no signs of madness for a long time past, recommending that he be given over to the charge of his Brother, who has undertaken to receive him and to keep him from injuring himself and others.

/Here Enter No. 2 4 4 6./

In the event of the Prisoner, Tukaroochun's brother being prepared to give competent security for his due guardianship, the Tonjedaree Udalut see no objection to the liberation of the Prisoner and authorize accordingly.

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

J.

of Cuddapah for his information and guidance.

/Enclosure No. A/

Read return dated the 3d Instant from the Sessions Judge of Calicut to the precept of the Tanjore Adalut under date the 29th August 1844 sanctioning a mitigated sentence upon the prisoner in Case No. 46 on the Calendar of the Sessions Court for 1844.

/Here Enter Fd No. 2411 of 1844/

Read letter dated the 7th Instant from the Sessions Judge of Mangalore forwarding Warrant issued by him for the execution of the sentence of death passed by the Court of Tanjore Adalut on Naranachary and Narraina prisoners in case No. 37 of 1844 on the Calendar of the Subordinate Judge with the endorsement of that Officer certifying due execution thereof, and Copy of a report made by him according to the Circular Order of the Tanjore Adalut under dated the 3d May and 20th September 1838.

/Here Enter Fd No. 2441 of 1844/

Read report, dated the 4th Instant submitted by the Acting Sessions Judge of Trichinopoly, of the labour of Convicts for the

month of August 1844.

/Here Enter Fd No. 2434 of 1844/

Read Report dated the 4th Instant submitted by the Acting Sessions Judge of Trichinopoly of Casualties and of prisoners released in the month of August 1844.

/Here Enter Fd No. 2435 of 1844/

Read Calendar, dated the 5th Instant submitted by the Sessions Judge of Coimbatore, in Case No. 30 of 1844.

/Here Enter Fd No. 2446 of 1844/

Read Criminal Reports dated the 9th Instant, submitted by the Sessions Judge of Guntoor, for the month of August 1844.

/Here Enter Fd No. 2452 of 1844/

Read return dated the 9th Instant, from the Sessions Judge of Guntoor to the precept of the Tanjore Adalut under date the 30th August 1844 directing the Sessions Judge to review the record of Case No. 33 tried by the Magistracy in July last and pass such orders as he may deem requisite.

/Here Enter Fd No. 2453 of 1844/

Ent Fd.

Monday 16th September 1844

At a Court of the Fouzdaree Udalut

Present

G. J. Casamajor Esqr. Actg 1st Puisne Judge

M. Lewin Esqr. Actg 2d Puisne Judge

A. Maclean Esqr. Actg 3d Puisne Judge

Read letter dated the 6th February 1844 from the Acting Sessions Judge of Tellicherry — Ware enter No. 400.

1. If the Court rightly understand the cases referred to in the communication from the Acting Sessions Judge parties who had taken forcible possession of lands, were maintained in such possession by the Magistrate of Malabar under Section III Regulation XI of 1816 and his orders to that effect were quashed by the Acting Sessions Judge —

2. Under these circumstances the following question is submitted for the orders of this Court —

"Are

"are the police authorities and
"the Magistracy empowered under Clause
"first Section LI. Regulation XI of 1816
"to decide upon complaints of forcible
"occupation or seizure of lands or crops
"having been effected, and to award
"restitution of the said lands or crops,
"in the same way that the Collector
"may do under Section XI Regulation
"V of 1822. Or, are the powers of the
"Police and Magistracy under the
"first mentioned enactment confined
"to the prevention of such forcible occu-
"pations or seizures, when threatened
"or attempted, but not actually effected,
"while, under the last mentioned enact-
"ment, redress is left to be sought
"from the Collector, should the forcible
"occupation or seizures have been accom-
"plished. 2

3. The Judges think that the distinction between cases before, and after, forcible possession has been actually taken, is too nice to be tenable in practice; and that, under Section

Section LI. Regulation XI of 1816, Magis-
-trates and their Subordinate Police
Officers therein mentioned have au-
-thority as well to undo, as to
prevent, forcible occupation; and this
was maintained by this Court in
their Proceedings 18th February 1841
upon a case which came before it by
petition against the Governor's Agent
in Vizagapatam. In those proceed-
-ings the following passage occurs.

"There can be no doubt that, co
"under Section III Regulation XI of 1816,
"power is vested in the Magistracy
"to oppose, and undo, force, on the
"occupation of land crops and water,
"and to determine the right of plough-
-ing, when riotous assemblages o
"occur. But this is strictly confined
"to cases where force is proved, or
"riotous assemblages do take place;
"and is a mere temporary decision,
"as to possession, the parties being
"at liberty to seek redress as to their
right shortly from any competent
"jurisdiction.

16th September, 1844.

jurisdiction!—

4. Whatever inference may be deducible from para 23 of this Court's letter to Government 20th December 1824, the Court conceive that it would involve a practical absurdity to suppose that the Magistrate and his Subordinate Officers had authority to oppose forcible occupation up to the moment that it was effected; but from that moment lost all power of further interference. Section XI Regulation V of 1822 does not require such cases to be brought before the Collector and before him only, it only declares the dispossessed party "at liberty" to bring the case before the Collector.—

5. But tho' the cases in question were properly subject to the jurisdiction of the Magistrate, the Judges think that the Magistrate had no authority to enter into the merits of them any further than to obtain proof of the forcible occupation; still less to maintain in possession the parties

F. H.

16th September, 1844.

parties who forcibly took it. His authority was confined to preventing the forcible occupation before it was effected, or undoing it afterwards. This is clearly inferrible from the express terms of Section II, as well as from the course prescribed to the Collector by Section XI Regulation V of 1822 when the case is brought before him.—

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Tellicherry for his information and communication to the late Acting Sessions Judge of Tellicherry and Magistrate of S. Malabar.—

(Sent in No. 2187)

Read return dated 4th Instant from the Sessions Judge of Chingleput, to the precept of the Fouzdaree Udalut 19th August last relative to the Petition presented by Avvackum the wife of David 2nd Prisoner in case No. 13 on the file of the

16th September, 1844- the Chingleput Calendar for 1844.

(Were enter F.U. No 2382.)

1. Before proceeding to pass any final orders in this case the Court of Foujdaree Udalut desire to have before them all the proceedings held in the trial as well as all existing proof regarding the Marriage of the 1st prisoner with Mrs Moore.

2. The Sessions Judge will accordingly submit without delay an English translation of the papers called for.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Chingleput for his information by precept returnable in 7 days from and after its receipt.—

(Sent following precept No 2188)

54 W.L.

F. U.

Tuesday.—
17th September 1844.

At a Court of the Foujdaree Udalut

Present

Geo: James Casamajor Esqre Actg 1st
Malcolm Lewin Esqre Actg 2d
Alex: Maclean Esqre Actg 3d
} Puisne Judges

Read return dated 9th Instant, from the Sessions Judge of Cuddapah to the precept of the Foujdaree Udalut of the 6th idem calling for an English translation of the indictment in case No 59 of the Cuddapah Calendar—

(Were enter F.U. No 2344 of 1844.)

1 The object of this Courts order of the 6th Instant was to obtain from the Sessions Judge a correct translation of the indictments upon which the prisoners in the foregoing case were tried.—

2 The Sessions Judge however misunderprets the Courts order to require that the indictment should be amended so as to shew that the prisoners have committed some offence, submits what he considers the only form of indictment that can

all

all apply to the case.

3 The Sessions Judge is now desired to submit without delay a copy of the arraignment originally adopted against the prisoners by the Sessions Judge in the trial of the case No. 59.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Coodapah, for his information by precept returnable in five days from and after its receipt.

(sent following precept No. 2194)

Read again Calendar dated the 19th June last, submitted by the Sessions Judge of Madura of Case No. 13 of 1844.

(Here Enter No. 2221.)

Read Miscellaneous Petitions presented on the 19th Ultimo and 9th Instant by T. Appiah Vakeel on behalf of Soobiah of Madura.

(Here Enter Mtl. Pns. Nos. 108 & 109)

Adverting to the sentence of imprisonment for 5 years which has been passed by the Sessions Judge

No. 13 of 1844 on the Calendar

of Madura on his son, who, as the case noted marginally, stood charged with perjury committed before the Court of the Joint Magistrate of Madura. The Petitioner declares that the result of the proceedings held against his son is attributable to the Joint Magistrate himself who, being opposed to the manager of the Bunny wadoo Zemindaree, induced Petitioner's son in the first instance, by the promise of a situation, to depose that he had written a certain Arzee addressed to the Joint Magistrate under the Manager's instructions and that by him over also he had affixed to it a false signature; that considering the Petitioner's son had disregarded his wishes, the Joint Magistrate afterwards placed him under severe personal restraint and having examined him a second time, sent him to the Sessions Court charged with perjury.

2 Under these circumstances the petitioner prays the Foujdaree Adalut will call for and peruse the entire

entire proceedings recorded in the matter and declare that the sentence passed being against an Prisoner, now a minor, is of no validity and should be cancelled.-

3 The Foujdaree Adalut see no reason for their interference with the sentence of the Sessions Judge which under the facts appearing from the Calendar seems correct and justifiable.-

4 Adverting however, to the serious imputations cast, under the official signature and implied guarantee of an authorized Vakeel of their Court on the character of the Joint Magistrate of Madura, the Judges resolve to require from Pleader Lappiah a statement explanatory of the grounds on which he has deemed himself warranted in coming forward publicly to arraign the proceedings of the Joint Magistrate adverted to.-

Ordered that Extract from those Proceedings (Paras 1, 2 & 3) be granted to the Petitioner on his application.-

Read

F.R.

Read return dated 4th September 1844 from the Principal Sudr Ameen of Trichinopoly, to the Precept of the Foujdaree Adalut of the 28th August last, conveying their remarks and orders on the Principal Sudr Ameens Criminal Reports for the Months of July.-

(Vide Entry F.R. 17th Sept. 2403)

Case No. 42 1 The prisoners in this case were charged with an assault and fracture of a limb, and the charge not having been proved against the prisoners they were on the 2d May released by the Principal Sudr Ameen. The Sessions Judge having been appealed to by the Prosecutor, ordered a reinvestigation of the case. The prisoners were accordingly sent for and set at liberty after security had been taken from them for their appearance.-

2 In this stage of the case a report of the proceedings came before the Foujdaree Adalut in the usual monthly reports and the Court considering "that the Sessions Judge was not justified in directing the Principal Sudr Ameen to reinvestigate the charge brought against the

"the prisoners after it had been regu-
"larly tried by him, and the Prisoners
"not proved guilty of the same" desired
the prisoners to be unconditionally re-
leased.

3 From the return above recorded it appears that the Prisoners on reinvestigation of the case by the Principal Sudr Ameen were on the 30th August (up to which date the Principal Sudr Ameen had been awaiting the receipt of the Fougdaree Adalut Court's observations on the number) fined 5 Rupees each.

4 This fine the Principal Sudr Ameen reports has since been remitted.

5 The Court of Fougdaree Adalut observe, that if the charge was proved a bone having been broken the case was under the Circular Order of the 11th September 1840 No. 124 committable to the Sessions Court, and the Principal Sudr Ameen erred in disposing of it, but the prisoner having been released under the supposition that the investigation ordered by the Sessions Judge involved only an appeal within the jurisdiction of the Principal Sudr Ameen who had acquitted the

the prisoner- no further measures can now be taken.-

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

Sent in No. 2197

Ordered also that Extract from these proceedings be sent to the Principal Sudr Ameen of Tinchinopoly for his information.-

Sent in No. 2197

Read Petition presented on the 22d July last by Vakeel Ghoolam Razak on behalf of Mungaporak Iris-
and Menon of Calicut.-

(Here Enter No. 91 of 1844)

The Petitioner, who is head Police of Bedutnaadi, Zillah Calicut, adverts at length to the circumstances of the charge preferred against him in case No. XXXI of 1844 on the file of the Sessions Court of Calicut and solicits the issue of instructions directing the submission for final decision by this Court, of all the records of Proceedings before the several authorities

designated,

designated, which bear upon the case,
in order to his being unconditionally
released, from the accusation brought
against him of which he affirms
he is wholly and entirely innocent
2 The release of the Petitioner
and his acquittal of the charge in
question as recorded in the Courts pro-
ceedings dated 12th Instant renders any
further interference unnecessary—
Ordered that Extract from
these proceedings be granted to the
Petitioner on his application.—

Read Miscellaneous Petition
presented on the 1st July last by Vullee
Sasharaddy Mookteyar Vakeel of
Bowanee Bajemmah Zillah Cuddal-
pah

(Here Enter Mis. P. No 73 of 1844)

The above Petition having
been presented by a Mookteyar Vakeel
the Court of Sudder Udalut decline
to bring it under consideration, that
mode of address being contrary to existing rules
Ordered accordingly that it be
removed from the file of the Court.—

Read Miscellaneous —H—
petition presented on the 8th July last
by Mahachup—

(Here Enter Mis. P. No 78 of 1844)

The above petition not bear-
ing the signature or mark of the Peti-
tioner the Court of Sudder Udalut
are not prepared to bring it under consider-
ation.

Ordered accordingly that it be
removed from the file of the Court.—

Read Miscellaneous petition
presented on the 19th Ultimo by Hydea
Ummaur Ummaul Zillah Chittoor—

(Here Enter M.P. No 110 of 1844)

As the above address refers
to matter of a civil nature the Court
of Sudder Udalut decline to bring
it under consideration

Ordered accordingly that it
be removed from the file of the Court
Petition

Read again Miscellaneous pre-
sented on the 22d July 1844 by Deenabund
Mahanter of Onjoa.

(Here Enter M.P. No 75 of 1844)

Read also returns dated the
30th August last made by the Agent

to

to the Governor at Vizagapatam to the pre-
-cept of this Court under date the pre-
-vious 29th July, requesting him to as-
-certain whether Justice had been done
in the case of the above Petitioner,
and to pass such further orders as he might
consider necessary, should the proceedings
of the Subordinate Officers prove in any
respect deficient.-

(Here Enter Fde No. 2376)

The Court of Zoujdaree Adalut
having duly considered the remarks
made by the Agent to the Governor in
the above return as to the facts which
the petitioner in his petition alleges
to have taken place, are of opinion
that they are satisfactory, and that
the petitioner had no just cause of
complaint.-

2 The Court therefore direct
the Petition in question to be dismissed
and that copy of these proceedings be
granted to the petitioner on his application.

Read Calendar in case No. 13 of 1846
submitted by the Sessions Judge of Salem.

(Here Enter Fde No. 1906 of 1846)

Read return dated the 20th

Ultimo

Ultimo from the Sessions Judge of Salem
to the precept of the Zoujdaree Adalut
under date the 14th Instant directing
him to call for the record in case No. 52
of 1846 and pass the requisite orders.

(Here Enter Fde No. 2250 of 1846)

Read return dated the 7th
Ultimo from the Principal Sudr Ameen
of Cochin to the Precept of the Zoujdaree
Adalut of the 30th July 1846 on the
review of the Criminal Reports for the
Month of June 1846.-

(Here Enter Fde No 2280 of 1846)

Read communication
dated the 24th Ultimo from the Sessions
Judge of Bellary explaining the
delay in disposing of some of the Cases
on the Sessions Calendar of 1846 called
for by the Court of Zoujdaree Adalut
in their letter of the 8th Instant.-

(Here Enter Fde No. 2292 of 1846)

Read Calendar in case No.
42 of 1846 submitted by the Sessions Judge
of Combaconum under date the 24th August 1846.

(Here Enter Fde No 2293 of 1846)

XLII.

Wednesday 10th September 1844. At a Court of the Foujdarree Udalut

Present

Geo: James Cusamajor Esqre Actg 1st
Malcolm Swinton Esqre ——— Act 2d } Puisne Judges
Alexr Maclean Esqre ——— Act 3d }

Read Return dated 9th September 1844 from the Sessions Judge of Cuttack to the precept of the Foujdarree Udalut of the 7th inst. conveying their remarks and orders on cases Nos 60 of the Cuttack Calendar for 1844.

(Here Enter Ful No 2445)

Sessions Judge submits the answer of the Law Officer to the second question put to him in conformity with the instructions conveyed by this Court in their proceedings of the 7th Instant.

2 Upon this answer the Sessions Judge will, in accordance with the principle laid down in Clause two Section II Regulation XV of 1803 and explained in the Circular order of the 28th May 1822 proceed to pass sentence on the prisoners under

the

18th September 1844

the provisions of Clause first Section VIII Regulation XV of 1803.

3 The Regulations — having denounced a specific penalty for the offence of which the prisoners were convicted by the second futwa a third futwa was unnecessary & the attention of the Sessions Judge is called to Circular Orders 28th May and 22d July 1822 and Circular Order No. 56.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Cuddapah for his information, by precept returnable in two days, from and after its receipt.

/Sent following precept No. 2198

Read Calendar dated the 13th Instant submitted by the Sessions Judge of Tinnevelly in case No. 26 of 1844.

/Here Enter 7th No. 2539 of 1844/

Read letter dated the 18th Instant from the Subordinate Judge of Chittoor returning the Criminal Report No 9 duly docketted as directed in the Memo. of the Foujdaree Udalut dated 16th Instant

/Here Enter 7th No. 2543 of 1844/

18th September 1844

Read Memorandum dated the 17th Instant from the Principal Sudr Ameen of Cuddalore returning the Criminal Report duly endorsed as directed in the Memo: of the Foujdaree Udalut of the 14th Idem.

/Here Enter 7th No. 2547 of 1844/

Read Calendar dated 5th Instant submitted by the Sessions Judge of Chittoor in case No. 28 of 1844.

/Here Enter 7th No. 2550 of 1844/

Read Calendar dated 11th Instant submitted by the Sessions Judge of Combaconum in case No. 53 of 1844.

/Here Enter 7th No. 2553 of 1844/

Read Return dated 17th Instant from the Sessions Judge of Bellary to the Precept of the Foujdaree Udalut of the 5th Idem, directing the Sessions Judge to call for the record in case No. 85 of the Criminal file and pass such orders as he might consider requisite

/Here Enter 7th No. 2556 of 1844/

Read letter dated the 17th Instant from the Sessions Judge of Bellary transmitting the Orginal warrant

[illegible] passed

ispute in No. 30 of the Sessions Calendar of 1844 with the endorsement of the Subordinate Judge and copies of the letter and its enclosure.-

/Here Enter F.R. No. 2557 of 1844/

Read Report dated the 1st Instant submitted by the Acting Sessions Judge of Cuddalore of casualties and of Prisoners released during the Month of August last.-

/Here Enter F.R. No. 2558 of 1844/

Read Report dated 1st Instant submitted by the Acting Sessions Judge of Cuddalore of convict labor for the month of August last.-

/Here Enter F.R. No. 2559 of 1844/

Read Report dated 1st Instant submitted by the Acting Sessions Judge of Cuddalore of the estimated value of the product of the Prisoners labor for the Month of August last.-

/Here Enter F.R. No. 2560 of 1844/

Read Statement dated 1st Instant submitted by the Acting Sessions Judge of Cuddalore, of Extra Jail Rows employed during the Month of August last.-

/Here Enter F.R. No. 2561 of 1844/

F.R.

Read Return dated the 7th Instant from the Acting Principal Sudr. Ameen of Coimbatore to the Precept of the Pongdaree Cedulist under date the 3d. idem conveying their observations on the Criminal Report for the Month of July 1844.-

/Here Enter F.R. No. 2562 of 1844/

Read Calendar dated the 18th Instant submitted by the Sessions Judge of Bellary in Cases Nos. 31 and 32 of 1844.-

/Here Enter F.R. No. 2563 of 1844/

Read Return dated 17th Instant from the Acting Magistrate of Canara, to the precept of the Pongdaree Cedulist of the 3d idem remarking upon the detention at the Taluk of the Prisoners in Cases Nos. 57 & 59 in the Criminal reports for July 1844 and calling for explanation.-

/Here Enter F.R. No. 2572 of 1844/

Read letter dated the 20th Instant from the Acting Magistrate of Nellore reporting that no cases cognizable under Section LIV Act VII of 1843 were disposed of by the Magistrate or his Assistants during the months of August 1844.-

/Here Enter F.R. No. 2573 of 1844/

Read

Read Calendar submitted by the Sessions Judge of Nellore in case No. 19 of 1844.-

/Here Enter Fl. No. 2576 of 1844./

Read Calendar dated 8th July 1844 submitted by the Sessions Judge of Madura in case No. 23 of 1844.-

/Here Enter Fl. No. 2577 of 1844/

Read Calendar dated 8th July 1844 submitted by the Sessions Judge of Madura in case No. 24 of 1844.-

/Here Enter Fl. No. 2578 of 1844/

Read Calendar dated 12th July 1844 submitted by the Sessions Judge of Madura in case No. 25 of 1844.-

/Here Enter Fl. No. 2579 of 1844/

Read report dated 17th Instant submitted by the Magistrate of Tinnevelly of cases tried under Section LIV Act VII of 1843 during the month of August 1844.-

/Here Enter Fl. No. 2580 of 1844./

Read Calendar dated 20th September 1844 submitted by the Acting Sessions Judge of Trichinopoly in case No. 17 of 1844.-

/Here Enter Fl. No. 2585 of 1844/

Read returns dated 21st Instant from the Sessions Judge of Cuddapah to the precept of the Tongdaree Adalut of the 12th Instant declaring that it was unnecessary to put the Third Question to the Mahomedan Law Officer in case No. 68 of the Calendar on the file of the Sessions Court of Cuddapah.-

/Here Enter Fl. No. 2586 of 1844/

Read letter dated 19th Instant from the Magistrate of Bellary submitting the explanation required from the proceedings of the Court of Tongdaree Adalut under date the 5th idem containing the observations on certain cases in the Criminal Reports of Bellary for July 1844.-

/Here Enter Fl. No. 2589 of 1844/

Read letter dated the 20th Instant from the Magistrate of Trichinopoly submitting explanations regarding the delay which occurred in forwarding the proceedings in the cases Nos. 45 and 48 of the Criminal Reports for the month of June 1844.-

/Here Enter Fl. No. 2590 of 1844/

Read letter dated 21st Instant from the Magistrate of Trichinopoly submitting explanations regarding the delay which occurred in forwarding the proceedings

18th September 1844

prisoners of Nos 54 and 55 of the Criminal Reports.-

/Here Enter Ft R No 2595 of 1844./

Read Supplemental Criminal Report submitted by the Agent to the Governor at Vizagapatam for the month of July 1844.

/Here Enter Ft R No 2597 of 1844/

Read Criminal Report dated 20th Instant submitted by the Agent to the Governor at Vizagapatam for the month of August 1844.-

/Here Enter Ft R No 2598 of 1844./

Read Calendar dated 2[illegible] Instant submitted by the Sessions Judge of Cuddapah of cases Nos 75 & 76 of 1844.-

/Here Enter Ft R No 2607 of 1844./

Friday 20th September 1844.

F.R.

At a Court of the Foujdaree Udalut

Present,

Geo. James Casamajor Esqre Actg 1st
Malcolm Lewin Esqre Actg 2d
Alexr Machean Esqre Actg 3d
} Puisne Judges

Read letter dated the 12th instant from the Sessions Judge of Chittoor transmitting the translations of the record of the trial in case No 26 of the Session Court of Chittoor for the final Orders of the Court of Foujdaree Udalut

/Here Enter No 2488/

Mr M. Lewin and Mr A. Machean

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,

"Narasoo"

is sufficient to convict him of the crime of Murder, do convict him thereof, and under the provisions of Clause third Section III Regulation I of 1825, sentence the prisoner in mitigation of the punishment prescribed by Section [illegible] Regulation

Regulation VIII of 1802, 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.-

A mature consideration of this record has failed to impress the Court of Foujdaree Adalut with the propriety of enforcing the extreme penalty of the law, for the infliction of which, it does not appear to them, that sufficient grounds exist.-

Ordered that Extract of these proceedings be sent to the Sessions Judge of Chittoor for his information /sent following letter No: 2201/

Read the Criminal Reports for the month of August 1844 submitted by the Principal Sudr Ameen of Masulipatam

/Here Enter 7 R No: 24449/

Report No: V
Case No: 25

The prisoner in this case a Jail Boy is charged with having in his possession 3¾ seers of rice obtained by theft from a convict in the Jail contrary to the proclamation issued by the late Joint Criminal

Criminal Judge at Masulipatam.-

2 The prisoner being pronounced guilty by the law officer of Amroy Mahadzoor and declared liable to a Roobut was sentenced by the Principal Sudr Ameen to pay a fine of 10 Rupees or in default to be imprisoned for one months.-

3 The Magistrate will be pleased to explain under what Regulation he took cognizance of the offence committed by the peon and forward to him to the Principal Sadr Ameen's Court-

4 It was competent to the Officer in charge of the Jail to have punished the peon or duffadar who permitted the rice to be taken from the Jail for a breach of the Jail rules by fine or dismissal but no criminal offence having been committed and none attempted the punishment imposed in this case was quite illegal and the fine must be remitted.-

Ordered that Extract from these proceedings be sent to the Principal Sudr Ameen of Masulipatam for his information and guidance by precept returnable in 3 days from and after its receipt.-

/sent following precept No: 2204/

Ordered

20th September 1844.

Ordered also that Extract from these proceedings paras 1 and 3 be sent to the Magistrate for his information by precept returnable in 3 days from and after its receipt.-

Sent following precept R. 2243

Read Criminal Reports for the Month of August 1844 submitted under date the 6th instant by the Government Agent at Rajnoor.-

Here Enter 7 Ck Rs 2243-

Cases Nos 47 and 48- 1 The same prisoner is charged in both these cases-

2 In Case R. 47 he was charged with stealing a bullock and 4 Rupees and on conviction was sentenced to 3 Months imprisonment with hard labor and 100 lashes under Section VII Regulation X of 1816

3 In case R. 48 he was charged with having swindled a dancing girl out of wearing apparel valued at Rupees 7-15-2 P and in this case was sentenced to two months imprisonment with hard labor under the same enactment.-

4 This mode of disposing of these cases is contrary to Circular Order

28 Nov

F. C.

20th September 1844

28th October 1833 Our sentences also to have been passed in both cases due consideration having been given of course in the measure of punishment to the circumstances of two offences having been proved against the prisoner- In this instance the offences committed in both cases appearing of a very trivial nature and not to call for severe punishment 3 months imprisonment is sufficient for both- the Agent will accordingly remit the stripes and cancel the punishment awarded in Case R. 48-

5 The name of the prisoner in case R. 48 should have been written in red ink as required by Circular Order 8th October 1831-

Case R. 49- 6 If the corporal punishment awarded the 1st Prisoner in this case has not yet been inflicted the Court of Fouzdaree Adalut direct that it be suspended and that an explanation be submitted of the grounds of its having been adjudged to the 1st prisoner who appears merely to have been the tool and to have acted under the orders of the 2d Prisoner.

7 The sentence passed on the 2d prisoner

prisoner appeares far too light. He was the chief delinquent and is more deserving of corporal punishment than the 1st prisoner. He was not only a thief himself but he instigated the 2d prisoner to commit a theft.

8 The Agent will be pleased to submit a further and fuller explanation of the grounds of his sentence in this case.-

9 The Court also observe that the charge is incorrectly worded. The 2d and 3d Prisoners should have been charged with instigating aiding and abetting the theft.

Ordered that Extract from these proceedings be sent to the Government Agent at Kurnool for his information by precept returnable in 5 days from and after its receipt.-

(Sent following precept No 2204)

Read return dated the 10th Instant from the Sessions Judge of Trinavelly to the Precept of the Tanjore Adalut of the 8th idem requiring the Sessions Judge to explain why the witnesses in cases Nos 9 and 18 of 1844 were detained for a period exceeding 14 days.—

(Here Enter Ft R No 2508 of 1844)

Read return dated 10th Instant from

the Acting Sessions Judge of Rajahmundry to the precept of the Tanjore Adalut under date the 29th ultimo requiring an explanation to the discrepancy observed in the two quotations of the Sentences passed on the 1st prisoner in Case No 6 of 1843 and to remit the punishment of stripes upon the prisoner in case No 7 of 1843.-

(Here Enter Ft R No 2509)

Read letter dated 11th Instant from the Magistrate of Madura forwarding the Joint Magistrate's explanation of delay in Case No 106 of Report not having the Subordinate Court for July last.-

(Here Enter Ft R No 2515.-)

Read letter dated 12th Instant from the Magistrate of Tanjore Reporting that no cases have been tried under Section LIV Act VII of 1843 by the Magistracy.-

(Here Enter Ft R No 2516)

Read report dated 1st Instant submitted by the Sessions Judge of Bellary of prisoners tried and whose cases have been referred to the Tanjore Adalut but from whom the sentence of that Court has not been received in the months of

August

20th September 1844.

August 1844.

(Here Enter F.C. No. 2517)

Read Jail Report dated 11th Instant submitted by the Sessions Judge of Nellore for the months of August 1844.

(Here Enter F.C. No. 2520)

Read report, dated 11th Instant, submitted by the Sessions Judge of Cuddapah, of persons tried and whose cases have been referred to the Foujdaree Adalut but on whose the sentence of that Court has not been received up to the 31st August 1844

(Here Enter F.C. No. 2523)

Read letter dated 10th Instant from the Magistrate of Rajahmundry reporting that the powers vested by Sec. Section LIV act VII of 1843 have not been exercised in August 1844 by the Magistracy

(Here Enter F.C. No. 2524)

End F.C.

F.C.

Saturday 21st September 1844.

At a Court of the Foujdaree Adalut

Present

Geo. James Casamajor Esqre Acting 1st
Malcolm Lewin Esqre Acting 2d
Alex. Maclean Esqre Acting 3d
} Puisne Judges

Read return dated 14th September 1844 from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut of the 10th Instant conveying their remarks and orders on the Calendars of Cases Nos. 64, 65, 66, 70 and 71 of 1844 submitted by the Sessions Judge of Cuddapah.

(Here Enter F.C. No. 2522)

The Court of Foujdaree Adalut having maturely considered the circumstances of the case of the prisoner "Atchee" as stated in the Calendar and in the foregoing return resolve to sanction under clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Sessions Judge and accordingly direct that the said prisoner

"Atchee"

be imprisoned and kept to labour suitable

to her ser on the public roads or other
public works for and during the
period of seven years.-

Ordered that Extract from
these proceedings be sent to the Session
Judge of Cuddapah for his information
/Sent pir Rc 2208/

Read return dated 7th Instant
from the Session Judge of Tinnevelly
to the precept of the Tonjdaree Adalut
of the 28th Ultimo requiring the Session
Judge to review cases Rcs 79 and 81 of
1844 on the file of the Principal Sudr
Ameen.-

/Here Enter Fol Rc 2507/

1 The Court of Tonjdaree Adalut
have been much gratified with observing
the clear and satisfactory manner
in which these cases have been reviewed
by the Session Judge-

2 With reference to the concluding
- cluding parah of this return the Court
of Tonjdaree Adalut are of opinion that
the principal Sudr Ameen is deserving
of censure for the irregularity therein
pointed out. It is difficult to conceive
that the Principal Sudr Ameen was
ignorant

ignorant of his duty and the Session
Judge will warn him to be more care-
ful and attentive in future.-

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

/Sent pir Rc 2209/

Read letter dated the 13th
Instant from the Session Judge of
Mangalore- submitting for the final
sentence of the Court of Tonjdaree & Adalut the
trial in case Rc 45 on the Mangalore
Calendar for 1844

/Here Enter Rc 2531/

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

Bellooda Amboo

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

hang

being hanged at the usual time and
place of execution.-

/Sent following letter No. 2210/

Read Calendar of Case No. 16
of 1844 on the Trichinopoly Calendar sub-
mitted by the Acting Sessions Judge under
date the 10th Instant.-

/Vide Entry Fil No. 2480/

The prisoner in this case is
charged with having entered the house of the
1st witness by scaling the wall and stolen
therefrom property belonging to the Prosecutor
to the amount of Rupees 401/-

Fil. pros. 9th and 10th 2
sept. 1839 and 31st
sept. 1842

The Court have rejected that
the jumping over a wall constitutes
breaking as contemplated by Clause
first Section II Regulation VI of 1822
and as the amount of property stolen
exceeded the sum of 100 Madras Rupees and
as the prisoner is a man of bad cha-
racter, the case falls under Clause second
of the same Section and was properly com-
mitted by the Principal Sudr Ameen to
the Sessions Court.

3 The Mahomedan Law Officer
in his futwah declares the prisoner to be
fully convicted of the crime laid to his charge
and

Fil.

21st September 1844.

and declared him liable to Kisaas.-

4 The Acting Sessions Judge took
a second futwah to remove the
exceptions in bar of hud and concur-
ring in the finding of the Law Officer on
the grounds stated in the futwa that
the evidence in this case is sufficient
to convict the prisoner of the crime of robbery
by open violence as defined in Clause
first Section III Regulation XV of 1803 and
therefore under Clause III Section IV of
the same Regulation sentences him to be
imprisoned with hard labour in irons
for the period of 14 years.-

5 The Court of Foujdaree Adalut
regret to observe that they have seldom
had to notice so marked a case of inatten-
tion to the Regulations and Rules of
this Court as is displayed in the fore-
going sentence of the Acting Sessions Judge.

6 The crime with which the prisoner was
charged is as explained above - Housebreaking viz the trans-
lation of the futwa attested by the acting Sessions
Judge to be a true translation the
Mahomedan Law Officer is declared to
state that "he (the prisoner) is fully
convicted of the crime laid to his charge"
yet notwithstanding this clear enunciation

8

of the Law Officer's opinion the Acting
Sessions Judge has recorded that he "can-
"not in the finding of the Law Officer on
"the grounds stated in the futwa that the
"evidence in the case is sufficient to con-
"vict the prisoner of the crime of gang
"robbery by open violence."

In Circular Order 5th August
1829 it is directed that "when the actual
"crime proved may be of a character
"different from that recorded in the
"abstract of the charge the sentence be
"invariably made for the information
"of the higher Court in all returns, calen-
"dars and statements &c" and Section
XXII Regulation VII of 1832 enacts that
when the Judges shall disapprove of
any part of the futwa delivered by the
Law Officers — " — they are not to stay
"sentence in such cases but shall com-
"plete the trial and transmit to the Sess-
"ions Abadut a copy of all the proceed-
"ings and the futwa of the Law officers
"with a separate letter stating the grounds
"of their disapproval and wait the sentence
"of that Court"

8 If therefore the Acting Sessions
Judge considers the prisoner proved guilty of
robbery

robbery by open violence, it was his duty
to have submitted the case to the Sudder
Adalut. He will now explain on what
grounds he considered this ~~—~~ "
grave offence proved and the cause
of his omission to conform to the orders
and Regulation above quoted.

By Clause second Section
9 VI Regulation XII of 1803 it is provided
that in all trials before the Courts of
Circuit wherein the Mahomedan Law officers
of the Court may consider the prison-
er liable to discretionary punishment
if the crime shall have been specially
"provided for by any subsisting Regu-
"lations denouncing the penalty to be ad-
"judged on proof of the commission of
"such crime" and the Judge shall con-
sider the crime to have been established
against the prisoner he shall sentence
him to suffer the punishment pre-
scribed by the Regulations and in Cir-
cular order 28th May 1822 it has been
ruled that in such cases no second
futwa is to be taken.

10 The offence charged as well
as that of which the Acting Sessions Judge
has

9th September 1844

has declared the prisoner proves guilty having been specially denounced by the Regulations Mr Greenway joined in taking a second festival. His attention is therefore particularly recalled to Circular Order 28th May and 22d July 1822 and 23d April 1832.-

The Court further deem it proper to call the attention of the Acting Sessions Judge to Circular Order 19th June 1828. the meagre declaration that the Acting Sessions Judge concurs with the finding of his Law Officer in no way agrees with the instructions of that order and any future deviation from it will force on the Court the necessity of returning the Calendars for amendment.

The Court desire that Mr Greenway will submit an explanation on the several points and errors above pointed out. the explanation should be full and clear in order to remove the unsatisfactory impression which the proceedings of the Acting Judge have left on the minds of the Court as to the manner in which Mr Greenway performs his official duties.-

ordered

F 11

21st September 1844

ordered that Extract of these proceedings be forwarded to the Sessions Judge of Tipchimpah for his information and guidance by precept returnable in Ten days from and after its receipt.-

/ sent following precept No 220 /

Read return dated the 3rd Instant from the Sessions Judge of Cuddapah to the precept of the Court of Foujdaree Adalut under date the 31st August last, directing that if it should be considered necessary to bind over the principle parties in Cases Nos 136 and 137 of 1844 on the file of the Subordinate Court to keep the peace towards each other and also directing to release the Prisoner in No 152 of 1844.-

/ Vide Inter F 11. No 2388 /-

Monday.
23d September 1811

At a Court of the Tonjdaree Adaulut

Present

Geo: James Casamajor Esqr Actg 1st
Malcolm Lewin Esqr Actg 2d
Alexr. Macleane Esqr Actg 3d
} Prisne Judges

Tonjdaree Adaulut

Circular Order

No. 162.

1st Under instructions from the Honorable Court of Directors, the Tonjdaree Adaulut resolve to prohibit the use by the Subordinate or other Police Officers of perforated logs of wood, substituted for iron hand cuffs, which it appears from the Courts records, have occasionally been employed to facilitate the restraint of parties under custody and of prisoners on their way to the Criminal and Magisterial authorities.

2d In the event of iron handcuffs made according to the European pattern not being procurable within the jurisdiction of the several Magistrates, it will be the duty of those officers to indent in the usual course for such a number

as

I should have had no hesitation in releasing the Prisoner, as there was no reason to suppose he intended to do the deceased any serious injury; but the Law Officer has found him guilty of Culpable Homicide amounting to Manslaughter and declared him to be liable to Death but at discretionary punishment and I therefore sentenced the prisoner to one month's imprisonment under the provisions of Clause Seventh Section II Regulation XV of 1803."

4 The Court seeing reason to doubt the propriety of the Sessions Judge's disposal of this case called for a Report of the trial which has been submitted with the foregoing returns.

5 On a due consideration of all the proceedings in the case, the Court consider it extremely doubtful from the evidence whether the deceased died a natural death from disease. The blow received by the deceased does not appear sufficient to have caused his death tho' the wound and the blow resulting from it took place immediately before the deceased expired. Had the trial been preferred the Court would have acquitted the prisoner.

The

6 The sentence of the Sessions Court having been fully executed the Court of Foujdaree Udalut deem it unnecessary to record any further remarks on the case, but they would point the Law's attention to the provisions of Section XXII Regulation VII of 1802, which require the reference for their sentence of all cases wherein the Judge may disapprove of the Futwah.

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

/sent in R. 2314/

Read Criminal Reports for the Months of August 1844 submitted by the Principal Sudr Ameen of Cochin.

/Here Enter R. 2475/

Report No V case No 30

The Court of Foujdaree Udalut desire further explanations of the grounds on which the prisoner in this case was originally apprehended and deprived of his liberty, as at present no former the Court see reason to doubt the legality of his detention in the custody of the Police, and consequently of the punishment inflicted in this case for escaping from

from that Custody

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

/sent following precept Nº 2215/

No further return having been received from the Magistrate of Guntoor to the precept of this Court of the 27th July last directing that the delay of 6 days before the Police in the report of Cases disposed of by the Magistrate during the month of June 1844 should be accounted for.-

Ordered that the Acting Head Assistant Magistrate in charge of Guntoor be required to make a full return to the precept aforesaid within 3 days.-

/sent in Nº 2216/

Venkatarunga pillay of Chittoor moves the Court to return the enclosures in his Miscellaneous Petition Nº 53. of 1844

Ordered accordingly.-

Ferd.

J. W.

Tuesday.

24th September 1844.

At a Court of the Foujdaree Adalut

Present

Geo. James Casamajor Esqre Actg

Malcolm Lewin Esqre Actg 2d

Alexr. Maclean Esqre Actg 3d

Trichy Judges

Read Criminal Reports for the month of August 1844 submitted by the Principal Sudr Ameen of Vizagapatam.-

/Here Enter J.W. Nº 2476/

Report Nº V case Nº 24.-

1 The only explanation given in this case of the delay of 17 days before the Police is, that the Witnesses delayed attending.-

2. The Court of Foujdaree Adalut consider this explanation far from satisfactory, and they accordingly resolve to direct that a copy of the case as it stands in the report without the remarks of the Principal Sudr Ameen be forwarded by that Officer to the Magistrate who will be pleased to take such notice of the conduct of the Police Officer in question as he may deem proper on reporting

reporting the result for the information of the Fouzdaree Udalut.

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Vizagapatam for his information by precept returnable in 2 days from and after its receipt.

(Sent following Precept No. 2221)

Read again Criminal Reports submitted by the Acting Subordinate Judge of Cuddapah for the Months of July 1844.

(Here Enter No. 2142 of 1844)

Read also letter dated 2d Instant from the Acting Magistrate of North Arcot reports certain circumstances connected with case No. 184 of 1844 on the file of the Subordinate Criminal Court of Cuddapah in which the persons of the District of North Arcot were tried on a charge of abuse of authority and extortion and acquitted for want of evidence

(Here Enter Ft R No. 2367 of 1844)

Before disposing of the subject of the Acting Magistrate's address to the Court of Fouzdaree Udalut it resolved to forward

forward a copy thereof for the information of the Session Judge of Cuddapah with instructions to call up the record of proceedings held before the Subordinate Court and other authorities in the case adverted to and report generally on the matter to this Court with as little delay as possible.

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddapah by precept returnable in X days from and after its receipt.

(Sent following precept No. 2222)

End Ft.

Wednesday,
25th September,
1844.

At a Court of the Foujdaree Udalut.

Present,

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

Read letter dated the 19th instant, from the Sessions Judge of Chittoor submitting the Record of the trial in case No. 27 on the Calendar for 1844.-

(Here Enter No. 2555.)

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,

"Bhoojunga Row,"

is sufficient to convict him of the crime of Highway Robbery, when single and unarmed do convict him thereof; and, with reference to the

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

25th September 1844- the provisions of the Mahomedan Law as declared in futwas of their Law Officers annexing the penalty of amputation of two limbs of that offence, and to the provisions of Section XXI Regulation VIII of 1802, and Clause Second Section VII Regulation I of 1825, do sentence him to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and, during the period of (8) Eight years.-

The Court of Foujdaree Udalut concur with the Sessions Judge in the conviction of the prisoner - the case is one of Highway Robbery by a single unarmed robber, and the prisoner is liable to the loss of 2 limbs as it does not appear that he ill treated the prosecutrix and he was previously of good character - the Court resolve to reduce the sentence to which he is legally liable to eight years imprisonment with hard labor.-

Ordered

25th September 1844-

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

(Sent following letter No. 2224)

Read the Criminal Report dated the 5th September 1844, submitted by the Principal Sudr Ameen of Coimbatore for the month of August 1844.-

(Here Enter No. 2397)

Report No. V
Case No. 77.

1 The Foujdaree Udalut cannot recognize the propriety of the reference made by the Head of Police to the Magistrate in regard to the transmission of this case or otherwise, to the Criminal Court.-

2 Such references from Police Officers should be discouraged and instructions issued requiring them to exercise their own discretion.

Ordered that Extract from these proceedings be forwarded to

25th September 1844- to the Principal Sudr Ameen for communication to the Magistrate of Coimbatore.-

(Sent in No. 2225)

Read Calendar submitted by the Session Judge of Mangalore of case 41 of 1844 on the Mangalore file.-

(Were enter F.M. No. 2431.)

1. The first prisoner in this case was charged with having personated the prosecutor and forged and uttered a bail bond in the name of the prosecutor and in favor of the 2d prisoner who was entrusted by the Assistant Magistrate to furnish a security in the sum of 50 Rupees for his good behaviour for one year.-

2. The second prisoner was charged with having instigated the first prisoner to the commission of the offence charged against him.-

3. Both prisoners were convicted by the Law Officer and declared

25th September 1844- declared liable to Ookoobut - and the Sessions Judge concurring in their conviction sentenced the first prisoner to 5 years imprisonment, and the second in consideration of his proved notoriously bad character to be publicly exposed in the manner called Tazeer to receive 150 lashes and to be banished to another Zillah and kept to hard labor in irons for the period of 7 years.-

4 It appears to the Court of Foujdaree Adalut that the offence committed in this case, tho' a forgery is one of the mildest character. The true object of the prisoner was evidently not to defraud the prosecutor but to obtain the freedom from Custody of the second prisoner. It was also a forgery of such a character that it could scarcely take effect.-

5 Under these circumstances it appears to the Court that a sentence of

of 2 years imprisonment with hard labor for the 1st prisoner and 4 years with the stripes and public exposure awarded would sufficiently answer the ends of justice.—

6. The Court resolve under the provisions of Section XXXV Act VII of 1843 to mitigate the sentences accordingly, and to direct the prisoner,

1st Cottary Nania Bhut,

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and during the period of two (2) years; and the prisoner,

2nd Pattaby Ramapa;

to be exposed in the manner commonly denominated Tazeer, to receive 150 lashes with a Cat o' nine tails, and to be banished to the Jail of Calicut, 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 4 years.—

7. The Court desire the Sessions Judge will explain whether

any thing was elicited in the conduct of this trial to implicate the 1st and 3d witnesses in the commission of the offence proved against the prisoners and if so why they were not brought to trial.—

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

(Sent following precept No 2226)

Ordered also that Extract from these proceedings (para: 6) be sent to the Sessions Judge of Calicut for his information.—

(Sent in No 2227)

Read Extract from the proceedings of the Sessions Judge of Tinnevelly dated 11th September 1844 submitting a copy of the Principal Sudr Ameen's explanation, of his having notwithstanding the proceedings of the Sessions Court of the

20th

25th September 1844.

20th August last adjourned his Court to Shermadavy without having made any further previous reference to the Sessions Court.-

/Were enter F.W. No. 2540./

1. It appears from the explanation of the Principal Sudr Ameen that he understood the 4th parah of the Sessions Judge's proceeding of the 20th August to convey to him authority, to adjourn his Court to Shermadavy should the ends of justice actually require it and convinced that the ends of justice required he should proceed to the spot and make the necessary local inquiries in this case. he on Saturday proceeded to Shermadavy with a single goomastah, at his own expence completed his inquiry in the same day and returned on the morning of the Sunday.-

2. Whatever construction the Principal Sudr Ameen placed on the

F.W.

25th September 1844.

the 4th parah of the Sessions Judge's Proceedings of the 20th August, the Court of Zoujdaree Adalut consider that it would have better become him had he before proceeding to Shermadavy, reported to the Sessions Judge the additional facts which in his judgment so altered the features of the case, as to justify him in concluding that had the Sessions Judge been aware of them, he would have recalled the opinion expressed by him in the first parah of the proceedings above quoted, viz. that he does not consider "that sufficient reason had been shown for a personal inspection of the premises" and consented to the proposal originally made by the Principal Sudr Ameen of visiting Shermadavy.

3. The Court of Zoujdaree Adalut concur with Mr Douglas in opinion that sufficient reasons have not in this case been shewn to exist for a local investigation of the

25th September 1844- the Criminal Court" and they consider that the conduct of Tremalcharry in this occasion exhibits so total a disregard to the authority and orders of his immediate official superior as to call for the severest notice.-

4. But in the hope that the severe reprehension which the Court now deem it their duty to pass on the Principal Sudr Ameen of Timmevelly may have the effect of rendering him more circumspect and attentive in future - the Court will only add that any future instance of similar misconduct will leave to them no alternative but that of bringing the conduct of the Principal Sudr Ameen to the notice of the Government.-

Ordered that, Extract from these proceedings be forwarded to the Session Judge of Timmevelly for Communication to the Principal Sudr

25th September 1844- Sudr Ameen for his information.-

/Sent in No. 2228/

No reply having been received from the Magistrate of Tanjore, to the proceedings of this Court of the 2d August last, requiring an explanation, why the 3d prisoner in Case No. 77 on the Combaconum Supplemental Report for June 1844, was sent up to the Criminal Court.-

Ordered that the Magistrate of Tanjore be required to reply to the above proceedings within X days.-

/Sent in No. 2229/

Read Calendar in case No. 42 on the file of the Sessions Court of Calicut.-

/Were enter No. 2527/

/ The 1st prisoner in this case is charged with House breaking with intent to steal, accompanied with wounding, and convicted. but the Session Judge

25th September, 1844

Judge being of opinion that there were no aggravating circumstances in the prisoner's case, sentenced him to imprisonment with hard labor in irons for seven years, requesting the Court of Foujdaree Udalut to sanction such sentence, as a mitigated punishment.

2. The Court of Foujdaree Udalut having considered the circumstances of the case as represented in the Calendar, sanction the mitigated punishment recommended by the Sessions Judge, and accordingly direct that the prisoner,

1st Vengandengery, alias Keykoomkat Mamoo,

be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and, during the period of (7) Seven years.

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

returnable

25th September, 1844

returnable in V days from and after its receipt.

(Sent following precept No. 2230)

Read Calendars in Cases Nos. 51 and 52 of 1844 on the file of the Sessions Court of Combaconum.

(Here enter No. 2552.)

Case No. 52. 1. The prisoner in this case is charged with Burglary and Theft and is convicted. But the Sessions Judge being of opinion that the punishment prescribed by Clause fourth Section II Regulation VII of 1822 is too severe recommends a mitigation thereof.

2. The Court of Foujdaree Udalut, having maturely considered the circumstances of the case represented in the Calendar sanction under Clause third Section III Regulation I of 1825, the mitigated punishment recommended by the Sessions Judge, and accordingly direct that the prisoner,

Ambalavanan,

by

25th September 1844

be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and, during the period of [7] Seven years.—

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Combaconum for his information by precept returnable in V days from and after its receipt.—

Sent following precept No. 2281

Read Calendar submitted by the Sessions Judge of Bellary of Case No. 35 of 1844.—

Vide entry F.M. No. 2497

Two prisoners were charged in this case the first a sepoy with having while on guard broken open a box of place under his charge and stolen therefrom property valued at Rupees 600 and the 2d with having accompanied the 1st Prisoner with the stolen property knowing it to be stolen.—Both Prisoners were convicted and were sentenced by the Sessions Judge, the 1st

25th September 1844

to 7 years imprisonment with hard labor in irons and to receive 100 lashes under Section XXI Regulation VII of 1802, and Section II Regulation VI of 1822 and Regulation VIII of 1828, and the second prisoner to six months' imprisonment with hard labor in irons under Clause Seventh Section II Regulation XV of 1803.—

2. Presuming that the property placed under charge of the 1st prisoner was public property and that he was in the performance of the duty of Sentry under the legitimate orders of a Military superior, the Court of Foujdaree Udalut are of opinion, that the offence of the 1st prisoner was peculiarly a Military offence, tho' cognizable also by the Civil authority.—The Sessions Judge has sentenced the 1st prisoner in reference to his being a Sentry, which implies that he was in execution of his duty as a Soldier. the circumstances of the case do not however clearly show whether the property

Stolen

25th September 1844.

stolen was not private property, and it is so stated to be in the charge - if it were strictly speaking private property over which the prisoner had not military charge the sentence need not be disturbed, tho' the circumstance of the prisoner being a "Sentry" was not in the latter case a cause of aggravation.-

3. The Court consider the sentence passed on the second prisoner quite inadequate to the offence committed by him - Being an accomplice in a theft of property exceeding 300 Rupees the measure of punishment should have exceeded that prescribed by Clause fourth Section III Regulation VII of 1822.-

See Section IX Regl I of 1825.

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Bellary for his information by precept returnable in 3 days from and after its receipt.-

(Sent following precept No 2232)

No return having been received from the Sessions Judge of Coimbatore

5. F. W.

25th September 1844.

Coimbatore to the precept of this Court of the 7th Ultimo sanctioning the mitigation of the sentence of the prisoner Vencatachellum in Case No 22 on the Calendar for 1844.-

Ordered that the Session Judge of Coimbatore be required to make a return to the precept aforesaid within II days.-

(Sent in No 2233)

Exd

F. U:

Thursday 26th September 1844. At a Court of the Fouzdaree Udalut

Present.

Geo: James Casamajor Esqre Actg 1st
Malcolm Lewin Esqre Actg 2d
Alexander Machan Esqre Actg 3d
} Puisne Judges

M

Read Calendar pr Case No 233 of 1844 on the file of the Sessions Court of Nellore.

(Here Enter No 2195.)

The Prisoner in this case is charged with Highway robbery, and convicted; but the Sessions Judge being of opinion that the punishment prescribed by Section XXI Regulation XIV of 1802 is too severe, recommends a mitigation thereof—

2 The Court of Fouzdaree Udalut having maturely considered the circumstances of the case represented pr the Calendar, sanction under Clause third Section III Regulation I of 1825, the mitigated punishment recommended by the Sessions Judge—and accordingly direct that the prisoner

Mannapully Goravadoo

be imprisoned and kept to hard labour

in irons on the public roads or other public works for and during the term of (8) eight years.-

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Nellore for his information by precept returnable in V days.-

(Sent following precept 12-2244)

Read return dated 11th Instant, from the Acting Magistrate of Cuncara, to the precept of the Foujdaree Adalut of the 29th Ultimo, conveying their remarks and orders on the report of cases tried by the Magistracy under the provisions of Section LIV act VII of 1843. during the month of July 1844.

(Ben Enter Rec 2510)

Adverting to a case of cattle stealing brought before the Acting Joint magistrate for trial under the provisions of Section LIV Act VII of 1843. the Court of Foujdaree Adalut observed that it had been ruled that the additional powers conferred on the Magistracy by the section of the Act just quoted do not extend to such cases of cattle stealing

stealing as are cognizable by the Criminal Courts under Regulation VII of 1832 and they directed that if the case had not been disposed of on the receipt of their instructions the 1st prisoner should be transmitted to the Subordinate Court.-

2 In his return the Acting Magistrate reports that the case was disposed of by the Acting Joint Magistrate on the 6th August and submits the explanation of the Acting Joint Magistrate that he was led to suppose he possessed jurisdiction in this case, as he can find no order declaring Magistrates incompetent to try under the Act in question cases of Cattle stealing cognizable under Regulation VII of 1822. and as Regulation VI of 1827 declares in explanation of clause IV Section III Regulation VII of 1822. that nothing contained therein should be construed to require that persons convicted of any of the offences specified in that clause shall

shall in all cases be sentenced to a severer punishment than is authorized by Section VII Regulation X of 1816.

3. The Court of Tonjdaree & Udalut observe that Clause first Section I. IV Act VII of 1843 distinctly extends to Magistrates only so much of the powers of Criminal Judges as was vested in them by Section VII Regulation X of 1816.

4. The Criminal Judge is precluded from taking cognizance of Cattle stealing under Section VII Regulation X of 1816 by the provisions of Clause fifth Section IV Regulation VI of 1822 but in consequence of the latter enactment having been found to operate injuriously in abridging the discretion of the Criminal Judges in proportioning punishment to the crime committed. Section III Regulation VI of 1827 was enacted explaining that nothing contained in Section III Regulation VI of 1822 should be construed to require that persons convicted before the Criminal Judge

of any of the offences specified in that Clause shall in all cases be sentenced to severer punishment than he is empowered to inflict under Section VII Regulation X of 1816.

5. Thus tho' Regulation V of 1827 vests criminal Judges in cases of cattle stealing with a discretion which it was supposed they did not before possess, yet it does not bring such cases under the provisions of Section VII Regulation X of 1816.

Record that Extract from these proceedings be sent to the Acting Magistrate of Cuttack for his information.

(Sent in No. 2242)

Read Calendar in Case No. 48 of 1844 on the Combaconum file submitted by the Sessions Judge of Combaconum.

(Here Enter No. 2551)

1. The prisoners in this case were charged with stealing 2 bullocks valued at 10 Rupees and being convicted by the Judge and Jury were sentenced under Section XXI Regulation VII of 1802 the 1st to seven years imprisonment with hard labour in irons, and 100 lashes the second

to

to seven years imprisonment with hard labor
in irons.-

2- The prisoners are described
to be old offenders, and the Sessions Judge
remarks that "the 1st prisoner being a more
"hardened offender than the 2d Prisoner
"he thought it necessary to add corpo-
"ral punishment to the sentence on
"the 1st"

"The 1st prisoner was convicted of
sheep stealing in Criminal file Nº
104 of 1842 and sentenced to 60 lashes
and 18 Months imprisonment with hard
labour in irons. He was twice suspended
& Thrice has been imprisoned in
the Jail in commutation of the security
required of him"

"The 2d prisoner was also imprisoned
in Jail for one year in commutation
of security required of him by the Joint
Magistrate"

3 The Court of Sudder Dewanny Adawlut
have repeatedly ruled that a mere demand
of security from a prisoner on a former
occasion does not constitute an old
offender; and it does not appear from
the note appended to the Proceedings of
the

the Subordinate Judge that the 1st prisoner
is the hardened offender he is represented
to be.-

4 Under these circumstances the
Court consider the punishment awarded
in this case far too severe and they
resolve under the provisions of Section
XXXIII Act VIII of 1843 to direct that that portion
of the sentence which awards corporal
punishment to the 1st prisoner be remi-
-tted and that the prisoners be
imprisoned and kept to hard labour
in irons on the public roads or other
public works

the 1st Vellya alias Ramasawmy"
for and during the period of 3 years and
the 2d Varow"
for and during the period of 2 years.-

Ordered that Extract from
these proceedings be sent to the Sessions
Judge of Combaconum for his information.-
by precept returnable in 5 days from
and after its receipt.-

(Sent following precept Nº 2248)

Read Criminal Reports
for the Month of August 1844 submit-
-ted by the Principal Sudr Ameen of

Chingleput

26 26th September 1844

Chinglepute.

Report No V case 238

Here Enter F.H.R. 2549

1 The prisoner in this case was charged with having assaulted and taken the prosecutrix to a paddy field thrown her down and pressed on her neck with his feet.

2 The cause of this assault is not stated as it should have been.

3 The prisoner being convicted was sentenced under Section VII Regulation X of 1816 to six months imprisonment. The Court of Foujdaree Udalut consider the punishment awarded quite inadequate to the offence committed.

Ordered that Extract of these proceedings be sent to the Principal Sudr Ameen at Chinglepute for his information.

Sent in R. 2244

Ex com.

F.H.

Friday, 27th September, 1844.

At a Court of the Foujdaree Udalut.

Present:

Geo: James Casamajor Esqre Act 1st
Malcolm Lewin Esqre Act 2d
Alexr Maclean Esqre Act 3d
} Puisne Judges

Read Calendar of case No 7 of 1844 on the Masulipatam file submitted by the Acting Sessions Judge of Masulipatam under date the 4th Instant.

(Here Enter F.H. No 2436)

1 The 1st Prisoner in this case was charged with house breaking and theft of property to the amount of Rupees 21 6 2 - the 2d 3d and 4th Prisoners were severally charged with receiving parts of the stolen property knowing them to be stolen.

2 The Mahomedan Law Officer convicted the 1st 3d and 4th prisoners of the crimes severally laid to their charges and declared them liable to Ta'zeer but acquitted the 2d Prisoner.

3 The Acting Sessions Judge concurred in the finding passed against the 1st and 3d Prisoners, he also concurred in the legality of the finding against the

4

"4th prisoner and that the evidence may not
"amount to proof of guilty knowledge
"against the 3d prisoner. But as the 4th
"prisoner is wife of the 1st prisoner and
"her reception and possession of the
"articles can hardly be considered her
"own voluntary act, and she does not
"appear to have aided in the conceal-
ment of them the Acting Judge has
"release d her". and considering strong sus-
picion to attach to the 2d prisoner the Act-
ing Session Judge has bound him over to
"furnish securities for 3 years".-

A second festivah ——
having been taken to remove the objec-
tions in bar of Bud in the case of
the 1st Prisoner. the Acting Session
Judge has under Clause second section
III Regulation VI of 1822. sentenced the
1st and 3d Prisoners each to 7 years imprison-
ment with hard labour in irons excepting
that the first and third and the last month
of imprisonment shall be solitary.-

5 The Court of Foujdaree Adalut
observe that the Session Judge has not
authority to award solitary imprisonment
the latter part of the Acting Session
Judges

Judge's sentence must accordingly be amend-
-ed.

6 The Regulation cited by
the Acting Judge is quite inapplicable
to the cases of the 1st and 3d Prisoners-

7 The 1st Prisoner should have
been sentenced under the provisions
of the Mohomedan law to the loss of
one limb commutable to seven years
imprisonment with hard labour under
Section XXI Regulation VII of 1802 and
the 3d prisoner under those of Clause
second Section VI Regulation VI of 1822;
the Court see no reason to differ with
the Session Judge in regard to the
amount of punishment.-

Ordered, that Extract from
these proceedings be sent to the Session
Judge of Masulipatam for his informa-
tion.-

Sent in R. 2245

Ordered also that Extract
from these proceedings be furnished to
the late Acting Session Judge of
Masulipatam now Acting at Rajah-
mundry for his information and future
guidance.-

Sent in R. 2246

27th September 1844

No return having been received from the Sessions Judge of Nellore to the precept of this Court of the 8th August last, requiring him to call up the record of Cases Nos. 34 and 35 of 1844 on the Principal Subordinate's file, and having considered them, pass such orders as he may think proper, reporting them for the information of this Court

Ordered that the Sessions Judge of Nellore be required to make a return to the precept aforesaid within 5 days.

/Sent in No. 2247/

End. 4th

F. U.

Saturday, 28th " September, 1844.

At a Court of the Foujdaree Udalut

Present

M. Lewin, Esqre., Actg 2d Puisne Judge
A. Maclean, Esqre., Actg 3d Puisne Judge

Read return dated 5th Instant from the Sessions Judge of Chittoor to the precept of the Foujdaree Udalut of the 27th Ultimo directing him to call for the record of the Subordinate Court and Magistrates proceedings in cases Nos. 106 and 115 of 1844 on the Chittoor Criminal Reports for July and pass on them such orders as he may deem proper reporting the result for the information of the higher Court.

/Were entered F. U. No. 2387/

Case No. 106. 1. The Sessions Judge is of opinion that the first prisoner in case No. 106 should not have been released unconditionally but that ample

28th September 1844 ample security should have been required of her for her future good conduct but having been declared not convicted and released it does not appear to the Sessions Judge that any order can now be issued for demanding security.

Case No. 115 2 In case No. 115 the Sessions Judge considers that the 1st Prisoner should have been committed for trial before the Court of Sessions under Section IX Regulation I of 1825 and that the second third and fifth Prisoners should have been punished under the provisions of Clause fourth Section IV Regulation XI of 1822 the guilt of the 4th, 6th and 7th Prisoners was not the opinion of the Sessions Judge satisfactorily established.—

3. As the 1st, 2nd, 3rd and 5th prisoners have been sentenced to find security or in default suffer imprisonment for 12 months the Sessions Judge "has no authority to enhance the punishment" but he is of opinion that

28th September 1844 that the 4th Prisoner should be released if still in confinement or that her security bonds should be cancelled and her sureties relieved from responsibility.—

4. The 1st prisoner in Case No. 106 was charged with having administered poison to certain children and thereby caused the death of one of them.—

5. In case 115 the 1st prisoner a servant was charged with stealing property to the amount of Rupees 587. 4 as and the 2nd, 3rd, 4th, 5th, 6th and 7th Prisoners were charged with being accessaries after the fact by concealing the said stolen money.—

6. The Court of Foujdaree Udalut observe that the Examination held by the Criminal Judge in cases punishable only by the Sessions Court or Foujdaree Udalut not being considered in the light of trial a prisoner discharged under such circumstances by a Criminal Judge may be re-apprehended

28th September, 1844

reapprehended and tried for the same offence should the order for his release be considered improper, either by the Foujdaree Udalut or by the Sessions Judge. The Court of Foujdaree Udalut considering it necessary for the ends of justice that the prisoners alluded by the Sessions Judge should not escape unpunished resolve to authorize the Sessions Judge to order security to be taken from the 1st prisoner in case No. 186 and the 1st, 2d, and 3d and 5th Prisoners in case No. 115 to be committed to take their trial before the Court of Sessions. The Court having ruled that when one prisoner in a case is committed it is the duty of the Criminal Judge to commit the whole of the prisoners who may from the evidence adduced appear to have been concerned in the offence, to take their trial before the Court of Session.

Ordered that, Extract from these proceedings be forwarded to

F. W.

28th September, 1844

to the Sessions Judge of Chittoor for his information and guidance by Precept returnable in X days from and after its receipt.

(Sent following precept No. 2253)

Read letter dated 6th September 1844 from the Sessions Judge of Chicacole.

(Were enter F. W. No. 2467)

1. In accordance with the instructions of the Foujdaree Udalut contained in their proceedings of 20th Ultimo the Sessions Judge now submits a separate letter remarking on the manner in which the Jailwakes on the trials before him are usually drawn up by the Law officer Mahomed Yakoob Ali.

2. Mr. Glass states that "in every case this officer takes every "opportunity if possible to find some "excuse for allowing the prisoner to "escape punishment," and in case No. 2 of 1844. "he considers his reasons "for

"for letting off the 4th prisoner most
"unsatisfactory - for if the statement
"on oath of the Prosecutor and two Wit-
"nesses, that he gave up his share
"of the stolen money is not sufficient
"to convict a prisoner - I cannot see
"that 8 or 10 more witnesses would
"make the case stronger against him".

3. The Court desire the Sessions Judge will call on the Mahomedan Law Officer to explain his futwah in the case above referred to and to state on what grounds he rejects the Evidence against the 4th prisoner.—

Ordered that, Extract from these proceedings be sent to the Sessions Judge of Chittagong for his information by precept returnable in 3 days from and after its receipt.—

(Sent following precept No. 2254)

Read the Criminal Reports dated the 31st Ultimo

submitted

28th September, 1844 submitted by the Sessions Judge of Tellicherry for the month of August, 1844.—

(Here enter No. 2492.)

Report No. V.
Case No. 61. In this case explanation has been afforded regarding the delay which occurred in the transmission of the Prisoner from the Calcutta to the Criminal Court;— but as the delay which did take place, is not shown to have been in excess of five days, no such explanation was required.—

Circular Order 18th May, 1832.

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

(Sent in No. 2255)

E. T. Y. Clerk

P. V.

Mondays
30th September 1844

At a Court of the Tongdaree Udalut &c

Present:-

Malcolm Lewin Esqr. Acting 2d. } Princes Sub Jes
Alexr. Maclean Esqr. Acting 3d. }

Read Criminal Reports for the Month of August 1844, submitted by the Officiating Subordinate Judge of Cuttack:

(Here Enter Rs 24.83)

Supplemental Report Case Nº 191.

1 With reference to the charge in this case, and the evidence produced in support of it, the Court of Tongdaree Udalut are disposed to question the propriety of the Subordinate Judge having proceeded to pass judgment in the case, the prisoner would appear to have rendered himself liable to commitment for trial before the Sessions Court

2 The Sessions Judge will be pleased to call for the proceedings of the Subordinate Judge, and pass on them such orders as may appear to him proper, reporting the result to the Tongdaree Udalut

Report Nº V Case Nº 202. 3 The Prisoner in this case is charged with house breaking, and on conviction was sentenced by the Sudr. Ameen to six months imprisonment with hard

labor

labour in irons under the provisions of Clause Sixth Section II Regulation VII of 1822.

The Sessions Judge will be pleased to point out to the Subor. Amean that this sentence is at variance with the intention of the Regulation cited as explained in Circular Order No. 139. the punishment awarded should have been in excess of 6 Months.

Ordered, that Extract from these Proceedings be sent to the Subordinate Judge of Cuddapah for his information

/sent in No. 2256/

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

/sent following precept No. 2257/

Read communication dated the 16th instant from the Acting Magistrate of Canara, submitting for the consideration of the Judges, certain remarks regarding the unconditional dismissal by the Subordinate Judge of Mangalore of Case No. 166 of 1844; questioning the correctness of that dismissal, and the soundness of the principle involved in it; and requesting the instructions of the

the Judges on the subject

/Vide Entry No. 2563./

Assuming the facts as stated by the Acting Magistrate, the charge of cutting and wounding by blows of an axe which was preferred in the cases adverted to, would seem to have been beyond the jurisdiction of the Subordinate Court, and the reapprehension of the Prisoner in view to his commitment for trial by the Sessions Court, should accordingly now be directed.-

2 The Foujdaree Adalut accordingly resolve to transmit a copy of the Acting Magistrate's address, and which it is observed should in the first instance have been laid before the Sessions Court, for the information of the Officer presiding over it, who will be pleased to issue such orders as may appear proper with reference to the above observation reporting them to this Court.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Mangalore for his information and communication to the

Acting

30th September 1846

Acting Subordinate Judge and acting Magistrate of Mangalore and Canara by precept returnable without delay.

Sent following precept Nº 2258/-

Read Criminal Reports for the Month of August last submitted by the Subordinate Judge of Salem.-

Here Enter F.R. Nº 24741

Report Nº V Case Nº 73. 1 The Court of Foujdaree Udalut desire it may be explained whether the Police Proceedings were verified on oath in this case before the commitment of the prisoners was ordered by the Subordinate if not the committal was illegal and the Subordinate Judge will quash the proceedings and proceed in the manner laid down in Section XXIX Act XVII of 1843.

Case Nº 74 2 In the Abstract of the evidence in this case it is stated that "there is nothing against the 3d prisoner" Vide This it is presumed is a clerical error for the 2d prisoner. if not the Subordinate Judge will explain why the 3d prisoner was not entered in the charge.-

Case Nº 76. 3 The Subordinate Judge will explain what authority the 3d Witness had to detain the prisoner in this case.-

unless

F.R.

30th September 1846.

punishable he was in legal custody his escape is not an offence cognizable by the Court.-

Case Nº 81. 4 The Subordinate Judge will be pleased to report what notice has been taken of the representation made in this case to the Magistrate regarding the conduct of the Village Moonsiff.-

Ordered that Extract from these proceedings be sent to the Subordinate Judge of Salem for his information by precept returnable in 5 days from and after its receipt.-

Sent following precept Nº 2259

Read Criminal Reports for the Month of August last submitted by the Principal Sudr Ameen of Cuddalore

Here Enter F.R. Nº 25487

Report Nº V Case Nº 102. 1 The prisoner in this case is charged with house breaking and theft to the amount of Rupees 30-0-

2 In the abstract of the evidence it is stated that "the Prosecu- "trix swears that she has seen the prisoner "escape from her house" by jumping over the "wall which separated his house from hers and it appears that "on searching his

house

houses a purse was found which is proved to belong to the prosecutrix.

3 The Principal Sudr Ameen has however acquitted the prisoner but on the ground of strong suspicion has bound him over in two securities of 10 Rupees each for the space of three months or in default to be imprisoned for the same period.

4 The Prisoner having been acquitted by a competent Tribunal the Foujdaree Adalut do not desire to disturb the order for the requisition of security from the prisoner but they deem it proper to notice that if the abstract of the evidence given in the Report be correct the Principal Sudr Ameen would have been justified in convicting him and sentencing him under the provisions of Clause Sixth Section II Regulation VII of 1822.

5 These reports not having been received till the 20th Instant the attention of the Principal Sudr Ameen is called to para 6 of their Circular Order of the 18th April 1835 No. 40.

Ordered that Extract from these proceedings be sent to the Principal Sudr

Sudr Ameen of Cuddalore for his information and guidance.

(pending No. 2200)

Read letter dated the 14th Instant from the Sessions Judge of Salem submitting the record of the trial in case No. 15 on the Calendar for 1844

(Here Enter No. 2614)

The Court of Foujdaree Adalut

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

1st Karoonanachary

2nd Jan Ramaly and

3rd Caroopeen

is sufficient to convict them of the crime of wounding for which according to the Mahomedan Law, as declared in Futwas of their Law Officer discretionary punishment is awardable to convict them of the same and with reference to the provisions of Clause third Section VII Regulation XV of 1816 sentence them to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of [5] five years.

2v

On a perusal of the above record the Tongdaree Udalut concur with the Sessions Judge in considering imprisonment with hard labour for a period of five (5) years to be a fit and adequate punishment for the assault with the commission of which the 3. prisoners have been charged but they are not satisfied of the existence of a necessity for the infliction of Corporal punishment and accordingly refrain from affirming that part of the Sessions Judge's recommendation which relates to stripes.

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

/ Sent in R 2261 /

Read return dated 21st September 1864, from the Sessions Judge of Cuddapah to the precept of the Tongdaree Udalut of the 17th instant, directing him to forward a copy of the arraignment adopted by the Sessions Judge against the Prisoners in the trial of case No: 59 on the Cuddapah Calendar of 1864.

/ Here Enter F.R. No: 2587 /

With this return the Sessions Judge

Judge forwards a form of indictment which appears to have been that used before the Subordinate Court.

2 The Sessions Judge appears still to misapprehend the wishes of the Tongdaree Udalut they require a correct and certified translation of the arraignment before the Sessions Court or to be even more explicit - a translation of the words which formed the question of accusation when the prisoner was put on his trial before the Sessions Judge.

3 The Court are of opinion that a little more attention to their orders of 17 September on the part of the Sessions Judge might have obviated this delay.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Cuddapah for his information and guidance by precept returnable in 3 days from and after its receipt.

/ Sent following precept No 2262 /

Read Miscellaneous Petition presented on the 17th Instant by Venga Satchy Vemmal wife and mother of Sixteen and Sixteen Prisoners in Cases Nos 19 and 20 of the Combaconum Calendar for 1864.

/ Here Enter Mr P No 118 of 1864 /

30th September 1844.

The Petitioner complains of the proceedings of the Sessions Judge of Combaconum, sentencing her husband and her son the Prisoners in the aforesaid cases, to 7 years imprisonment with hard labor in irons in consequence of a charge of Forgery having been preferred against them, and which is declared by that Officer, to have been fully proved in evidence.-

2 The Court of Fouzdaree Adawlut resolve to forward a copy of this Petition to the Sessions Judge of Combaconum with instructions to submit such observations regarding its contents, as he may think necessary for the information of this Court.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Combaconum by precept requiring conformity to the exigency thereof returnable in seven days from and after its receipt.- /sent following Precept No. 2203/

Ordered also that copy of these proceedings be granted to the Petitioner on her application.-

30th September 1844.

Read letter dated 30th Ultimo from the Subordinate Judge of Chittoor stating that copies of certain Paras were forwarded to the Magistrate as directed and that the Sudr Ameen Pundit was ordered to make the required reduction in the term of the Sentences in case No. 110; and explaining how the entertainment of an extra peon appeared unavoidable.-

/Here Enter F.H. No. 2328 of 1844/

Read letter dated 29th Ultimo from the Sessions Judge of Combaconum submitting explanation for passing the Sentences in Cases Nos. 24 to 27 of the Combaconum Calendar under Clause 7th Section II. Regulation XV of 1803.-

/Here Enter F.H. No. 2335 of 1844/

Read return dated 30th Ultimo from the Sessions Judge of Guntoor to the Precept of Fouzdaree Adawlut under date the 20th idem annulling the order of the Sessions Judge of Guntoor which directed the Principal Sudr Ameen to apply to the Magistrate for the reapprehension of the Prisoner in Case No. 16 of Report No. 2 of his Court for June last, and punishment of the said Prisoner-

/Here Enter F.H. No. 2337 of 1844/

Read

30th September 1844

Read Returns dated the 31st Ultimo from the Sessions Judge of Tanjore in the precept of the Tondaree Adalut under date the 23d August 1844 containing their observations on review of the 7 Calendars of 1844 of the Sessions Court of Tanjore

(Here Enter Fde No 2340 of 1844)

Read letter dated 31st Ultimo from the Magistrate of Trichinopoly stating that no cases of the description allu[ded] to in Section XXV Act VII of 1843 have come under his cognizance for last month.

(Here Enter Fde No 2389 of 1844)

Read letter dated the 3d Instant from the Magistrate of Tondaree Reporting that the powers vested in Magistrates by Section XXV Act VII of 1843 have not been exercised in last month.

(Here Enter Fde No 2389 of 1844)

Ex Offo

N. Dt.

Tuesday 1st October 1844.

At a Court of the Tondaree Adalut.

Present.

Malcolm Lewin Esqre Acting 2d Puisne Judge

Alexr Maclean Esqre Acting 3d Puisne Judge.

Read Criminal Reports for the Month of August 1844 Submitted by the Subordinate Judge of Combaconum.

(Here enter Fde No 2502 of 1844)

Report No 1
Case No 123

1 The prisoner in this Case, a girl of 13 years of age has been charged with having forcibly taken from the Prosecutors nephew a boy of 6 years old a gilt head ornament valued at 3/4 Rupee.

2. The prisoner was convicted and sentenced by the Subordinate Judge under Section VII Regulation X of 1816 to Six months imprisonment with hard labor.

3. The Court direct that the sentence be reduced to 1 month and amended "to labor suitable to her sex and age".

Case No 124.

4 Two prisoners are charged in this case with an assault and have been convicted and sentenced by the

Acting

30 1st October 1844.

Acting Sudr Ameen but the Report does not show the nature of the evidence against the 2d Prisoner, this omission must now be supplied.-

Case No. 133 5. The prisoner in this Case is charged with entering the prosecutors house by leaping over the wall and stealing property valued at 5 3/4 Rupees and has been sentenced under Clause fourth Section III Regulation VII of 1822 to six months imprisonment and to receive 50 lashes.-

6. Entry into a house by leaping over the wall having been ruled by the Foujdaree Udalut to constitute breaking - the prisoner should have been punished under Clause sixth Section III of the Regulation quoted and according to the directions of Circular Order No. 139 the punishment should have been in excess of 6 months.-

7. Further as the prisoner appears to have been previously convicted of theft the sentence is improperly lenient.-

Case No. 134 8 The Court of Foujdaree Udalut desire to know whether the course prescribed in the last parah of their Circular Order of the 21st May 1823 has been observed in this Case and

1st October 1844

and if so what notice has been taken by the Magistrate of the illegal proceedings of the Tahsildar of Manargoody in forcing open the door of the Prisoner's house.-

9. The Court extremely regret the decision arrived at by the Joint Magistrate of forwarding the prisoners to the Criminal Court and desire some further explanation of the extraordinary delay which was permitted to occur in the case.

10 The Court require the cause of

Case No. 141 the detention of this case for 35 days before the Police may be explained and also the nature of the reference by which it was further detained for 14 days.-

Cases Nos. 142 & 143. 11 The nature and necessity of the references in these cases must also be explained and the Magistrate will with reference to these three cases call the attention of the Police Officers concerned to Circular Order No. 62.-

12 The attention of the Magistrate is also called to Circular Order No. 22 and in conformity with the principles there laid down he will discourage as far as proper references

1st October 1844

references by the Police Officers to the Magistracy in Police cases. The Subordinate Judge will be pleased to furnish the Magistrate with copies of this and the 5 preceding paragraphs, and instruct him to forward his reply direct to the Foujdaree Adalut.-

Case No. 144. 13. The attention of the Subordinate Judge is called to Circular Order 28th January 1828 and he is required to state what was the substance of the futwah recorded in this case and why no provisions of the Regulations are quoted in support of the sentence passed on the prisoner in Case No. 144.-

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

(Sent following precept No. 2268)

Read Criminal Reports for the Month of August 1844 submitted by the Principal Sudr Ameen of Nellore.-

Here enter F.H. No. 2579 of 1844.

Report No. 5 Case No. 63 1 The Court desire that a copy of this as it stands in the report without the remarks

of

2 F.H.

1st October 1844

of the Principal Sudr Ameen and of this parah be forwarded to the Magistrate of Nellore who will be pleased to ascertain and explain the cause of the 13 days delay which occurred before the Police in the preparation and transmission of the case to the Principal Sudr Ameen's Court.-

Case No. 63. 2 The reference in this case to the Acting Head Assistant Magistrate was an unnecessary one. The Magistrate, who will be also furnished with a copy of this parah and of this case without the remarks of the Moonsiff Sudr Ameen, will be pleased to discourage as much as possible such references in future.- A Police Officer who is not competent to exercise his discretion in such a case as this is unfit for his situation.-

Case No. 68 (illegible) 3. The prisoner a Peishcar is charged with having altered the date of a Petition presented to him in order to secure himself from the consequences of negligence in the discharge of his duties, and on conviction has been committed by the Principal Sudr Ameen.

4 The Court desire the Sessions Judge before placing him on his trial to satisfy himself

himself that an offence has been committed.

5. These Reports not having been received till the 17th the attention of the Principal Sudr Ameen is particularly called to Parah 6th of Circular Order No. 40.

Ordered that Extract from these proceedings be sent to the Principal Sudr Ameen of Nellore for his information, and for communication of parahs 1 and 2 to the Magistrate, by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 2269)

Ordered also that Extract from these proceedings (parahs 3 and 4) be sent to the Session Judge of Nellore for his information by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 2270)

Circular Order No. 163.

Reference having been made to the Sudr Dewanny Adalut in order to ascertain the extent of the powers of Magistrates, as Justices of the Peace, in cases where both the complainant and accused are Europeans,

Regulation

Regulation III of 1820 being applicable only to cases wherein one of the parties is European and the Officer with whom the reference originated having declared that his doubts on the subject arose on two cases lately brought before him - "one where a Gentleman was "the complainant and an European resident "(British Subject) the defendant in a case of "trespass, the defendant having removed some "stakes from a boundary hedge belonging to "the Prosecutor with the view of cutting a road "across a foot path also declared by the Prosecutor "to be his property - and the other where the "defendant is charged by the Prosecutor with "having shot an English pointer his (Com- "plainants property)" the Sudr Dewanny Adalut resolve to circulate the reply received from Government on the subject being submitted for the opinion of the Advocate General.

"Neither of the cases mentioned by way of example, in the letter of the Joint Magistrate and Justice of the Peace, are instances of "assault forcible entry, or injury accompanied by force", over which offences a justice has (by 53 George 3rd Cap. 150 Section 105)

Opinion by the Advocate General.

the

1st October 1844.

the Jurisdiction of Summary conviction: The examples noted are purely instances of Civil wrongs to be redressed by Civil Actions."

"In the cases to which this Statute applies he has jurisdiction only on complaint of Natives. His jurisdiction beyond the limits of Madras is altogether confined to the Acts and offences committed by Europeans or committed by other Subjects of the Crown at Sea."

"A Justice of the peace, acting in beyond the limits of Madras, must proceed as in preservation of the peace, according to the course prescribed for Justices in England, as far as it is applicable in India. It is not easy to say in what cases the exercise of a Justice's jurisdiction is applicable in this country, or otherwise - and a Justice of the Peace has need of much caution and forbearance in the exercise of his powers, according to the nature of the case, the distance from the presidency &c. I have published an Epitome of the Duties of a Justice of the Peace in India contained in a few pages, and a copy

FM.

1 October 1844

copy of which I take the liberty to transmit in the hope it might prove an useful and general guide, and to that I must crave to refer for a more detailed answer to the present reference."

(Sent following Circular No 2271)

Read letter dated 19th Ultimo from the Sessions Judge of Salem submitting for the final sentence of the Court of Foujdaree Adalut the proceedings in Case No 18 of 1844 -

(Here enter No 1. 2nd Sessions 1844)

The Court of Foujdaree Adalut

Vs Lewin

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

"Lingen"

is sufficient to convict him of the crime of Rape, for which in the absence of the required conditions of Qud, discretionary punishment is awardable under the Mahommedan Law, as declared in the Fatwa

futwa of their Law Officers, do convict him thereof, and, with reference to the provisions of Clause third Section VII Regulation XV of 1803, Sentence him to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and, during the period of his natural life.—

The Court of Foujdaree Udalut consider with the Judge of Lepkeri that the case is proved very clearly, but they think the punishment recommended is wholly inadequate for so gross an offence as that of rape on a child of 10 years old, and consider that transportation is the only appropriate punishment.—

Ordered, that Extracts of these proceedings be sent to the Sessions Judge of Lepkeri for his information.—

(Sent Following letter No. 2272)

Read letter dated the 5th August

August 1844, from the Sessions Judge of Chicacole, transmitting the Record of the Trial in case No. 4 on the Calendar for 1844.—

(Here enter Fle No. 2179 of 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 prisoner

"Bavurah Toolajy gandoo,"

is sufficient to convict him of Murder for which the penalty of Deyut is awardable under the Mahomedan Law, as declared in futwas of their Law Officers, do convict him thereof, and with reference to the provisions of Clause third Section XV Regulation VIII of 1802, do Sentence him to be imprisoned without irons for, and, during the period of two years.—

(Sent following letter No. 2273)

Read the Superior Criminal Reports submitted by the Acting Sessions Judge of Bimm

Jur

1st October 1844.

for the Month of August 1844.-

(Here enter F. H. No. 2538 of 1844.)

Read return dated the 26th September 1844, from the Acting 2d Session Judge of Cuddalore to the precept of the Foujdaree Adalut under date the 3d instant, requiring explanation of the delay which occurred in the communication to Mr. Baldwin Acting Zillah Surgeon, of the requisition of the Foujdaree Adalut regarding the health of the Prisoners in the Gaol at Cuddalore; and also of the omission to obtain the opinion of Mr. Preston the Zillah Surgeon in that subject.-

(Here enter F. H. No. 2629 of 1844.)

Read return dated the 23d September 1844 from the Acting Session Judge of Rajahmundry, to the precept of the Foujdaree Adalut under date the 27th August 1844, directing him to call for the Proceedings held by the Magistrate of Rajahmundry in Cases Nos. 4 and 5 during the Month of July 1844, and pass on them such Orders as may appear to him proper.-

(Here enter F. H. No. 2634 of 1844.)-

for H.

F. H.

Wednesday, 2d October, 1844.- At a Court of the Foujdaree Adalut.

Present.-

M. Lewin, Esqr 1st Actg 2d Puisne Judge.-

A. Maclean, Esqr 1st Actg 3d Puisne Judge.-

Read Criminal Reports for the month of August 1844, submitted by the Principal Sudr Ameen of Tinnevelly.-

(Here enter F. H. No. 2448.)-

Cases Nos. 3 and 5.

The Court of Foujdaree Adalut observe that the remarks of the Principal Sudr Ameen which are far too diffuse are entered in the report without any regard to the columns.- The Sentences of release are found inscribed in the column of commitment and vice versâ.-

2 The Court of Foujdaree Adalut direct that the Principal Sudr Ameen be required to be more attentive in future to the obvious

intention

intentions of the higher Court in framing these Statements. The mode of entry adopted by the Principal Sudr Ameen renders quite ungatory the division of the Statement into columns.—

Report No. V. Case No. 86.— 3. The Court consider that there was no necessity for the reference in this case. If the Police Officer is not competent rightly to appreciate the evidence in a case, he is not qualified for his post. The Magistrate will be pleased to discourage similar references in future.—

Case No. 87.— 4. The 1st prisoner in this case is charged with having forged 3 attachees as if given by the 1st, 2nd and 3rd witnesses to the effect that one Madathy died by a blow inflicted by Posthoovan by a cudgel when he died from having fallen into a pit, and the 2nd Prisoner is charged with being accessary thereto.—

5. The prisoners have been convicted and fined under Regulation X of 1816.—

The

6. The Court of Foujdaree Udalut are of opinion that the prisoners should have been tried for a conspiracy. They accordingly resolve to direct the Sessions Judge to call for the proceedings and should it appear that the prisoners are chargeable with a conspiracy, the Court authorize the Sessions Judge to order them to be committed for trial to the Sessions Court.—

7. The Sessions Judge will report to the Foujdaree Udalut what he may have done in pursuance of this order.—

Case No. 90. Section XLIII Act VII of 1843.— 8. It being competent to a Principal Sudr Ameen to communicate directly with District officers of Police for the purpose of obtaining evidence, the Court of Foujdaree Udalut desire it may be explained why the Yadasht in this case was sent to the Sessions Judge for a witness.—

Case No. 91.— 9. The note in this case — that the prisoners are the 2d and 5th

Prisoners

2d October, 1844.

Prisoners in the preceding case is unnecessary. The entry of the prisoners names in red ink furnishes this information.—

Case No. 93. 10. Regarding the explanation of the delay which occurred in this case, the Court of Foujdaree Udalut desire the Magistrate will ascertain and report on the nature of the proceedings of the Tahsildar returning "the Mazir-namah to the Peshkar to obtain more "signatures thereto".—

Case No. 95. 11. With reference to the charge in this case, and the punishment awarded by the Principal Sudr Ameen, the Court of Foujdaree Udalut resolve to direct the Sessions Judge to revise the proceedings, and should he be of opinion that the punishment is too severe, he will pass such orders on the case as may appear to him proper, reporting the result to the Foujdaree Udalut.—

Case No. 99. 12. As the delay in this case did not exceed 5 days, it was not necessary

F No.

2d October, 1844.

under Circular Order 18th May 1832 to insert in the report the explanation of the Police Officer.—

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

(Sent following precept No. 2274)

Ordered also, that Extract from these proceedings (paras. 4 to 7 and 11) be sent to Sessions Judge, by precept returnable in 15 days from and after its receipt.—

(Sent following precept No. 2275)

Read Criminal Reports for the month of August 1844, submitted by the Acting Subordinate Judge of Mangalore.—

(Here enter F No. No. 2504)—

Report No. V
Case No. 140.

1 The prisoner in this case is charged with having unlocked the door of the prosecutor's house with a false key, entered therein, and stolen property valued at Rupees 50-2-0.—

The

2. The prisoner was convicted and sentenced to 4 months imprisonment under Section VII Regulation X of 1816.

3. The Court of Foujdaree Udalut have repeatedly ruled that the offence committed by the prisoner amounts to house-breaking. The punishment awarded is quite inadequate, and the regulation quoted in support of the sentence is inapplicable. Clause Sixth Section II Regulation VII of 1822 is the provision under which the punishment should have been awarded in this case.

4. The attention of the Sudr Ameen Pundit will be called to Circular Order 139, and he will be informed that in every case of house breaking the offender must be sentenced (with or without lashes not exceeding 150 at the discretion of the Court) to a severer punishment than 6 months imprisonment.—

Case No. 1144. 5. The Court presume that according to the concluding Parah. of their Circular Order of the 21st. May 1823, the remarks of the Acting Subordinate Judge

Judge in case No. 1144 have been furnished to the Magistrate - and they desire to be informed of the notice taken of them by the Magistrate.—

Case No. 1147. 6. The prisoner in this case having been convicted of house breaking should have been sentenced under Clause sixth Section II Regulation VII of 1822, and not under Clause fourth Section III of the same Regulation, which latter Section provides for the punishment of theft.—

Case No. 155. 7. The remarks recorded in case No. 1140 and 1147 are applicable to this case. The Subordinate Judge is required to enjoin on the Pundit Sudr Ameen the necessity of paying greater attention to the Regulations and Circular Orders.—

Ordered, that Extract from these proceedings be sent to the Acting Subordinate Judge of Mangalore for his information, by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 2276)

Read

2nd October, 1844.

Read Criminal Reports for the month of August last, submitted by the Acting Subordinate Judge of Madura.—

(Here Enter F. No. № 2526.)

1 These reports tho' dated 31st. August, did not reach this office till the 18th. September, the attention of the Subordinate Judge is again drawn to para: 6 of the Circular Order №140. The Court also desire that the practice of dating adopted by the Subordinate Judge be discontinued. all documents should bear the date of their transmission from the Office.

Supplemental Report. Case № 110.

2. Five prisoners in this case are charged with having been in possession of property which formed part of the amount (Rupees 126-1-1/8) property burglariously stolen on the night of 14th. May 1844 from the Prosecutor's house.—

3. The Sudr. Ameen Pundit convicted the 1st, 2d, 3d and 5th. prisoners and sentenced them under Clause fourth Section

F. No.

2nd October, 1844.

Section IV Regulation VII of 1822 to six months imprisonment and labor in irons.—

4. The sum stolen having exceeded 100 Rupees, the prisoners should under Clause second of the Section and Regulation quoted, have been committed to the Sessions Court, and the case should never have been referred to the Sudr Ameen.—

Case № 117. 5. The prisoner in this case has been convicted of housebreaking and sentenced by the Pundit Sudr. Ameen to 7 years imprisonment under Clause fourth Section III Regulation VII of 1822.—

6. The provision quoted is inapplicable. Clause sixth Section III Regulation VII of 1822 should have been cited.—

Report. № VI. Case. № 119. 7. In this case also the Pundit Sudr. Ameen has quoted the wrong regulation. Clause fourth Section IV Regulation VII of 1822, and not Section IX Regulation XIII of 1832 provides

provides for the punishment of receivers of stolen goods.—

8. The detention too of the prisoners in the Talook from the 26th June to the 2nd August is most unsatisfactorily accounted for. the Magistrate will be pleased to call for the proceedings and take such notice of the conduct of the Police officers concerned as he may deem proper, reporting the result for the information of the Foujdaree Udalut.—

9. The Subordinate Judge will accordingly furnish the Magistrate with a copy of the case as it stands in the Report, without the remarks of the Sudr Ameen, and of this and the preceding parah.—

10. The Court regret to find that 11 Cases remain undisposed of at the close of the month, and that of 11 Cases coming before the Acting Subordinate Judge in the month of August, 8 remain undecided. The Court expect greater despatch.—

The

11. The Subordinate Judge will explain the cause of the entertainment of 2 peons in excess of the regulated number. for 187 Convicts worked outside, the due proportion of peons allowing 1 for casualties is 47 not 49.—

12. The Court also desire to know where the 8 prisoners are employed in cutting firewood.—

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

(Sent following precept. No 2277)

Read Criminal Reports for the month of August 1844, submitted by the Principal Sudr Ameen of Trichinopoly.—

(Vide inter F. R. No 2566)

Supplemental Report. Case No 62.—

The Court of Foujdaree Udalut are of opinion that the discretion of the Principal Sudr Ameen would

would have been more wisely exercised in releasing on the grounds of punishment already endured them in punishing the 3rd Prisoner in this case - a boy of only 12 years of age - and they direct that the fine be now remitted.-

Case No. 64 - 2. The Court seeing reason to doubt whether any offence has been committed in this case, resolve to direct the Acting Sessions Judge to call for the proceedings held in it, and pass on them the proper orders, reporting the result for the information of the Foujdaree Adalut.-

Report No. V - Case No. 65 - 3. The prisoner in this case is charged with house breaking, and being convicted has been sentenced by the Principal Sudr Ameen to 2 months imprisonment under Clause Sixth of Section II Regulation II of 1822.-

4. The Court of Foujdaree Adalut observe that this sentence is altogether inadequate and at variance with the obvious intention of the legislature

in

in enacting the Regulation as shewn in Circular Order No. 139, to which the attention of the Principal Sudr Ameen was particularly called so late as the 8th June last.-

5. It is clear that the Regulations view the offence of house breaking not merely in the light of a common petty theft punishable to the extent prescribed by the provisions of Regulation X of 1816.-

6. One of the grounds of the enactment of Regulation VII of 1822 as stated in the preamble to it was for the purpose of rendering punishable by Criminal Courts certain definite offences amongst which is enumerated that of house breaking which were formerly punishable by Courts of Circuit. It follows then that in the contemplation of the legislature the utmost punishment which the Criminal Courts were previously empowered to inflict was not adequate to the offences specified, and it seems also that the discretion vested in

Criminal

2nd October, 1844.

Criminal Courts by the Regulation VI of 1822 was intended to go beyond the highest punishment they were before authorized to inflict, because it was the inadequacy of that punishment which rendered the extension of their powers necessary to enable them to take cognizance of any of the offences specified.

The attention of the Principal Sudr Ameen is required to be again drawn, the Court regret to find, to the 6th parah of Circular Order No. 40. The Criminal Reports did not reach this office till the 23rd instead of the 15th September.

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

(Sent following precept No. 2278)

Ordered also, that Extract from these proceedings (parah 2) be sent to the Acting Sessions Judge of Trichinopoly by precept returnable in XV days from and after its receipt.

(Sent following precept No. 2279)

F. No.

Thursday 3rd October 1844.

At a Court of the Foujdaree Udalut.

Present.

Henry Dickinson Esqre 1st Puisne Judge.
Malcolm Lewin Esqre Acting 2nd Puisne Judge.
Alexander Maclean Esqre Acting 3rd Puisne Judge.

Read letter, dated the 26th Ultimo from the Sessions Judge of Combaconum submitting the record of trial in case No. 49 on the Calendar of the Sessions Court for 1844.

(Here enter F. No. 2626)

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

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner Maurer is sufficient to convict him of the crime of murder, do convict him thereof, and under the provisions of Section X Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent following letter No. 2287)

Read letter dated the 26th Ultimo from

3rd. October 1844.- from the Session Judge of Combaconum submitting the record of trial in case No. 50 on the Calendar of the Session Court for 1844.-

(Here enter F. C. No. 2627.)

Mr. Mc. Lewin.

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

1st. Nangon

and

2nd. Payon

is sufficient to convict them of the crime of being accessary to Murder after the fact, for which, according to the Maxommedan law, as declared in fulwas of their law Officer, discretionary punishment is awardable, do convict them thereof, and, with reference to the provisions of Clause third Section VII Regulation XV of 1803, adjudge them to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and, during the period of their natural lives.-

(Sent following letter No. 2285)

Read return dated the 5th Ultimo from

3rd. October 1844.- from the Session Judge of Chicacole to the Precept of the Foujdaree Udalut of the 26th August last observing that the date and the grounds of the commitment were not given in the proper column in case No. 6 of the Supplemental Report for the month of July 1844.-

(Here Enter No. 2601)

1. Adverting to the explanation given by the Session Judge in the above Return of the cause of his omission to exhibit in the proper column the grounds of commitment in Case No. 6 of the Supplemental Report for July last, the Court of Foujdaree Udalut resolve to modify para: 2 of their proceedings dated 22d. June 1844 by the addition thereto of the words "with a succinct abstract of the circumstances in evidence by which the case was removed from the jurisdiction of the Session Judge in his Criminal capacity" which it is observed is the rule in general practice in the Subordinate Courts exercising criminal powers.-

para: 2 pros: 726 22d. June 1844.-

2. The remarks by the Session Judge on which the para: in question was founded were altogether wide of the object

of

3rd October 1844 - of the Column in which they were inserted -

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Chicacole for his information and future guidance -

(Sent in No 2289)

Read Calendar in Case No 51 of 1844 submitted by the Sessions Judge of Mangalore -

(Here enter No 2623)

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

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

(Sent in No 2290)

Read return dated 22d August 1844 from the Acting Subordinate Judge of Cuddapah to the precept of the Foujdaree Udalut of the 6th idem conveying their remarks and orders on the Cuddapah Criminal Reports for the month of June last -

(Here enter F. Uc. No 2291)

In reference to the 4th parah: of the foregoing return it is observed that if the act charged in Case No 130 was proved the Court of Foujdaree Udalut

F. Uc.

3rd October 1844 - consider the measure of punishment adjudicable under Section XII Regulation X of 1816 as quite insufficient and the prisoners should have been committed -

Ordered that Extract from these proceedings be sent to the Acting Subordinate Judge of Cuddapah for his information -

(Sent in No 2291)

Read letter dated the 9th Ultimo from the Magistrate of Coimbatore stating that the powers vested in Magistrates by Act No VII of 1843 were not exercised in August 1844 -

(Here enter F. Uc. No 2471)

Read letter dated the 11th Ultimo from the Magistrate of South Arcot reporting that the powers vested in the Magistracy by Section IV Act VII of 1843 were not exercised in August 1844 -

(Here enter F. Uc. No 2472)

Read Calendar in Case No 17 of 1844 submitted by the Sessions Judge of Salem -

(Here enter F. Uc. No 2473)

Read.

3rd October 1844.-

Read letter dated 3rd Ultimo from the Session Judge of Tellicherry transmitting translation of a Tuitva in case No. 9 of 1844 on the file of the Session Court of Tellicherry -

(Here enter F. No. 2489)

Read letter dated 7th Ultimo from the Session Judge of Tellicherry transmitting translation of a Tuitva in case No. 10 of 1844. on the file of the Session Court of Tellicherry.-

(Here enter F. No. 2490.)

Read Criminal Reports dated 31st August last submitted by the Session Judge of Chingleput for the month of August 1844.-

(Here enter F. No. 2491.)

Read Criminal Report dated the 1st Ultimo from the Session Judge of Tinnevelly for the month of August 1844.-

(Here Enter F. No. 2493.)

Read Calendar dated the 10th Ultimo in case No. 33 of 1844 submitted by the Session Judge of Bellary.-

(Here enter F. No. 2496.)

3rd October 1844.-

Read Calendar dated the 15th Ultimo in case No. 73 of 1844 submitted by the Session Judge of Cuddapah.-

(Here enter F. No. 2498.)

Read Criminal Report dated the 11th Ultimo submitted by the Principal Sudr Ameen of Guntoor for the month of August 1844.-

(Here enter F. No. 2499.)

Read Criminal Reports dated the 2nd Ultimo submitted by the Subordinate Judge of Calicut for the month of August 1844.-

(Here enter F. No. 2503.)

Read letter dated the 11th Ultimo from the Acting Magistrate of Canara submitting the supplemental Report ending 31st July 1844 and reporting that no cases were disposed of by him under Section I. IV. Act VII of 1843 during the month of August last.-

(Here enter F. No. 2525.)

Read return dated the 10th Ultimo from the Session Judge of Mangalore to the precept of the Foujdaree Udalut dated the 4th Ultimo annulling so much of the sentence passed by him in Case No. 36 of 1844 as directed the 2nd prisoner to

3rd October 1844

to be worked "in irons", and calling for a statement of the grounds upon which the punishment has been adjudged.-

(Here enter F. No. No. 2530)

Read Criminal Reports dated the 9th August last submitted by the Acting Sessions Judge of Honore for the month of August 1844.-

(Here enter F. No. No. 2534.)

Read return dated the 24th Ultimo from the Principal Sudr Ameen of Masulipatam to the Precept of the Foujdaree Adalut dated 20th Ultimo directing the return of the fine imposed on the Prisoner in Case No. 25 of 1844 on the file of that Court.-

(Here enter F. No. No. 2536.)

Ext. W.

Read letter dated 23rd August 1844 from the Acting Subordinate Judge of Salem forwarding in accordance with the concluding paragraph of Circular Order 1st June 1829 for the orders of the Foujdaree Adalut copy of an Extract from the proceedings of the Sessions Judge of

F. No.

3rd October 1844

of Salem and of the report of the Assistant Surgeon in Charge of the Jail regarding the insane prisoner in Case No. 13 of 1844 on the Salem Calendar.-

(Here enter F. No. No. 2282)

The prisoner in this Case

1. was charged with having severely cut and wounded three persons.

2. It appears from the evidence of the 3rd 4th 5th 6th and 7th witnesses before the Subordinate Court that the prisoner has been deranged in mind for 3 years- and the Assistant Surgeon certifies that he is in a state of confirmed Idiotcy and perfectly harmless- Since committed under Mr. Scott's observation he has never been known to attempt to converse with or take the slightest notice of any one- his mind appears to be a blank.-

3. Mr. Scott adds that his

8th October 1844- his opinion "no danger might be appre-
=hended if he were restored to his
relations."-

Under these circumstances
the Court see no objection to the prisoner's
being made over to the charge of his
relations provided they enter into
securities under the provisions of Clause
1st Section IX Regulation VI of 1827 for
his future good conduct.-

Ordered that Extract from
these proceedings be sent to the Acting
Subordinate Judge of Salem for his
information by precept returnable
in 30 days from and after its receipt.-

(Sent following precept. No 2292)

F. 46.

Friday,
4th October, 1844- At a Court of the Foujdaree Udalut.

Present,

H. Dickinson Esqre 1st Puisne Judge,
M. Lewin Esqre Acty 2d Puisne Judge,
A. Maclean Esqre Acty 3d Puisne Judge,

Read letter dated the
17th January last from the Acting Ses=
=sion Judge of Trichinopoly -
(Here Enter No 208 of 1844.)
With the above address
the Acting Session Judge of Trich=
=inopoly has submitted for the con=
=sideration and orders of the Foujdaree
11th January, 1844- Udalut, a transcript of a commun=
=ication from the Magistrate of
Trichinopoly in which that Officer
has taken objection to the issue to
him by the Session Court, of an
"injunction" which would seem to
have been contained in the proceed=
=ings of the Session Court dated
the

the 5th January last requiring certain instructions to be given to Subordinate Police Officer.—

2. The Acting Sessions Judge observes that it appears to him rather an imperfect mode of proceeding for a Court of Justice to bring any error to the notice of the Magistrate, without, at the same time, pointing out how such error should be amended, which can be done, he remarks, only by injunction or suggestion.— He further observes that under Section I of the same Act it is enacted that the new Zillah Courts are to perform the Civil and Criminal functions now performed by the Provincial Courts.— And that under Section XXVI it is enacted that the Judges of the Zillah Courts shall exercise within their respective Zillahs the same Criminal jurisdiction as is now exercised by the Judges of the Court of Circuit and that it therefore, appears to him that the

the object of Section XLI is to point out the express duty of the Sessions Judge, but not to prohibit the Judge from performing that duty in the most efficient way.—

3. The Magistrate founds his objection to the issue of an injunction on the ground that under Section XLI of Act VII of 1843 it is only competent to the Sessions Judge to "bring to the notice" of the Magistrate.—

4. The Court of Sonjdaree Udalut think that a Sessions Judge is not authorized to issue an injunction to a Magistrate in the case in question.—

5. To "bring to the notice of the Magistrate" is clearly a very different proceeding from the issue of an injunction and as authority to issue injunction is expressly given in many cases, it must be presumed that where it is not expressly given, it is not intended to be exercised.—

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

4th October, 1844.

Sessions Judges for communication to the Magistrates, Subordinate Judges and Principal Sudr Ameens within their jurisdiction.—

(Sent in No. 2293)

Read return dated 1st July 1844 from the Sessions Judge of Honore to the precept of the Fowjdaree Udalut of the 19th June calling for a full statement of the particulars connected with the case wherein the Prisoner was charged with having in his profession a red Jacket worn by the Honorable Company's Sepoys.—

(Were enter F.H. No. 1679)

1. It appears from a communication from the Adjutant General of the Army that a Sepoy acquires a right over his clothes after the issue of fresh ones—therefore the sentence of imprisonment awarded and executed in this case in default of the fine has been illegal.—

2. The Court resolve to direct that

F.H.

4th October, 1844. that a copy of the Adjutant General's letter of the 4th September 1844 be forwarded to the Acting Sessions Judge of Honore for his future guidance.—

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

(Sent in No. 2294)

Read Calendar submitted by the Sessions Judge of Cuddapah of cases No. 51 and 52 of 1844 on the file of the Sessions Court.—

(Were enter F.H. No. 2095)

1. The 1st prisoner in case No. 51 was charged with having while armed, threatened to kill the Prosecutor and forcibly violated the person of his wife—The 2nd Prisoner with having aided and abetted the 1st prisoner in the commission of the above crime.

2. The prisoner in case No. 52, who is concerned as 2d Prisoner, in

in the previous case, was charged with having, while armed, threatened to kill the Prosecutor, and forcibly violated the person of his wife.-

3. The Futwah of the Law Officer convicted the 1st prisoner in Case No. 51 and the prisoner in Case No. 52 of Amara Maheyon or abduction and declared them liable to Ookoobut at the discretion of the Judge - The 2nd prisoner in Case No. 51 having been convicted in case No. 52 was acquitted of the minor charge brought against him in No. 51.-

4. The Sessions Judge states that the prisoners belong to a race of people called Chentwoos, who are very little removed from the brute creation in their habits and pay little regard to the ordinary rules of civilized life.

5 Under the above circumstances and the admission of the Wife of the Prosecutor in Case No. 52 that she was suffering from venereal

disease at the time the Prisoner cohabited with her, the Sessions Judge did not consider it just to class the offence committed by the prisoners under the head of "Rape," of which the Futwah of the Law Officer acquitted them.-

6. Under the peculiar circumstances of the prisoners above detailed, the Sessions Judge also states that he did not deem it expedient in conformity with Clause third Section III Regulation I of 1818 to refer these cases to the Court of Foujdaree Udalut, but recommends that the prisoners be imprisoned and kept to hard labor for one year agreeably to Clause Seventh Section II Regulation XV of 1803.-

7. The Court of Foujdaree Udalut cannot concur in the propriety of the reasons which the Sessions Judge has advanced for not referring these cases - and think that he has been much too lenient in so passing

4th October, 1844.

passing judgment upon the prisoners, whose offence justified a sentence of 5 years imprisonment.—

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

/Sent in No. 2295/

Read Calendar submitted by the Sessions Judge of Chicacole in Case No. 7 of 1844.—

/Here enter No. 2604./

Before disposing of the above Calendar the Foujdaree Udalut resolve to require the transmission by the Sessions Judge of a transcript and translation of the statements made by the 1st Prisoner before the Police authorities and the Principal Sudr Ameens Court.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Chicacole by precept returnable in 3 days from and after its

F. N.

4th October, 1844.

its receipt.—

/Sent following precept No. 2295/

Read Calendar in Case No. 42 of 1844 on the file of the Sessions Court of Mangalore.—

/Here enter No. 2619/

The prisoner in this case is charged with having entered the Prosecutor's house by an open door and stolen therefrom a Bamboo box containing documents valued at about Rupees 733-0-9½ and also sundry notes of hand. Receipts Beiry Pottahs and other documents, together with half a Rupee in Cash and two Rupees plates— and is convicted— but the Sessions Judge considering that the parties are related, and that the immediate object of the prisoner was the possession of the two Beiry Chits which he had before asked the Prosecutor for, but in vain for the purpose of filing before the Revenue authorities in a dispute with a 3d person—

recommends

recommends that a mitigated sentence may be passed upon the prisoner.—

2 The Court of Foujdaree Udalut having maturely considered the circumstances of the case represented in the Calendar, sanction under Clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Session Judge and accordingly direct that the prisoner

Ananta Naick

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (4) four years.—

Ordered that Extract from these proceedings be forwarded to the Session Judge of Mangalore for his information by precept returnable within V days from and after its receipt.—

(Sent following precept No. 2297)

Read report of cases tried by the Magistracy of Malabar under the provisions

provisions of Section LIV Act VII of 1843 during the month of August 1844.—

(Were enter F.W. No. 2581.)

Case No. 3. 1. The prisoner in this case was convicted of wounding a tobacco Peon with a sharp instrument on the right arm, and has been sentenced under Section VII Regulation X of 1816 to be imprisoned for 3 months with hard labor in irons.—

2. Adverting to the prevalence of the crime of wounding on the Western Coast and to the opinion of Government recorded in Extract from the Minutes of Consultation dated 15th November 1836 in the following terms "the great frequency of cases of cutting and maiming consequent on the universal wearing of the knife in Malabar fully warrants as well as imperatively requires that the offence should be visited with far greater severity than in countries in which a similar state of things does not prevail and to the aggravation which

Facts

4th 4th October 1844.

visits in this case of the prisoners having wounded a public officer in the discharge of his duty - the Court of Foujdaree Udalut are of opinion that the Joint Magistrate did wrong in disposing of the case which should have been committed to the Sessions Court - The Joint Magistrate will be pleased to explain the grounds on which he passed sentence in the case -

3. The Magistrate will be careful to warn his Subordinates not to exceed the authority vested in them and thus defeat the ends of justice -

Ordered that Extract from these proceedings be sent to the Magistrate of Malabar for his information by precept returnable in 5 days from and after its receipt -

Sent following precept No 2298 -

Ed Mt.

Saturday
5th October 1844.

F. C.

At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esqr 1st Puisne Judge.
Malcolm Lewin Esqr Actg 2d Puisne Judge
Alexr Maclean Esqr Actg 3d Puisne Judge -

Read letter dated the 2d Ultimo from the late Acting Sessions Judge of Cuddapah forwarding the record of the trial in Case No 48. on the Calendar of the Session Court of Cuddapah for 1844.

(Signed) H. D. No 2294.

Mr Lewin.

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

2d Awoola Audenarrgadoo,
3d Taloopoola Pollanah
4th Tota Sobbadoo,
and
5th Ammundy Kristnammah,

is insufficient to convict them of the crime of

Gang

Gang Robbery by open violence, do convict them there-
of, and, with reference to the provisions of Clause 3d
Section IV Regulation XV of 1803, sentence the pri-
soners 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.

Mr Lewin. The Court of Zoujdaree Adalut on
a deliberate consideration of all the circumstances
of the case in evidence before them, being of
opinion that the prisoner,

1st Nagaree Soobbadoo.

is not convicted on presumptive proof, or on the
evidence of credible witnesses, or on his own con-
fession, of the crime of Gang Robbery, by open
violence, do acquit him thereof, and direct that
he be unconditionally released.-

1. The only evidence against the 1st
Prisoner is personal identification by persons
none of whom had ever seen him before, during
a scene of terror and confusion, when the iden-
tifiers were just awakened out of sleep and
when 2 of them, the 1st and 2d witnesses were
by their own account in a situation in which
it

it is not easy to understand how they could
have seen any thing around them at all—
Her neither confessed nor was any suspicious
property found on or given up by him; and
his six witnesses, who are not related to him
but are only concerned with him in common
cultivation, establish the Court think an
excellent alibi. The distance between his
village and that where the Robbery was com-
mitted, was too great to allow of his being
present at the Robbery without his absence
for part at least, of 2 days being remarked
and his witnesses, who must have known of
his absence had it happened, are positive
that for 2 months (which is more than the
period since the Robbery) he was not once
absent, the Court think he should be ac-
quitted and released.

Ordered that Extract from
these proceedings be forwarded to the Ses-
sion Judge of Cuddapah for his information.

(Sent in № 2305)

Read Criminal Reports for the
Month

5th October 1846

Month of August 1846, submitted by the Subordinate Judge of Bellary.

(Henry entr 7 U. No 2501.)

Report No V.
Case No 102.

1. The Court of Foujdaree Adalut observe that in this and other cases of the Report the Native date is inserted. The practice is objectionable and tends unnecessarily to swell the Reports which while they should be clear and perspicuous should be concise and brief. The Court further observe that the abstract of the evidence in committable cases is almost a transcript of the evidence, and is carried far beyond any object of utility.

2. The Court trust that the future Reports received from the Subordinate Judge may be divested of all superfluous matter and be drawn up in a condensed form.—

3. Copies of these Cases as they stand in the Report without the remarks of the Subordinate Judge will be furnished to the Magistrate who will be pleased to submit direct to the Foujdaree Adalut some explanation of the delays which occurred in the transmission of them to the Foujdaree Adalut Court.—

Cases Nos 104. and 107.

The

7 U.
5th October 1846

Case No 105.

4. The 2d, 3d and 4th prisoners in this case are charged with having heard from the 1st prisoner that he had sold robbed property and with having assisted the 1st Prisoner in his endeavours to dispose of the robbed property in question and for having with-held information from the Circar.—

5 The 2d prisoner has been convicted on this charge and committed to the Session Court.

6 The Court of Foujdaree Adalut consider the charge incorrectly laid and it must be amended. It is presumed it is intended to charge the prisoners with being accessaries after the offence.—

Case No 110.

7. The prisoner in this case having been convicted of "house breaking" the punishment of imprisonment should have exceeded six Months. The attention of the Sudr Ameen Pundit will be called to Circular Order No 139, and he be instructed in future to attend strictly to the injunctions therein conveyed.— The present sentence is at variance with

with the intentions of the legislature in fra-
-ming the provisions quoted by the Sudr
Ameen as may be gathered from the preamble
of Regulation VII of 1822.

Ordered that Extract from these
proceedings be sent to the Subordinate Judge
of Bellary for his information by precpt
returnable in 5 days from and after its re-
-ceipt.

Sent following precpt No 2306

Read again letter dated the
2d August 1846. from the late Acting Ses-
-sion Judge of Cuddapah forwarding the record of
the trial in Case No 43 on the Calendar of
the Session Court for 1846.

(Here enter F.R. No 2042.)

Read also return dated the 6th
Ultimo from the Session Judge of Cuddapah
to the Precpt of the Fouzdarry Udalut dated
17th August last returning the record in Case
No 43 of the Calendar for 1846. and directing
the Session Judge to supply the Omission therein
pointed out.

(Here enter F.R. No 2432.)

With

1. With the above Return the Session
Judge has submitted the translated depositions
of three witnesses examined before the Head
of Police showing that under the circum-
-stances stated they were of opinion the spots
on the prisoners drawers had been caused by
the blood of the murdered man and not
by sheep's blood.

2. The Session Judge remarks
that as it did not seem to be necessary to
cross examine these persons they were not
summoned to appear before the Court, as they
would thereby have been put to much trou-
-ble and inconvenience at this busy season
of cultivation.

3. The Court are surprised that
it should not have occurred to the Session
Judge that he has in fact not conformed to
the exigency of their precpt. The depositions
taken before the Head of Police are not evi-
-dence.

4. The Court desire that the three
witnesses examined by the Head of Police
may be sent for and examined by the
Session

5th October 1844.

Sessions Judge on the point indicated in their proceedings of the 17th August last.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Cuddapah by precept returnable in 8 days from and after its receipt.—

(Sent following precept No 2305)

Read letter dated 13th Ultimo from the Sessions Judge of Calicut.

(Here enter S. C. No 2541. of 1844)

The instructions of the Foujdaree Adalut contained in their proceedings dated 4th Ultimo, to which in the above address, the Sessions Judge reports he has conformed and which have had the effect of relieving from commitment for trial by the Sessions Court, an individual charged with perjury before the Subordinate Court of Calicut uttered during an investigation held to ascertain the truth or otherwise of certain allegations made by a Petitioner, even if read under the impression deduced from the letter of the Sessions Judge that the investigation above mentioned merely regarded the dismissal from office of the Jawab-

Attaponatha Conchira

dated 26th August 1844.

-navs of the Subordinate Court who was accused of corruption.

2. If the Enquiry were not such an investigation, but an enquiry held under Section XII Regulation XII of 1802 in which (as on further reference to the Calendar No 44 would appear to be the case) the oath contemplated by Clause first of the above quoted Section, was duly administrated, and under the provisions of which a sentence of fine might legally have been passed, the Court think that the parties who perjured themselves may be tried for that offence and consequently not only may the 1st witness examined before the Subordinate Court on behalf of the Petitioner Attaponatha Conchira be tried under the commitment directed by the Subordinate Judge but Attaponatha Conchira should herself be apprehended and brought to trial.

3. The Court would remark in conclusion that in the event of the enquiry having had regard only to the mere culpability of the Jawabnavs, no oath should have

3

F. C.

5th October 1844

5th October 1844.

have been administered as the case could not in that shape form a judicial proceeding.

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

(Sent in № 2306)

Read the Criminal Reports submitted by the Acting Subordinate Judge of Cuddapah for the Month of July 1844.

(Here enter F.H. № 2142.)

1. This case ought not to have been put up to the Court and should be brought to the notice of the Magistrate.

Supplemental Report case № 162.

2. There appears to have been no other evidence produced against the 3d prisoner, except the unsupported implication of the 1st prisoner.

Report № V case № 169.

3. The case of the 3d prisoner should have been brought to the notice of the Magistrate.

4 It appears from the statement of the 1st, 2d and 3d witnesses that the Village Moonsiff received a confession from the prisoner.

case № 172.

This

5th October 1844.

5. This breach of clause 2d Section V Regulation XI of 1816 should be brought to the notice of the Magistrate.

6. The Court trust that the deposition of this Prisoner as a witness in case № 165 was not used in evidence against him.

Case № 177.

7. The Subordinate Criminal Judge will satisfy the Court upon this point.

8. The prisoner ought not to have been Kept in the Talook pending the answer of the Native Assistant Collector - the reference to that Officer being only as to the confession of the Prisoner found on him.

case № 179.

9. The punishment in this case appears excessive - The Court of Foujdaree Udalut desire that it may be reduced to a fine of one Rupee, or imprisonment without irons for one Month.

10 The Court of Foujdaree Udalut do not understand what is meant by the Prisoner's confession before the Head of Police.

case № 181.

11. They desire that this may be explained and that the Sessions Judge will call for the record of the case and pass such

orders

5th October 1844

orders thereon, as he may consider requisite, re-
porting the same for the information of the
Court.

Case № 183. 12. The Court of Fouzdaree Adaulut
trust that this case was brought to the Magis-
trate's notice.-

Case № 184. 13. The explanation of the long
delay in this case is not very intelligible.
but as great irregularity appears to have
occurred in it by the Native Officers of both
the Cuddapah and Chittoor Magistracy,
the Court desire to be informed what steps
have been taken by those Officers.-

Case № 187. 14. A separate sentence should not
have been passed on the prisoner in this №
of the same amount as the sentence passed
in the last №- one sentence should have
been passed in both numbers.-

15. Taking into consideration that
more than one offence had been committed,
the Court consider 3 months imprisonment
with hard labor sufficient for both.-

16. The sentence to be altered accord-
ingly.-

The

4.

F. Us.

5th October 1844.

Case № 188. 17. The Court think this sentence
unnecessarily heavy and direct that it be
reduced to 3 months imprisonment without
irons.-

Case № 196. 18 The Head of Police accounts
for the explanation of the seven days delay
which occurred in the examination of this
case in the talook by stating that 5 days
were occupied in recovering the stolen proper-
-ty from the prisoners searching their houses and
conducting them to his Cutcherry, and two
days in examining them and preparing copies
of the proceedings for transmission to the
Criminal Court.

19. This explanation is not sufficient as it does not appear that there was any
property stolen- Further explanation is re-
-quired.-

Ordered that Extract from these
proceedings (paras 10 and 11) be forwarded to
the Sessions Judge of Cuddapah by precept
returnable in X days from and after its
receipt.-

(Suit following precept № 23077)

Ordered

5th October 1846.

Ordered also that Extract from these proceedings be forwarded to the Subordinate Judge of Cuddapah by precept returnable in V days and for communication of para 1.2.3.4.5.12.18 and 19 to the Magistrate of Cuddapah, who will transmit the required information direct to this Court.

Sent following precept No 2308

Read Report dated the 20th Ult. -timo from the Agent to the Governor of Fort St. George at Vizagapatam shewing the sentences of the Foujdarie Udalut received in the month of August 1846.

(Here enter F.U. No 2599.)

Read Report dated the 20th Ult. -timo from the Agent to the Governor of Fort St. George at Vizagapatam of Prisoners tried and whose cases have been referred to the Foujdarie Udalut, but on whom the sanction of that Court has not been received. -

(Here enter F.U. No 2600.)

Exd WH.

J. Uc

Sunday 6th October 1844

At a Court of the Foujdaree Udalut

Present,

Henry Dickinson Esqr ——— 1st Puisne Judge,

Malcolm Lewin Esqr Actg 2d Puisne Judge,

Alex: Maclean Esqr Actg 3d Puisne Judge,

Read letter dated 30th August 1844 from the Sessions Judge of Combaconum forwarding for the consideration and final Sentence of the Foujdaree Udalut the record of the trial in Case No 38 of 1844 on the Combaconum Calendar.

(Here enter J. Uc. No 2332 of 1844)

Gr. M. Lewin

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

1st Soopien

2d Immigatoy

3d Soondaram

4th Veeraperumaul

5th Rangon

and

6th Rangasamy Naik

are not convicted on presumptive proof or on the evidence

evidence of credible witnesses or on their own confession of the crime of Murder do acquit them thereof: but considering that Strong Suspicion though not amounting to conviction attaches to the prisoners, the Court, under the provisions of Clause Sixth Section II Regulation XV of 1803, direct that they be required to furnish two Sureties of $100/ one hundred Rupees each Surety, for their good behaviour and appearance when required within three years, or in default thereof, that they be detained for three years in confinement.

L. S.

Certificate of Pardon to Lutchoomee.

Whereas under date the 24th July 1844 the Court of Foujdaree Adalut were pleased to authorize the Sessions Judge of Combacconum to tender an offer of Pardon to Lutchoomee, on consideration of her making a full disclosure

of every circumstance within her knowledge, relative to the murder of the Prosecutor's Son Moothoosawmy committed on the night of the 23d June 1844 in the town of Combacconum.

And whereas the Court of Foujdaree Adalut are of opinion that the conditions of the said grant of pardon have been sufficiently fulfilled.

Now these are to certify and declare that in consideration thereof the Court of Foujdaree Adalut have been pleased under the provisions of Section XX Regulation VIII of 1802 to confirm the said pardon conditionally tendered as aforesaid to the said Lutchoomee as regards the acts herein referred to.

And the Court do hereby confirm the said Pardon accordingly.

Given under my hand and the Seal of the Court this 30th day of

6th October 1846.

of September in the year of Our Lord 1846.

1 The prisoners in this case 6 in number are charged with murder - The Sessions Judge considers the prisoners convicted in several degrees and recommends that the 2d Prisoner be hanged and the others transported for life.-

2. The Court of Fouzdaree Udalut although they see strong grounds for believing that the prisoners are the murderers of the deceased do not consider that they would be justified in convicting them on the defective evidence before them in this trial, and they are sorry to be obliged to notice that the proceedings in this trial have been radically vitiated by the Sessions Judge.-

3. It is an acknowledged principle and one which has been repeatedly declared by this Court in their proceedings and Circular Orders that depositions not given on oath cannot be received as evidence in Criminal trials, and the admission of such evidence

6th October 1846.

evidence by a former Circuit Judge called forth the severe censure of the Fouzdaree Udalut.-

4 A trial such as this on which the most important interests depend called for particular circumspection and the strict attention to legal procedure instead of which it is characterized by a neglect of a primary principle so clearly explained in Circular Orders 15th April 1819 and 12th April 1825 as to render it a matter of surprise that the Sessions Judge should have acted contrary to it.-

5. The evidence of the child is in point of fact the most important evidence in the case, but it is inadmissible and the approvers testimony is too contradictory to be trusted.-

6 The Sessions Judge will call the attention of the Subordinate Judge to the Circular Orders above alluded to and enjoin him to pay strict obedience to them in future.-

Ordered

6th October 1844.

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

(Sent following letter No. 2309)

Read letter dated the 3d Ultimo from the Acting Head Assistant Magistrate of Guntoor reporting, that there have been no cases tried by the Magistracy under Section XIV Act XIII of 1843 during the month of August last.

(Here enter F.H. No. 2391 of 1844)

Read return dated the 3d Ultimo from the Principal Sadr Ameen of Tinnevelly to the precept of the Faujdaree Adalut under date the 28th August 1844, directing that the Sentences in Criminal Cases Nos. 79 and 81 be suspended and the records of those cases forwarded to the Sessions Judge and that information may be supplied how the entry into the house was effected by the Prisoners in Criminal Case No. 81 as also that explanation be submitted regarding the interval of 19th October 1844 on which the Prisoner in

Criminal

6th October 1844

Criminal case No. 85 was charged to have committed the offence.

(Here enter F.H. No. 2397 A of 1844)

Read return dated the 3d Ultimo, from the Acting Subordinate Judge of Madura to the precept of the Faujdaree Adalut under date the 23d August on review of the Criminal Reports for the Month of July last.

(Here enter F.H. No. 2400 of 1844)

Read letter dated the 3d Ultimo from the Magistrate of Madura intimating of his having called upon the Joint Magistrate for explanation in case No. 106 of Report No. V for July from the Subordinate Courts, and Submitting explanation required for Cases Nos. 110 and 111 of the same report.

(Here enter F.H. No. 2401 of 1844)

Read Calendar in case No. 29 of 1844 Submitted by the Sessions Judge of Coimbatore.

(Here enter F.H. No. 2410 of 1844)

Read

6th October 1844

Read letter dated the 10th Ultimo from the Acting Magistrate of Cuddapah, reporting that no cases have been tried either by himself, the joint Magistrate or the Head Assistant under Section LIV Act VII of 1843 during the month of August last.

(Here enter F.H. No. 2464 of 1844)

Read letter dated the 13th Ultimo from the Principal Sudr Ameen of Tinnevelly enclosing an Extract from the Proceedings of the Sessions Court under date the 6th September 1844 overruling the Sentence in criminal case No. 96 of 1844 as an Appendix to the Tinnevelly Monthly Criminal Reports for the month of August 1844.

(Here enter F.H. No. 2529 of 1844)

Read report dated 15th Ultimo from the Sessions Judge of Mangalore, of Prisoners tried and whose Cases have been referred to the Tonjadee Adalut but on whom the Sentence of that Court has not been received for August 1844.

(Here enter F.H. No. 2532 of 1844)

Ent 7th

Monday
7th October 1844

At a Court of the Tonjadee Adalut

Present

H. Dickinson Esqre 1st
Malcolm Lewin Esqre 2d
Alexr Macleans Esqre 3d
} Puisne Judges

Read Miscellaneous Petition presented by Yerumreddy and Chennareddy on behalf of the 1st Prisoner in case No. 48 on the Calendar of the Session Court at Cuddapah.

(Here Enter Pr No. 71 of 1844)

The trial in the above case having been referred for the final sentence of the Tonjadee Adalut who have directed the release of the 1st Prisoner Soobadoo, no order seems now to be called for on the above address which accordingly is rejected

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

Read petition presented on the 23d Ultimo by T. Aspeak Vakeel of the Court.

(Here Enter M.P. No. 120 of 1844)

The Petitioner was required to

by an order of the Court of Tonjadaree Adalut under date the 17th Ultimo, to explain the grounds upon which he deemed himself warranted in introducing into a miscellaneous petition No. 130 of 1844 presented by him in behalf of Soobiah of Madura, certain serious imputations on the character of the Joint Magistrate of Madura.

2 The petitioner states that he has no satisfactory explanation to offer to the Court of Tonjadaree Adalut, and prays that they will pardon the error into which he has fallen through ignorance and want of experience in Criminal business.—

3 The Court of Tonjadaree Adalut in consideration of the alleged inexperience of the Vakeel Tappiah in Criminal proceedings are disposed on the present occasion to take no further notice of his conduct. They cannot however dismiss the petition without seriously warning the petitioner that a repetition of so grave an offence will subject him to severe punishment.—

Ordered that the above be communicated

communicated to the vakeel T. Appiah for his information and future guidance.

Read again Miscellaneous Petition presented on the 22d July 1844 by Ramasawmy Keelakoodian of Tillaikombaconum.—

(Here Enter No. 92 of 1844)

Read also return dated the 26th Ultimo from the Sessions Judge of Combaconum to the Receipt of the Tonjadaree Adalut under date the 2d September 1844 directing to make due enquiry as to the character of the Jurors who sat upon the trial of Vydelinga Keelacoodian the Petitioner in case No. 27 of 1844 and to transmit any remarks upon the Petition of Ramasawmy Keelakoodian.—

(Here Enter No. 2625 of 1844)

Under the explanation and particulars submitted in the above Return, the Court of Tonjadaree Adalut see no grounds for their interference in the manner solicited and accordingly dismiss the petition.

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

Read

7th October 1844

Read Miscellaneous Petition presented on the 23d Ultimo by P. S. Ankaragondoo of Zillah of Bellary.-

(Here Enter F.W. Nº 122.)

The Petitioner represents that the Tahsildar sent two peons with a Tukeed, requiring his attendance before him Yesterday for some purpose or other not specified in it, but that as he had to appear before the Collector in the matter of a dispute regarding marasee lands he declined to accompany the Peons just then, that on this they abused and assaulted him, that one of them having attempted to strike Petitioner with a dagger (a peculiarly marasee Salamajee wrenched it out of his hand and that the Magistrate, to whom the Petitioner complained of the treatment he had received directed him to address the very Tahsildar who sent the peons. He prays under these circumstances the Court will interfere in his behalf.-

The Petitioner should state any objections he may have to offer in the matter above represented, to the Local

Magistrate

F.W.

7th October 1844. Magisterial authorities who will state whether they themselves of the grounds of the Petitioner's or otherwise of the Petitioner's complaint.

Ordered that the Petition be rejected and that extract of these Proceedings be granted to the petitioner on application.

Read petition presented on the 12 August 1844 with Ankatukroonah by T. Appiah Vakeel in behalf of Vencatanaiken of Calicut.-

(Here Enter M.P. Nº 105 of 1844.)

The Petitioner complains that the Prisoner Mookedadoo Tirukkiamen Pandoodiny in Calendar Nº 9 of Sets of the Sessions Court in the Zillah of Calicut who was charged with the murder of his (Petitioner's) Niece, has been unjustly acquitted and set at liberty by the Sessions Judge at Calicut; He prays that the Court of Foujdaree Udalut will be pleased to call for and peruse the proceedings held in the case, and pass an equitable order thereon.-

2 The Court of Foujdaree Udalut see no good reason for calling up the case referred to by Petitioner, on which they observe there has already been abundant

deliberation

deliberations, and they therefore direct that the above petition be dismissed.

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

Read Miscellaneous Petition presented on the 23d Ultimo by Sevagoorooadhar Pillay the Representative of the Prisoners in case No 9 of the Jummeelly Calendar for 1844.

(Here Enter M.P. No 121 of 1844)

The Petitioner complains of the proceedings of the Sessions Judge of Jummeelly sentencing the 1st & 2d accused Prisoners in the above case to 3 years imprisonment with labor in irons, and the 2d Prisoner to 6 months with suitable labor without irons, in consequence of a charge of Robbery having been preferred against them.

The case of the Prisoners, on whose behalf the Petitioner appears, seems to have received a full attention at the hands of the Sessions Judge who tried it, and the Fouzdaree Adalut see no grounds in this petition, warranting a doubt of the propriety of his disposal.

Ordered

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

Read returns dated 23d September 1844 from the Acting Sessions Judge of Trichinopoly to the precept of the Fouzdaree Adalut under date the 28th August 1844 directing the Acting Sessions Judge to call for the records of Cases Nos 56 and 58 and to pass such orders thereon as he may deem requisite, reporting the same for the information of the Court of Fouzdaree Adalut.

(Here Enter F.R. No 2643. of 1844)

Read return dated 27th Ultimo from the Magistrate of Trichinopoly to the precept of the Fouzdaree Adalut under date the 18th September 1844 directing the Magistrate to amend his decision in the cases of David Pillay tried by him under the provisions of Section 6th Act VII of 1843 and to commit the Prisoner to the Criminal Court.

(Here Enter F.R. No 2644 of 1844)

Read Calendar dated 23d Ultimo submitted by the Sessions Judge of Cuddapah in Case No 72 of 1844.

(Here Enter F.R. No 2645 of 1844)

Read

7th October 1844.

Read Calendar dated 28th Ultimo submitted by the Sessions Judge of Jaffna in case No. 22 of 1844.

(Here Enter F.R. No. 2646 of 1844.)

Read return dated 3d Instant from the Subordinate Judge of Salem to the precept of the Fouzdaree Adalut dated the 30th Ultimo containing their observations on the Criminal Report for August 1844.

(Here Enter F.R. No. 2693 of 1844.)

Read return dated 3d Instant from the Sessions Judge of Caniacoomary to the precept of the Fouzdaree Adalut dated the 25th Ultimo directing that in mitigation of the sentence recommended the prisoner in case No. 52 of 1844 be imprisoned and Kept to hard labor in irons for and during the period of Seven (7) years.

(Here Enter F.R. No. 2695 of 1844.)

Read return dated 30th Ultimo from the Sessions Judge of Calicut to the precept of the Fouzdaree Adalut under date the 25th ditto sanctioning the mitigated Sentence passed against the 1st prisoner in case No. 42 on the Calendar of the Session held for 1844.

(Here Enter F.R. No. 2696 of 1844.)

F.R.

7th October 1844.

Read again Miscellaneous Petitions presented by Codeapah Rowten and 3 others of Jaffnapatnam.

(Here Enter M.R. Nos. 34-45-47-50 of 1844.)

Read petition dated 20th August 1844 from the Sessions Judge of Jaffnapatnam to the precept of the Fouzdaree Adalut of the 7th August last requiring the submission of a translation of the record in Criminal Case No. 22 of 1843 of the file of the Principal Sudder Ameen.

(Here Enter F.R. No. 2279 of 1844.)

These Petitions are not deserving of notice. There can be no doubt of the prisoners guilt and every one of them when put upon his defence declared that he had no defence and no witnesses.

Ordered that these Petitions be rejected and that Extract from these proceedings be granted to the Petitioners on their applications.—

Thursday.

8th October 1844. At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqre. 1st Puisne Judge.

Malcolm Lewin Esqre. Acting 2nd Puisne Judge.

Alexander Maclean Esqre. Acting 3rd Puisne Judge.

Read again letter dated the 3rd Ultimo from the Session Judge of Coimbatore submitting the record of the trial in case No. 28 on the Calendar of the Session Court of Coimbatore for 1844.

(Here enter No. 2384.)

Read also return dated the 21st Ultimo from the same Officer to the precept of the Foujdaree Udalut of the 13th Ultimo returning the record of case No. 28 of 1844 on the Calendar of the Session Court and directing him to examine the Medical Officer of the Station as to the nature of the wounds on the deceased in that case.

(Here enter No. 2615)

The

8th October 1844.

Mr. H. Dickinson
and
Mr. H. Lewin.

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

1st Vondamoottoo Pillay,
2nd Sellacaroppa Pillay,
3rd Perayana Pillay,
and
4th Vulleyummay (female)

is sufficient to convict them of the crime of assault attended with Murder, do convict them thereof; but being of opinion under the circumstances of the case that the punishment to which the prisoners are liable under the provisions of Section X. Regulation VIII of 1802 would in this instance be too severe, the Court, under the provisions of clause third Section III. Regulation I of 1825, sentence the prisoners,

1st Vondemoottoo Pillay
2nd Sellacaroppa Pillay
and
3rd Perayana Pillay

to be imprisoned and kept to hard labor

8th October 1844.

labor in irons on the public roads or other public works, for, and during the period of (14) fourteen years, and the prisoner,

4th Vulleyummay (female)

to be imprisoned and kept to labor suitable to her sex, for, and during the period of (10) ten years

(Sent following letter No. 2311)

Read letter dated the 6th Ultimo from the Session Judge of Chittoor submitting the record of the trial in case No. 25 on the Calendar of the Session Court of Chittoor for 1844.

(Here enter No. 2395)

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

Mr. H. Dickinson
and
Mr. H. Lewin.

1st Sholay
2nd Gada Moneyen
and
3rd Pursoocleandee

is sufficient to convict them of the crime

8th October 1844.

crime of Highway Robbery, do convict them thereof, and, with reference to the provisions of Clauses third and fifth, Section IV. Regulation XV of 1803, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and, during the period of eight years.-

(Sent following letter No. 2312)

Read letter dated the 3rd August 1844 from the Session Judge of Mangalore forwarding the warrant issued by him for the execution of the sentence of death passed by the Court of Foujdaree Udalut on Chandoo prisoner in Case No. 33 of 1844 on the Mangalore Calendar with the endorsement of the Subordinate Judge thereon, and copy of the Report made by that Officer.-

(Here enter F. Uc. No. 2075.)

Read the Criminal Reports dated the 1st August from the Session Judge Tinnevelly for the month of July 1844.-

(Here enter F. Uc. No. 2136.)

Ent 7th.

F. Uc.

Wednesday, 9th October, 1844.

At a Court of the Foujdaree Udalut.

Present,

H. Dickinson Esqre. ——— 1st Puisne Judge,
Malcolm Lewin Esqre. Acting 2d Puisne Judge,
Alexr. Maclean Esqre. Acting 3d Puisne Judge.

Mr
A. Mc

Mr Dickinson and Mr Maclean

Read letter dated the 27th Ultimo from the Session Judge of Calicut, transmitting the Record of the trial in Case No. 40 on the Calendar for 1844.-

(Here enter F. Uc. No. 2677 of 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 Prisoner,

"Para-Cherman Tayan,"

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

(Sent following letter No. 2316)

Read

9th October 1844.

Read Calendars in Cases —

Nos. 16, 22, 27, 28, 29, 30, 31, 40, 41, 42 and 43 of 1844,
submitted by the Sessions Judge of Madura

(Here enter F.Ils Nos. 2649, 2655, 2656, 2657, 2658, 2659,
2660, 2661, 2662, 2663 and 2664 of 1844.)

Read returns dated the 26th
Ultimo from the Agent to the Governor of
Fort St. George at Kurnool, to the precept of the Fouj-
daree Adalut under date the 20th Ultimo, regarding Cases
Nos. 47, 48 and 49 on the Criminal Reports for August 1844 —

(Here enter F.Ils. No. 2666 of 1844)

Read returns dated the 27th
Ultimo from the Acting Sessions Judge of
Trichinopoly to the precept of the Foujdaree
Adalut under date the 21st Ultimo, calling for
a full and clear explanation on the several
points and errors pointed out, regarding the
Calendar of Case No. 16 of 1844 on the file of
this Court —

(Here enter F.Ils No. 2667 of 1844)

Read Supplemental returns dated
the 27th Ultimo from the Acting Magistrate of
Guntoor to the precept of the Foujdaree Adalut
under date the 23d idem calling for a full return

to

9th October 1844

to this Courts precept of the 27th July last, relative
to the delay of 6 days before the Police in the
Report of Cases disposed of by the Magistrate
during the Month of June 1844 —

(Here enter F.Ils No. 2668 of 1844)

Read the Criminal Report
submitted by the Sessions Judge of Combaconum
for the Months of August 1844 —

(Here enter F.Ils. No. 2674 of 1844)

Read Calendar in Case —
No. 31 of 1844, submitted by the Sessions Judge
of Chittoor —

(Here enter F.Ils No. 2675 of 1844)

Read letter dated the 2d
Instant from the Magistrate of North Arcot,
submitting the explanation called for in the
proceedings of the Foujdaree Adalut dated the
27th August 1844, on certain cases of the
Criminal Report submitted by the Subordinate
Judge of Chittoor, for the Month of July 1844 —

(Here enter F.Ils. No. 2683 of 1844)

Read returns dated the 1st
Instant from the Sessions Judge of Bellary
to the precept of the Foujdaree Adalut under
date the 25th Ultimo, requiring information
whether

9th October 1844

whether the property stolen in Case No. 35 of the Sessions Calendar for 1844, was private property or not.

(Here enter F. Ua No. 2684 of 1844)

Read return dated the 30th Ultimo from the Sessions Judge of Coimbatore, to the precept of the Fouzdaree Adalut under date the 7th August 1844, sanctioning the mitigated Sentence of the Prisoner Vencatachellum in Case No. 22 of 1844.

(Here enter F. Ua No. 2686 of 1844)

Read letter dated the 2d Instant from the Acting Magistrate of Guntoor, reporting that there have been no Cases tried by the Magistracy, under the provisions of Section XLIV Act VII of 1843 in the District of Guntoor.

(Here enter F. Ua No. 2689 of 1844)

Read letter dated the 30th Ultimo from the Magistrate of Masulipatam, reporting that, no cases of the description alluded to in Section XLIV Act VII of 1843 have come under his cognizance during last Months.

(Here enter F. Ua No. 2691 of 1844)

Ent 7th.

1

F Ua.

Thursday, 10th October, 1844.

At a Court of the Fouzdaree Adalut.

Present,

Henry Dickinson Esqre 1st Puisne Judge.
Malcolm Lewin Esqre Actg 2d Puisne Judge
Alexr Maclean Esqre Actg 3d Puisne Judge.

Read letter dated the 30th Ultimo from the Acting Sessions Judge of Trichinopoly transmitting for the final sentence of the Fouzdaree Adalut the record of trial in Case No. 15 on the Calendar of the Sessions Court of Trichinopoly for 1844.

(Here enter No. 2701)

Mr Dickinson and Mr Lewin.

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

Rengiapuittalan

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

or

or on his own confession of the crime of Gang Robbery do acquit him thereof, and direct that he be unconditionally released.

1. In this case the 2d and 3d Prisoners have been acquitted by the Court of Sessions and set at liberty. The reference to this Court regards therefore the 1st Prisoner only and respecting him the Court of Fouzdaree Udalut do not concur with the Sessions Judge that the evidence brought forward is sufficient for his conviction. On the contrary they consider that evidence to be deserving of no credit.

2. But little or no faith is to be placed on the statements of the Prosecutor and the 2d witness for the prosecution, that they recognized the three Prisoners at the time of the robbery. They both acknowledged that they had no previous acquaintance with the Prisoners.

3. Meeting them for the first time in a scene of such tumult and confusion, the Court do not think it possible that

that the Prosecutor and his witness should have marked their features so deliberately as to be afterwards able with precision to swear to their identity.

4. The evidence of the 1st witness is altogether unworthy of credit. It is full of contradictions. This witness besides acknowledged himself to be the servant of a person (Amunta Solagun) who took a very decided part against the Prisoner and who is declared to be his enemy. The cause of his activity against the Prisoner is not explained in the record.

5. The finding of the few articles of property said to belong to the Prosecutor in the house of the 1st Prisoner, was attended by circumstances which led the Court strongly to suspect that the property had been concealed in the Chatty in which it was found, by Amunta Solagun and his people.

6. The said Amunta Solagun

is

10th October 1846.

is shewn to have surrounded the house of the Prisoner with 30 or 40 persons some time before the search was made; why he did this - by whose orders or upon what authority is not explained. -

7. Then the wife of the 1st Prisoner, previous to the search being made declared that the said persons had been into every part of her house, and that she could not tell what they might have introduced into it. -

8. And lastly, the house in which the property was said to have been found is declared to have had neither door nor window. It therefore afforded every facility for the introduction of property into it. -

9. These circumstances throw in the opinion of the Court, so much suspicion on the search, that they cannot admit any of the evidence on this point to tell against the Prisoner. -

10. The most suspicious circumstance

F.U.
10th October 1846.

stance against the Prisoner is the contradiction made by him when examined by the Police Ameen and subsequently by the Session Judge in accounting for himself on the night of the robbery — This circumstance casts suspicion upon him, but still it does not amount to proof of guilt.

11. Weighing all the circumstances of the case deliberately the Court of Foujdaree Udalut think that the Prisoner is not proved to be guilty of the offence charged, and that he should be set at liberty.

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

(Sent following letter No. 237.)

Read letter dated the 17th Ultimo from the Session Judge of Madura transmitting the English Translation of the Record of Trial in Case No. 33.

is shewn to have surrounded the house of the Prisoner with 30 or 40 persons some time before the search was made - why he did this - by whose order, or upon what authority is not explained. -

7. The wife of the 1st Prisoner, previous to the search being made declared that the said persons had been into every part of her house, and that she could not tell what they might have introduced into it. -

8. And lastly, the house in which the property was said to have been found is declared to have had neither door nor window. - It therefore afforded every facility for the introduction of property into it. -

9. These circumstances throw in the opinion of the Court, so much suspicion on the search, that they cannot admit any of the evidence on this point to tell against the Prisoner. -

10. The most suspicious circumstance

stance against the Prisoner is the contradiction made by him when examined by the Police Ameen and subsequently by the Sessions Judge in accounting for himself on the night of the robbery — This circumstance casts suspicion upon him, but still it does not amount to proof of guilt.

11. Weighing all the circumstances of the case deliberately the Court of Foujdaree Adalut think that the Prisoner is not proved to be guilty of the offence charged, and that he should be set at liberty.

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

(Sent following letter No. 237.)

Read letter dated the 17th Ultimo from the Sessions Judge of Madura transmitting the English Translation of the Record of Trial in Case No. 35.

10th October 1844.

No. 33, of the Calendar for 1844.

(Here enter No. 2596 of 1844.)

Mr Dickinson.

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

1st Iswoomooqum,

and

2d Addykum,

is sufficient to convict them of having violently, assaulted and wounded the Prosecutor, and plundered him of his purse, for which according to the Mahomedan Law, as declared in futwas of their Law Officers, discretionary punishment is awardable, do convict them thereof, and, with reference to the provisions of Clause third, Section VII Regulation XV of 1803, do sentence 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.-

1. The Foujdaree Adalut consider the evidence addured in the above case to be sufficient to convict the Prisoner of having violently

violently assaulted and wounded the Prosecutor, and plundered him of his purse.

2. The 1st Prisoner confessed before the Subordinate Court that this purse was found secreted on his person; he pretended however that it had been put into his waist cloth in order to support a false accusation against him: but the Court do not think that there is sufficient ground for believing this statement.

3. The Court cannot suppose that the Prosecutor was injured to the extent described, by the pole of the bandy.- If he had received any wound from the pole, it is to be concluded that he would have called out and would have got out of the way in order to avoid a repetition of the injury- They do not see why he should have received so many wounds from this pole, or why indeed he should have been injured by the pole at all- for as the bandy was at rest, and the Prosecutor lying sleeping

in

10th October 1846.

in front of it, it is not apparent to the Court, how the pole could possibly have hurt his head.

4. The conduct of the Prisoners was moreover not such as it unquestionably would have been if it were true, that the Prosecutor had accidentally received such severe injury from the pole of the bandy.

5. They would doubtless have alarmed the neighbourhood and manifested an anxiety to obtain assistance for the prosecutor. Nothing of this sort however occurred.

6. Considering the evidence to be sufficient for the conviction of the Prisoners, the Court therefore sentence them both to 14 Years imprisonment.—

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

(Sent following letter Re 2318)

Read

J. U.

10th October 1846.

Read letter dated 28th Ultimo from the Sessions Judge of Bellary forwarding the Proceedings held on Nos 29 and 34 on the Sessions Calendar for 1846.

(Here enter No 2676. of 1846.)

No 29.
Mr Lewin
and
Mr Maclean

The Court of Zoujdarry Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners,

1st Pidda Dasapah
2d Chinna Dasapah
and
3d Mookunnah

is sufficient to convict them of the crime of being parties in an affray and breach of the Peace; and the prisoner

6th Sashadoo

for aiding the escape of the 1st Prisoner in case No 34, for which according to the Mahomedan Law as declared in futwas of their Law Officers discretionary punishment is awardable, do convict them thereof and with reference

to

10th October 1826.

to the provisions of Clause third Section VII Regulation XV of 1803. adjudge the prisoners.

1st Pedda Dasapah
2d Chinna Dasapah
and
3d Mookumah

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and, during the priod of (3) three Months, and the prisoner.

4th Chadoo.

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the priod of (6) six Months. The Court of Zoujdarry Adalut being further of opinion that the prisoners,

4th Koonoogah
and
5th Eeroogah

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

10th October 1826.

on their own confessions of the crime above-mentioned do acquit them accordingly and direct that they be set at liberty.

No. 34.

Mr. Lewin
and.
Mr. Maclean.

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

1st Boodoogadoo

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 VIII of 1802 would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825, sentence the prisoner to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for

and,

10th October 1826.

and, during the prod of his natural life. The Court of Foujdarry Udalut being further of opinion that the Prisoner

Dr Gadda Ramanah.

is not convicted on presumptive proof, or on the evidence of credible witnesses or on his own confession of having been accessary after the fact of the Murder above mentioned, do acquit him accordingly, and direct that he be set at liberty.

On a consideration of this record, the Foujdarry Udalut, think it clear that the 1st Prisoner in Case № 34 Killed the deceased. No justification of the act is on record, and little — palliation. there is, however, little of that deliberation evident in it, which would justify taking his life for Murder. The quarrel which immediately preceded the act, began with the prosecutor and the 1st prisoner in Case № 29. and while it was going on the 2d and 3d prisoners in Case № 29 with Boodoogadoo, 1st prisoner in 34 came to the spot, having

been

been sent for thro' the medium of the 4th prisoner. After their arrival Boodoogadoo and the deceased challenged each other, abuse took place on both sides (all the parties being in a state of intoxication) and the 1st prisoner Boodoogadoo, with a weapon he had about his person, inflicted the wound on the deceased which killed him. when this took place it is obvious the parties must have been in a state of great excitement. But for the blow struck by the 1st prisoner in Case № 34 Boodoogadoo, it is probable that the matter would have passed off without any serious result, as a mere drunken brawl. and the Court see no reason to impute any more guilt to the 1st, 2d and 3d prisoners in Case № 29 than would arise out of such an affair. Associating them in the guilt of Murder and recommending their transportation, the Court regard as not justifiable.

Ordered that Extract from these

10th October 1846.

these proceedings be sent to the Sessions Judge of Bellary for his information. –

(Sent following letter No 2319)

Read Calendar, dated the 7th September last submitted by the Sessions Judge of Salem in Case No 16 of 1846. –

(Here enter F.U. No 2412.)

Read Return dated the 6th Ult: -time from the Sessions Judge of Salem to the Precept of the Foujdaree Udalut dated the 30th August last, directing the Sessions Judge to call for the proceedings in Case No 50 of the Monthly Criminal Supplimental Report for the month of July last, and to submit a report issuing such orders to the Acting Subordinate Judge as appeared proper. –

(Here enter F.U. No 2413.)

Read Criminal Reports submitted by the Subordinate Judge of Chittoor, for the Month of August 1846.

(Here enter F.U. No 2421.)

End 16

Friday
11th October 1844.

E. U.

At a Court of the Zoujdaree Udalut.

Present,

H. Le Kinston Esqr 1st Puisne Judge
Malcolm Lewin Esqr 2d Puisne Judge
Alexander Maclean Esqr 3d Puisne Judge

Read the Criminal Reports for the Month of August 1844 submitted by the Acting Subordinate Judge of Rajahmundry under date the 5th Instt.

(Here enter E. U. No. 2592 of 1844)

Case No. 36 1. The Court of Zoujdaree Udalut observe that the Prisoners in this case were apprehended on the 24th July last, and not forwarded from the Calcoor until the 3d following and no explanation is offered in the Calendar for this delay, the Court of Zoujdaree Udalut direct that the Acting Head of Police be called upon to state, for their information, the reason of the detention of the Prisoners.

Case No. 38 2. The Court of Zoujdaree Udalut direct that the Moofussil Head of Police be informed that he should have exercised his own discretion in this Case, and released the Prisoners at once without reference to the Head Assistant Magistrate from whom an order was not required.

Ordered that Copy of these Proceedings be forwarded to the Subordinate Judge of Rajahmundry

Rajahmundry for his information and guidance by
Precept returnable in V days from and after its
receipt.

Sent following Precept No. 2326)

Read Calendar dated 1st October 1844
from the Session Judge of Coimbatore of Case No. 34
of 1844.

(Here enter No. 2699).

Read letter dated 4th October 1844
from the Magistrate of North Arcot forwarding a
Report of Cases tried by the Acting Joint Magistrate
under the provisions of Section LIV Act VII of 1843
during the month of September last and informing
that during that period neither the Magistrate
nor Head Assistant Magistrate exercised the powers
vested in them by that Act.

(Here enter No. 2703)

Read letter dated 30th September 1844
from the Session Judge of Tellicherry transmitting copy
of a communication from the Magistrate of Malabar
having reference to the Extract from the Proceedings
of the Foujdaree Adalut under date the 18th September
1844 on the construction of Section I. I Regulation
XI of 1816.

(Here enter No. 2707 A)

Read return dated 1st October 1844
from the Principal Sudr Ameen of Vizagapatam
to the Precept of the Foujdaree Adalut under date
the 21st September 1844 directing that a copy of the
Case No. 24 as it stands in the report for August 1844
without

without the remarks of the Principal Sudr Ameen
be forwarded to the Magistrate of Vizagapatam.

(Here enter No. 2710)

Read letter dated 3rd October 1844
from the Magistrate of Madura reporting the
powers vested in Magistrates 8th by Section LIV
Act VII of 1843 have not been exercised in
last Month.

(Here enter No. 2711)

Read Calendar dated 26th July 1844
from the Session Judge of Madura of Case No.
32 of 1844.

(Here enter No. 2714)

Read return dated 1st October 1844 from the Session Judge
of Mangalore to the precept of the Foujdaree Adalut of the 25th September 1844 enclosing
the Sentences passed by the Session Court on the
prisoners in Case No. 161 of 1844, and requiring him
to explain whether any thing was elicited in the
conduct of this trial to implicate the 1st and 3d
Witnesses in the Commission of the Offence, and if
so why they were not brought to trial.

(Here enter No. 2716)

Read Jail reports dated 1st October
1844 submitted by the Session Judge of Coimbatore
for the Month of September 1844.

(Here enter No. 2725)

Read report dated 1st October 1844
from the Session Judge of Coimbatore of Prisoners tried
and whose Cases have been referred to the Foujdaree
Adalut but on whom the sentence of the Court
has not been received.

(Here enter No. 2726)

11th October 1844.

Read return dated 2nd October 1844 from the Principal Sudr Ameen of Cochin to the precept of the Foujdaree Adalat of the 23d Ultimo on the receive of the Criminal Reports for the month of August 1844.

(Here enter No. 2727)

Read letter dated 5th October 1844 from the Magistrate of Tinnivelly stating that the powers vested in Magistrate by Section XLIV Act VII of 1843 was not exercised in the month of September 1844.

(Here enter No. 2728)

Read Jail report dated 1st October 1844 submitted by the Joint Magistrate of Cotacamund for the month of September 1844.

(Here enter No. 2729)

Read letter dated 4th October 1844 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 Powers vested by Section XLIV Act VII of 1843 have not been exercised by the Magistracy of that District during the month of September 1844.

(Here enter No. 2734).

Read return dated 7th October 1844 from the Subordinate Judge of Combaconum to the precept of the Foujdaree Adalat of the 1st October 1844 requiring explanations on several points in Criminal Cases disposed of in the month of August 1844.

(Here enter No. 2735).

F. W.

Saturday 12th October 1844.

At a Court of the Foujdaree Adalat

Present.

Henry Dickinson Esqr. — 1st
Malcolm Lewin Esqr. Actg. 2d
Alexander Maclean Esqr. Actg. 3d
} Puisne Judges

Read return dated 7th August 1844 from the Sessions Judge of Mangalore to the precept of the Foujdaree Adalat of 2d idem calling for an explanation regarding the sentence passed by him in case No. 26 of 1844 on the Mangalore Calendar.

(Here enter F.W. No. 2116)

1 The explanation furnished by the Sessions Judge in the above return fully justifies the course followed by him in the case in question.

2 The Court overlooked the fact that it had been ruled that the property stolen not amounting to Sicca 10 was an inadmissible Shoobah.

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

(Sent in No. 2332)

Read

12th October 1844.

Read Calendars in Cases Nos 17, 18, 19, 20, and 21 of 1844, submitted by the Sessions Judge of Madura

(Here Enter Ft R Nos 2650, 2651, 2652, 2653, and 2654 of 1844)

The above Calendars not requiring any remarks from the Court of Tongdaree Udalut.-

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Madura for his information.-

(Sent in R No 2333)

Read letter dated 7th Ultimo from the Magistrate of Bellary reporting that the powers vested by Section XLIV Act VII of 1843 have not been exercised by the Magistracy during the Month of August last.-

(Here Enter Ft R No 2424)

Read report dated 1st Ultimo submitted by the Joint Magistrate of Ootacamund of Convict Labor for the Month of August

(Here Enter Ft R No 2426)

Read Report dated 4th Ultimo submitted by the Acting Sessions Judge of Masulipatam

12th October 1844.

Masulipatam of convict labor for the month of August 1844.

(Here Enter Ft R No 2433)

Read return dated 21st August 1844 from the Sessions Judge of Chicacole, to the precept of the Tongdaree Udalut under date the 30th July 1844 directing the Sessions Judge of Chicacole to submit a translation of the reply of the Assistant Magistrate to the reference made by the Head of Police of Shercotmum in Case No 5 of the Supplemental report for the Month of June 1844, and to call up the record of the case from the Sudr Ameen of his Court, and pass such orders upon it as he may deem just.-

(Here Enter Ft R No 2454)

Read Calendar dated 2d Ultimo submitted by the Sessions Judge of Gumtoor in Case No 1 of 1844.-

(Here Enter Ft R No 2457)

Read return dated 7th Ultimo from the Agent to the Governor of Fort St George at Vizagapatam to the precept of the Tongdaree Udalut under date the

2 October 1844-

the 31st August 1844- requiring to report in which manner the prisoner has been disposed of in No: 17 and to explain the circumstances of its omission in the usual form in the Supplemental Report for June last.-

/Here Enter 7th h: 2462/

Read letter dated 4th Ultimo from the Acting Sessions Judge of Honore, reporting that the 1st and 2d Prisoners in case No: 11/1844 on Honore Calendar sentenced to transportation for life were forwarded to Chingleput on 4th September 1844- and that the Sessions Judge of Mangalore has been requested to cause the requisite inscription to be made on their foreheads.-

/Here Enter 7th h: 2460/-

Ex. Ld.

DDH
Reg

Monday
11th October 1844-

Ld.

At a Court of the Sanjdaree Adalut Held

H: Dickinson Esqr 1st Puisne Judge
M: Lewin Esqr Acting 2nd Puisne Judge
A: Maclean Esqr Acting 3rd Puisne Judge

Read Calendar of Case No: 20 of 1844 tried by the Session Court of Honore

/Here enter No: 2678 of 1844/

1. The prisoner in this case a - Teon, was charged with having seized the prosecutrix Neck Ker with his fists and a piece of wood, struck her with his fists and left hand with upon her, and

[illegible] of Respon
[illegible] No: 2677
[illegible] dated
[illegible] 1844
[illegible] Williams in Can
[illegible] Session
[illegible] Session
[illegible] Session
[illegible] prevent the
[illegible]
[illegible]
[illegible]

October 1846-

the 31st August 1846- requiring to report in which manner the prisoner has been disposed of in No: 17 and to explain the circumstances of its omission in the usual form in the Supplemental Report for June last.-

/Here Enter 7th M: No: 2462/

Read letter dated 4th Instno from the Acting Sessions Judge of Honore reporting that the 1st and 2d Prisoners in case No: 11/1846 on Honore Calendar sentenced to transportation for life were forwarded to Chingleput on 4th September 1846- and that the Sessions Judge of Mangalore has been requested to cause the requisite inscription to be made on their foreheads.-

/Here Enter 7th M: No: 2460/

Monday 11th October 1846

At a Court of the Zuzdaree Adalut

Present

H: Dickinson Esqr 1st Puisne Judge
M: Lewin Esqr Acting 2d Puisne Judge
A: Maclean Esqr Acting 3d Puisne Judge

Read Calendar of case No: 20 of 1846 tried by the Sessions Court of Honore

/Here enter No: 2678 of 1846/

The prisoner in this case a Coon, was charged with having seized the prosecutrix, struck her with his fists and a piece of wood, bit her right cheek and left hand with an intent to commit a rape upon her, and robbed her of property to the amount of Rupees 8 that day.

Copy of the upon

Execution ordered

The acting Sessions Judge considered judgment, inasmuch as the charge was not established, the time at the close of the case combined with the fact- Adalut proceeding are visible on prosecutrix intimating that in her hand, were sufficient- Liable, regarded the act commit a rape- Regulation the Sessions Judge- gross, certifies that

14th October 1844.

That the Prosecutrix appeared to have been very severely bruised about the loins and bore marks of bites on on her right cheek and left hand.-

4. The circumstances of the case appear to the Court to be of a very aggravated nature and by no means met by the totally inadequate sentence of two years imprisonment awarded by the Acting Session Judge. The assault was of the worst possible description committed by a Coo on a female with intent to commit rape and attended with severe personal injury.-

5. They accordingly resolve to communicate their sentiments to the Acting Session Judge for his future guidance.-

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

Sent

R

Submitted by the ...the robb
No 15 of 1844 ...ee of the ...with
...t marks of bites a
right cheek and left
Submitted to convict the prisoner of
Case assault with an intent to
3. And the Zillah Jud

14th October 1844.

Read Calendar dated 4th October 1844 submitted by the Session Judge of Cuttack in case No 51 of 1844.

(Here enter E.C. No 2739)

Read letter dated 9th October 1844 from the Principal Sudr Ameen of Nellore Returning the Precept enclosed in the Govdance Dedutt Court's Memorandum of the 7th October 1844 docketed as therein directed.-

(Here enter E.C. No 2740)

Read letter dated the 11th October 1844 from the Session Judge of Mangalore forwarding the Warrant issued by him for the execution of the Sentence of death passed by the Court of Enquiry Dedutt on Belbatta Ambos prisoner in case No 45 of 1844 on the Calendar of the Subordinate Judge with the endorsement of that Officer certifying due execution thereof and copy of the report made by him according to Circular Orders dated 3rd May and 20th September 1837 ...

(Here enter E.C. No 2743)

Dedutt proceeding Criminal Reports submitted intimating that in the Chingleput for the ... Here seems to have ... liable ... regarded the ... (No 2748) ... Regulation the ... hereby ...

Wednesday.
16th. October 1844

F. U.

Mr. Court of the Tondaiarcc Adalut

Present.

Henry Dickinson Esqr. 1st.
Malcolm Lewin Esqr. Actg. 2d. } Puisne Judges.
Alexander Maclean Esqr. Actg. 3d.

Read communication dated 25 Ultimo from the Sessions Judge of Calicut being a Return to the orders contained in the proceedings of this Court of the previous 12th. held on review of the trial in Case No. 9 of 1844 Calicut Calendar.

(Mine Cutcherry No. 2672 of 1844)

In the above a Draft, in addition to certifying conformity to the instructions conveyed in the proceedings of the Tondaiarcc Adalut referred to, the Sessions Judge Mr. B. Morris, earnestly requests the Court will reconsider the "severe" and in Mr. Morris judgment, "unmerited censure," passed upon him at the close of the 6th. Para of Tondaiarcc Adalut proceedings dated 12th. ultimo intimating that in the opinion of the Court there seems to have been a failure of the Police to regarder the acquittal of [illegible] Regulation the Sy[illegible] hereby.

The

para 2

2 The Sessions Judge further requests, in view to the grant of the relief solicited that he may receive permission now to lay before the Tongdaree Udalut a full translation of the record of case IX on the Calicut Calendar in which the said Tuvvaraman Numboodry stood charged with murder and was acquitted by the Sessions Judge in concurrence with the Futwah of the Law Officer.

3 The second request preferred by the Sessions Judge seems founded on the supposition that the remarks in the proceedings of this Court to which he has taken objection, results from a review of the enquiry into the matter of the murder which was made by the Head Assistant Magistrate of Malabar after the acquittal of the Prisoner Tiruvaraman Namboodry and on a consideration of the evidence which the Assistant Magistrate then collected.

4 The Court of Tongdaree Udalut duly appreciating the zealous scrutinies which induce prisoners of [illegible] Judge to seek a more [illegible] with an intent to [illegible] suggested by [illegible] And the Zillah [illegible]

opinion that Mr. Morris has attached to the expression adverted to a far less comprehensive meaning than was intended by it

5 The Court's observation had not for its object to attribute to Mr. Morris more than the error of judgment into which he is considered to have fallen and which is to be regretted as Mr. Morris' whole proceedings have satisfied the Court of his unceasing perseverance in the discharge of what clearly has been deemed by him a most responsible duty.

6 The merits of the case having however been fully developed by the papers now before the Tongdaree Udalut, in so much as regards the guilt or innocence of the Police Officer brought to trial subsequent to the commission of the murder charged against T. Numboodry, the Court do not recognize the necessity for a perusal of the entire record which the Sessions Judge is desirous to submit.

7 The Court are not satisfied the propriety of the remarks liable to Regulation IX the Sessions Judge in respect to

the

16th October 1844

the Magistrate's conduct regarding the case of the Head of Police, but were willing to attribute the terms used to the erroneous impression which has urged Mr. Morris to endeavour to obtain the withdrawal of an expression having no personal application to himself.-

The Court of the Sessions Judge having been made the official medium of communicating to the Magistracy of Malabar the order of the Foujdaree Adalut on the referred trial, cannot, this Court consider, be deemed to aggravate a censure therein conveyed.-

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

(sent in R. 2344

Read Calendar in case R. 46 of 1844 submitted by the Sessions Judge of Mangalore.-

(Rec'd Entered F.R. R. 2715.)

In this case the 1st & 2d. prisoners are charged with having entered into the prosecutor's house [illegible] and there from [illegible] property

F.R.
16th October 1844.

and the third with having melted down part of the said property knowing that it had been stolen.-

2. The Sessions Judge convicted the first prisoner, and in consequence of former bad character sentenced him to 7 years imprisonment with hard labor in irons and bound the 2d. prisoner in two sureties of 50 Rupees each for the space of 2 years or in default directed him to be imprisoned for the same period.-

3. Considering however that 3d. Prisoner was not aware that the property he melted was stolen the Sessions Judge discharged him from the bar and examined him as a witness in the case.-

4. The Court of Foujdaree Adalut see reason to disapprove of the proceedings of the Sessions Judge in regard to the 3d. Prisoner. He acknowledged that he melted the jewels during the night and without giving notice to the Police. This infers fraudulent intent and rendered him liable to the penalty denounced by Section IX Regulation XIII of 1832.-

Proceed

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

/sent in No. 2345/

Read letter dated the 9th Instant from the Session Judge of Cuddapah forwarding translations of the record in case No. 78 of the Calendar for 1844 for final sentence.-

/Here Enter Fdc No. 2780/

Mr. McLennie and Mr. A. Maclean

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

"Cumsala Nangadoo"

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

/and following letter No. 2346/

Read again Calendar submitted by the Session Judge of Chingleput under date the 3d July last in case No. 13 of 1844.-

/Here Enter No. 1658/

Read again Miscellaneous Petition presented on the 5th August last by Aureekum praying for the release of her Husband the 2d Prisoner in the abovementioned case who has been sentenced by the Session Judge of Chingleput to imprisonment with hard labour in irons for a period of three years for the crime of Adultery.-

/Here Enter M.P. No. 101 of 1844/

Read again return dated the 5th Ultimo from the Session Judge of Chingleput to precept of the Fouzdaree Adalut of the 19 August 1844 calling upon him to submit an account of the trial in the case above referred to, & showing the reasons under which he was induced to pass the sentence complained against by the Petitioner Aureekum

/Here Enter Fdc. No. 2382/

Read return dated the 26th Ultimo from the Session Judge of Chingleput to this Court's precept of the 16th September requiring him to forward an English translation of all the proceedings held in the trial above alluded to.-

/Here Enter Fdc No. 2616-/

Read

16th October 1844.

Read petition presented on the 7th Instant by Thomas Charles Moore Prosecutor in Case Nr. 13 of 1844 on the file of the Sessions Judge of Chingleput praying the Court of Foujdaree Udalut not to alter the Sentence passed upon the prisoners in the case.-

(Here Enter In. P. Nr. 128 of 1844)

1 Upon a deliberate consideration of all the circumstances connected with the above case, the Court of Foujdaree Udalut see no grounds whatever for disturbing the sentence passed by the Sessions Judge of Chingleput upon

1 Ellen Moore

the first prisoner- and they direct that the full punishment awarded to her be carried into effect-

2 With regard to the 2d Prisoner

in the case,

2 David Daniel

the Court of Foujdaree Udalut are of opinion that in consideration of the abandoned character of the 1st prisoner, and as it nowhere appears from the proceedings held in the case that any acts of seduction were practiced by the 2d Prisoner to lead the 1st

prisoner

F.W.
16th October 1844

prisoner from her husband, a less severe punishment than the one awarded to him by the Sessions Judge of Chingleput would have sufficed.-

3 They accordingly resolve to direct that his sentence be mitigated to six months imprisonment.-

Ordered that Copy of these proceedings be forwarded to the Sessions Judge of Chingleput for his information and guidance.-

(Sent in Nr. 2347)

Ordered also that the petitions Nr. 101 and 128 of 1844 above-mentioned be dismissed-

Read copy of Calendar in case Nr. 9 of 1844 on the Rajahmundry Calendar submitted by the Acting Sessions Judge under date 30th September 1844.-

(Here Enter F.W. Nr. 2700)

1 In this case 12 prisoners were forwarded to the Subordinate Court with having on the night of the 29th May last in company with some other persons, armed with sticks and swords stopped the palanquin wherein the daughter of Davyguary Venkanah was carried on the high road, inflicted 5 wounds on the

person

Read petition presented on the 7th Instant by Thomas Charles Moore Prosecutor in Case Nr. 13 of 1846 on the file of the Sessions Judge of Chingleput praying the Court of Fouzdaree Udalut not to alter the Sentence passed upon the prisoners in the cases.-

(Here Enter M. P. Nr. 128 of 1846)

1 Upon a deliberate consideration of all the circumstances connected with the above case, the Court of Fouzdaree Udalut see no grounds whatever for disturbing the sentence passed by the Sessions Judge of Chingleput upon

1 Ellen Moore

the first prisoner- and they direct that the full punishment awarded to her be carried into effect-

2 With regard to the 2d Prisoner in the case,

2 David Daniel

the Court of Fouzdaree Udalut are of opinion that in consideration of the abandoned character of the 1st prisoner, and as it nowhere appears from the proceedings held in the case that any acts of seduction were practiced by the 2d Prisoner to lead the 1st prisoner

F.U.
16th October 1846

prisoner from her husband, a less severe punishment than the one awarded to him by the Sessions Judge of Chingleput would have sufficed.-

3 They accordingly resolve to direct that his sentence be mitigated to six months' imprisonment.-

Ordered that Copy of these proceedings be forwarded to the Sessions Judge of Chingleput for his information and guidance.-

(Sent in Nr. 2347)

Ordered also that the petitions Nr. 101 and 128 of 1846 above-mentioned be dismissed-

Read copy of Calendar in case Nr. 9 of 1846 on the Rajahmundry Calendar submitted by the Acting Sessions Judge under date 30th September 1846.-

(Here Enter F.U. Nr. 2700)

1 In this case 12 prisoners were forwarded to the Subordinate Court with having on the night of the 29th May last in Company with some other persons, armed with sticks and swords stopped the palanquin wherein the daughter of Davyanny Venkamah was carried on the high road, inflicted 5 wounds on the

persons

person of Davenamy Venkanah in the a
crooked knife whereof the said Venkanah
died two days after and robbed from the
person of his daughter property valued at
Rupees 160.-

2 The 1st, 2d, 3d, 4th, 5th, 6th and 12th prisoners
were released by the Subordinate Judge and the
remainder by the Sessions Judge.-

3 The Court of Fouzdaree Adalut
resolve to direct that a copy of the cases as
it stands in the Calendar be forwarded
to the Magistrate of Rajahmundry who
will be instructed to use all diligence to
bring to justice the perpetrators of the mur-
der of Davenamy Venkanah and report from
time to time to the Fouzdaree Adalut the
progress made in effecting so desirable and
object.-

Ordered that Extract from
these proceedings be sent to the Acting
Sessions Judge of Rajahmundry for his
information by precept returnable in 15
days from and after its receipt.-

(sent following precept N° 2348)

Read letter dated 24th August 1844
from the Magistrate of Coimbatore forwar-
ding with reference to the proceedings of

this Court of the 12th August 1844 copy
of a communication from the Joint
Magistrate of Coimbatore regarding
the conduct of Soobba Row Head
Police of Caroor in case N° 20 of 1844
on the Coimbatore Calendar.-

(Here Enter Ful N° 2301)

1 The Magistrate has
merely submitted the Joint Magis-
trate's report but has omitted to
record any opinion on the proceed-
ings of the Head Police as he
should have done.-

2 In his letter the Joint
Magistrate states that he has no
observation to offer opposed to the
recommendation of dismissal of
the Head of Police of Caroor, or fa-
vourable grounds to urge in palliа-
tion of the proposed sentence.-

3 He considers the punish-
ment justifiable on the grounds
of strong suspicion but apprehen-
sive that on appeal the sentence
might be reversed he deemed it
preferrable

16 October 1844

preferrable to impose a fine of 20 Rupees.

4 The Court regret that the Joint Magistrate shrank from the responsibility of acting on his deliberate view of the case on the remote contingency that it might not be in his power fully to satisfy the minds of his superiors as to the correctness of his judgment and limited his measures in awarding a sentence of the inadequacy of which he was fully satisfied.

5 Former services can never be urged in explanation of such misconduct as has been established against Sooba Row in the present instance cognizant of the maltreatment and torture inflicted by the Gomastah and other prisoners on the prosecutor's son but his official aid and hushed up the matter.

6 The Court of Foujdaree Udalut accordingly under the powers vested in them by Section XXXIX Act XVI of 1843 resolve to direct the dismissal of Sooba Row from the Public Service.

Ordered that Extract from these Proceedings be sent to the Magistrate of Coimbatore for his information by Precept returnable in 5 days from and after its receipt (sent following Receipt No 2317)

Ordered also that Extract from these Proceedings be sent to the Sessions Judge of Coimbatore for his information. (sent in No 2350)

F. U.

Thursday 17th October 1844.

At a Court of the Foujdaree Udalut

Present.

Henry Dickinson Esqre 1st Puisne Judge.
Malcolm Lewin Esqre Actg 2d Puisne Judge.
Alexr. Maclean Esqre Actg 3d Puisne Judge.

Read letter dated 7th October 1844 from the Sessions Judge of Chittoor forwarding for the consideration and final sentence of the Foujdaree Udalut an English translation of the record of the trial in Case No 29 on the Chittoor Calendar of 1844.

(Here enter F. U. No 2730.)

1. The Court of Foujdaree Udalut observe that a second futwah should have been taken in this case under the provisions of Section VIII. Regulation I of 1825.

2. It is accordingly resolved to return the record to the Sessions Judge, who will be pleased to call on his Law Officer to state the sentence to which the prisoners would have been liable, if the evidence of the 1st and 2d witnesses had been admis-

sible

sible under the provisions of the Mahomedan Law, and then proceed to dispose of the case according to Law.

Ordered that Extract from these proceedings be sent to the Session Judge of Chittoor for his information by precpt. returnable in 5 days from and after its receipt.

(Sent following precpt. No. 2354)

Read Return and supplemental Return dated respectively 15th and 27th Ultimo from the Subordinate Judge of Bellary to the precpt of the Foujdaree Adalut under date the 5th idem conveying their remarks on the Criminal Reports for July 1846.

(Herewith T. M. Nos. 2533 and 2670.)

1. The fine realised from the prisoners in Case No. 85. should be paid back to them, as it does not appear from the statement of the Case that any Criminal act was committed or intended by the prisoners. The Coins discovered should of course be made over to the prosecutor.

2. On reference to the 2 original

Documents

Documents, forwarded by the Subordinate Judge for the inspection of the Court and which the Subordinate Judge has designated as "unintelligible and confused", it is not found that the term is applicable to the Police Report received with Case No. 101, altho' that sent up with Case No. 94 is somewhat open to objection on the grounds that it is not sufficiently explicit.

3. On all future occasions of the kind it is desirable that such documents be returned to the Magistracy thro' the proper channel for amendment by the Police Officer by whom they were in the first instance transmitted, or that explanation be called for; but the use of terms of the class above quoted should be avoided.

4. The two documents are herewith retransmitted.

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Bellary for his information and for communication to the Magistrate.

(Sent pr. No. 2355)

Read.

17th October 1844.

Read Reports dated the 5th October 1844 from the Acting Session Judge of Nanor, of Criminal Cases disposed of by the Session Court of Honor during the Month of September 1844.

(Here enter F.U. No 2792.)

Read Criminal Report dated the 1st October 1844 from the Session Judge of Tinnevelly, for the Month of September 1844.

(Here enter F.U. No 2794.)

Read Return dated the 5th October 1844, from the Session Judge of Jaffna to the Precept of the Faujdarry Udalut under date the 26th September 1844, sanctioning the mitigated punishment recommended by the Session Judge of Jaffna regarding the Prisoner in Calendar No 23 of 1844, and directing that the Prisoner be imprisoned with hard labor in irons for 8 Years.

(Here enter F.U. No 2796.)

End

F. U.

Friday
18th October 1844. At a Court of the Faujdaree Udalut.

Present

Henry Dickinson Esqre 1st Puisne Judge.
Malcolm Lewin Esqre Acting 2nd Puisne Judge.
Alexander Maclean Esqre Acting 3rd Puisne Judge.

Read Calendar No 53 of 1844, and supplement thereto, forwarded by the Session Judge of Cuddapah under date the 6th August last.

(Here enter F. U. No 2063.)

Case No 53.

1. The 3 first Prisoners in this case are charged with having, on the night of the 22nd May last, entered the house of the Prosecutor during his absence, by breaking through the wall, and with having stolen therefrom jewels and other property valued at Rupees 104-15-6. and the fourth Prisoner connected with this case is charged in the supplement with having on the same night, received a part of the stolen property knowing it.

18th October 1844

it at the time to be such, and with having concealed the same.-

2. The Futwah of the Law Officer convicts all the four Prisoners, and declares them liable to Kokoobut.- and adds with reference to the 1st 2nd and 3rd Prisoners that they should each lose their right hand.-

3. The Session Judge of Cuddapah fully concurred with the Futwah, and sentenced the 1st 2nd and 3rd Prisoners to 7 years imprisonment with hard labor in irons and the 4th Prisoner to the same period of imprisonment with labor suitable to her sex without irons.-

4. The Court of Foujdaree Udalut are of opinion, that the punishment awarded by the Session Judge of Cuddapah to the 1st 2nd and 3rd Prisoners in this case is excessive.- They observe that had the property stolen been valued at 4 Rupees less than it was, two years' imprisonment would have been the full extent of punishment allowed by the

18th October 1844

the Law.-

5. They direct that the term of imprisonment to which the 1st 2nd and 3rd Prisoners have been sentenced, be reduced to three years.-

6. The Court of Foujdaree Udalut are surprised at the want of judgment displayed by the Session Judge of Cuddapah in the disposal of the 4th Prisoner.- This Prisoner is the wife of the 3rd, and it is evident that she received the stolen property at the command of her husband.-

7. The Court direct that she be set at liberty.-

Ordered, that copy of these Proceedings be forwarded to the Session Judge of Cuddapah for his information and guidance.-

(Sent in No. 2359)

Read Calendar submitted by the Session Judge of Guntoor in Case No. 1 of 1844.-

(Here enter F.C. No. 1155 of 1844.)

1. In this Case the Prisoner was charged

18th October 1844.

changed with having struck the Prosecutor with a Yoke, whereby the bone of his left arm was fractured, and pleaded guilty.-

2 The Law Officer declared the Prisoner liable to Pokoobuk, concurring in which opinion, the Session Judge sentenced the Prisoner to imprisonment with hard labor for a period of seven years.-

3 The Foujdaree Udalut do not find on a perusal of the Calendar any of the circumstances of aggravation which justify so unnecessarily severe a sentence, as that which the Session Judge has passed.- It appears the bone of the prosecutor's arm was broken, and afterwards set by the Zillah Dresser, but that the external marks of a blow, were not even visible.-

Sess. They accordingly direct that the period of imprisonment be reduced to one year.-

Ordered, that Extract from these proceedings be sent to the Session Judge of Guntoor, by precept returnable in

F. No.

18th October 1844.

in V days from and after its receipt.-

(Sent following Precept No. 2640)

Read letter dated the 21st Ultimo from the Session Judge of Chicacole, submitting translations in a case No. 5 of 1844 on the file of his Court, and requesting the instructions of the Foujdaree Udalut thereon.-

(Here enter F. No. No. 2642.)

1 The Session Judge of Chicacole in the above letter states, that a robbery to a large amount occurred in Vizagapatam; and that an individual named "Balajee Davoo" who is suspected by the Prosecutor in the case above mentioned on good grounds of being the actual perpetrator of the robbery, and whose guilt moreover is in the Session Judge's opinion placed beyond a doubt by strong circumstantial proof, has through the misconduct of the Vizagapatam Tahsildar, been made a witness instead of a Prisoner in the case.-

He

18th October 1844. 2. He considers that justice will be frustrated unless the said "Balajee Davoo" be placed upon his trial on the charge of Robbery, and he solicits the Court of Foujdaree Udalut to grant him authority for so doing.-

3. The Court of Foujdaree Udalut direct that all the papers connected with the case be by the Session Judge forwarded to the Magistrate of Vizagapatam, and that he the Magistrate be instructed to commit "Balajee Davoo" for trial if he thinks there are grounds for so doing.-

4. The Foujdaree Udalut further observe that the Session Judge of Chicacole was not justified in defining the trial of the case above mentioned, on account of "Balajee Davoo" whose conduct might form the subject of a separate trial. They would draw Mr. Glass' attention to Foujdaree Udalut Circular Order of the 28th October 1822 - and Foujdaree Udalut Circular Order 141, which prescribe the course to be pursued where a Head of Police

18th October 1844. Police has erroneously made a witness of a person who ought to have stood in the light of a Prisoner.-

Ordered, that copy of these Proceedings be forwarded to the Session Judge of Chicacole for his information and guidance.-

(Sent in No. 2361)

Ordered also, that copy of paras 1.2. and 3 be forwarded to the Magistrate of Vizagapatam for his information and guidance.-

(Sent in No. 2362)

Read Calendar in Case No. 59 of 1844 submitted by the Session Judge of Combaconum.-

(Here enter No. 2749)

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

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Combaconum for his information.-

(Sent in No. 2363)

Read

18th October 1844.-

Read return dated 30th September 1844 from the Acting Sessions Judge of Cuddalore, to the Precept of the Foujdaree Udalut of the 9th idem, calling for a translation of the record of the trial in case No. 20 of 1844.-

[Here enter F. Co. No. 2679.]

1. In his return the Acting Sessions Judge certifies that a translation of the proceedings in question has been ordered to be made, but in consequence of the pressure of business in the Court he represents it will require some time before it can be completed.-

2. The Acting Sessions Judge further submits an explanation of the case, in the expectation that it may prevent the necessity of the transmission of the record.-

3. The Court of Foujdaree Udalut do not consider that they would be justified in dispensing with the record, which they desire may be furnished without delay.-

By

3.

F. Co.

18th October 1844.-

4. If the services of the Foujdaree Translator are confined exclusively to the translation of records referrible to the Foujdaree Udalut, the Court are unable to understand the cause of any delay in the translation of this Case.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore for his information, by precept returnable in V days from and after its receipt.-

[Sent following Precept No. 2360]

1. The Register lays before the Court the following Statements drawn up in his Office from the returns received thro' the Provincial Courts of Circuit, exhibiting the operations of the Village and District Police, and the Magistracy of the Criminal Courts, and of the Courts of Circuit respectively; and he submits also an Abstract of the operations of this Court from the 1st

of

18th October 1844.-

of January to the 30th June 1843 prepared according to the forms approved by Government.-

(Here enter Nos 1 to 9.)

Village Police. 2. Statement No 1, with the details in No 2, exhibits the number of persons summoned before the Village and District Police and Magistracy for Petty Offences punishable by themselves, together with the number of acquittals and convictions, and the nature of the punishments inflicted.-

3. The total number of persons brought before the Village Police together with the number acquitted or convicted of petty offences, as compared with the preceding half year or from the 1st July to the 31st December 1842, is as follows.-

	Persons Summoned	Persons acquitted After investigation	Persons acquitted without investigation upon Razeenamah &c&c	Persons punished
From the 1st of July to the 31st December 1842	5614	1084	1299	3231
From the 1st of January to the 30th June 1843	3849	721	743	2385

4.- Of the 2385 persons punished by the Village Police, 1803 were confined in the Village Choultry and 582 in the Stocks.-

5. Out of 3849 persons brought before them, 3226 were for Petty Assaults or Affrays, and 617 for Petty thefts: of the former 1832 were punished, of the latter 348.-

District Police.- 6. The total number of persons brought before the District Police from the 1st January to the 30th June 1843 for Petty Offences punishable by themselves was 53,214 besides whom there were also 841, whose cases were not disposed of at the close of the previous report.-

7. In the preceding half year, the number of persons summoned before the District Police was 58,756.-

8. The subjoined is a comparative statement of the acquittals and convictions by the District Police during the period under review, and the last six months of

18th October 1844.-

of the year 1842.-

	Total summoned and under examination at the commencement of the half year.	Acquitted after investigation.	Discharged upon Recognizance with or without sureties for appearance on other Cause.	Punished on their own response to the Magistrate.	Punished after reference to the Magistrate.	Total number of persons dismissed by the District Police.	Dismissed by the Magistrate.	No. of persons under examination at the close of each period respectively.
From 1st July to 31st December 1842	60129.	20379	22443	15312	1154.	59288	"	841
1st January to 30th June 1843	54055	18020	20449	13532	1217	53218	"	837

9. In the number of persons acquitted, as shown above, are included those against whom the complaint was considered to be wilfully false and malicious, amounting to 352; a decrease compared with the preceding half year of 112 persons considered to have been falsely and maliciously accused before the District Police of Petty Offences only.-

10. The following Statement exhibits the number of persons punished, and

F. 6.

18th October 1844.-

and the nature of their punishment, by the District Police, for the two periods above-referred to inclusive of those punished after reference to the Magistrate.-

Punishment.-	Half year ending 31st December 1842.-	Half year ended 30th June 1843.-
Fined	11379	10316
Confined in the Choultry with or without labour	4853	4222
Confined in the Stocks	93	99
Flogged	141	112
	16466	14749.

11. In regard to the 112 persons entered as having been flogged by the District Police it is necessary to explain with reference to Clause 1st Section V Regulation XIII of 1832 that those persons were subjected to Corporal punishment by Order of the Magistrate upon reference made to that Authority under the provisions of Clause 2nd Section IV Regulation IV of 1821.-

Magistracy.- 12. Before the Magistracy there were brought during the half year under review 2878 persons for petty

petty Offences, besides whom there were 117 persons whose cases had not been disposed of at the close of the previous six months making a total of 2995 persons. In the preceding half year the total number was 4063.

* 4063
× 2995
1068 decrease.

13. The following is a statement of the number of persons acquitted and convicted by the Magistracy, and subjoined to it is a statement of the nature of the punishments inflicted by the Magistracy during the 1st half of the year 1843.

	Persons summoned and under examination	Acquitted	Discharged upon Razeenamah or dismissed for default or other Cause.	Convicted	Total disposed of.	Persons under examination at the close of the Report.	Total.
From 1st of January to 30th June 1843	2995	1265	442	1161	2868	127	2995.

Statement shewing the manner in which the persons convicted before the Magistracy were punished.

	Fined.	Imprisonment.	Flogged.	Total punished.
From 1st of January to 30th of June 1843	738	354	69	1161

Of

Of the 1265 persons acquitted by the Magistracy there were 28 persons against whom the accusations preferred were considered to be wilfully false and malicious: the number of persons considered to have been falsely and maliciously accused before the Magistracy during the previous half year was 18.

15. Of the 2995 persons charged with petty Offences, 2169 persons were brought up for Petty assaults, 185 persons for Petty thefts, 122 persons by the Authority by Police Officers, and 104 persons for breaches of certain revenue laws. Of the 122 persons charged with abuse of Authority only 51 were convicted and punished, 46 by fine and 5 by imprisonment.

16. The following is a general Statement in which the number of persons brought before the Village and District Police, and the Magistracy for Petty Offences with the number

acquitted

acquitted and punished during the last ½ half of the year 1842 and the 1st ½ half of the year 1843, have been contrasted.-

	During the half year ending 31st December 1842.				During the half year ending the 30th June 1843.			
	Summoned and defendings.	Acquitted.	Discharged without Recognizance &c.	Committed.	Summoned and defendings.	Acquitted.	Discharged without Recognizance &c.	Committed.
Village Police	5614	1984	1299	3731	3849.	721.	743	2385
Dist. Police	60129	20379.	22443	16466.	54055.	18020.	20449	14749
Magistracy	4063	1574	972	1400.	2995.	1265.	442	1161
	69806	23037	24714	21097.	60899	20006	21634	18295.

17.- The above Statement exhibits a decrease as compared with the preceding half year of 8907 persons brought before the Native Police Officers and Magistracy.-

18 The sums remitted to the Magistrates by the District Police Officers on account of the 10316 persons who were fined by them amount on the aggregate to 9803 - 11 - 8.-

Rs As Pice

Crimes and Misdemeanors.

19. The total number of crimes and

and misdemeanors committed during the half year ending on the 30th June 1843, as exhibited in the Statement No. 3 with its details in No. 4 amounts to 1751, in which it is calculated that 4808 persons were concerned, being 86 Cases less than in the preceding six months.-

20. Of the 10035 persons supposed to have been concerned in the cases ascertained to have occurred during the period embraced in this report, 4877 persons appear to have escaped apprehension which is only 17 persons more than are supposed to have eluded apprehension during the previous six months.-

21 The following Statement exhibits the nature of the heinous crimes committed during the 1st half of the year 1843.-

Half

	Half year ending the 30th. June 1843.	
	Cases.	Persons
Murder	98	274
Culpable homicide	18	43
Robbery and Murder	14	81
Gang robbery attended with or without aggravating circumstances	358	2953
Robbery by a single individual	108	108
House breaking by day	31	63
do. by night	1211	2586
Theft	693	1569
Forgery	19	35
Maiming or wounding	113	311
Arson	104	238
Rape	25	41
Revenue laws (breaches of certain)	77	193

Nos. 5 and 6.

Criminal Courts. 22. Statement No. 5, with the details in No. 6, exhibits the operations of the Criminal Courts from the 1st. January to the 30th. June 1843.-

23. The total number of cases brought before the Criminal Courts during the above period inclusive of those not disposed of at the close of the preceding report, is 1307, including 2811 prisoners.-

In

24. In the preceding half year the total number of cases was 1444 including 3157 prisoners, being a decrease in the half year under review of 137 Cases and 346 prisoners.-

25. Of the cases brought and depending before the Courts 82 were cases of Murder, 22 of Culpable homicide, 8 of Robbery and Murder 82 of Gang Robbery attended with aggravating circumstances, 43 of Gang Robbery without aggravating circumstances, 24 of Robbery by a single individual, 20 of House breaking by day, 154 of House breaking by night, 204 of Theft, 59 of Receiving Stolen goods, 25 of Arson, 1 of Sodomy. 10 of Rape, 7 of Procuring abortion, 17 of Forgery, 30 of Perjury, 4 of Subornation of Perjury, or Forgery, 99 of Maiming and Wounding, 87 of Breach of Revenue laws &c. &c.-

26. Of the 2811 persons brought before

18th October 1844.

before the Criminal Courts.

505. Were released unconditionally.
Against 15 of whom the charge was consi-
-dered wilfully false and malicious.
43. Were released on security.
55. were detained on demand of security.
776. were convicted and punished in cases
cognizable by the Criminal Courts.

27. In cases cognizable by the
Courts of Circuit.

435. Were released by the Criminal Courts.
Against 21 of whom the charge was considered wilfully false and malicious.
49. Were released on security
52. Were detained on demand of Security.
696. were committed for trial
193. were under examination.
6 Died.
1 Admitted an approver.
2811.

In cases punishable by the Courts of Circuit.

28. Of the 776 persons who were convicted and punished by the Crimi-
-nal Courts.

448. Were imprisoned.
235. Were fined
4. were flogged
37. were imprisoned and fined.
32. Were imprisoned and flogged.
776.

The

To the
18th October 1844.

29. The number of persons convicted and punished by the Criminal Courts in the preceding half year was 912; the number committed was 702. and the number unconditionally released in cases either punishable by themselves or by the Courts of Circuit was 1214. in the half year under review this number, as shewn above was 940.

30. In conformity to the in-
-structions conveyed in para 4 of the Minutes of Consultation, under date the 24th October 1839 No. 853, the Statements exhibiting the operations of the Crimi-
-nal Courts are accompanied by a report upon the manner in which the Sudr Ameens attached to those Courts have exercised the Criminal Jurisdiction conferred upon them by Regulation III of 1833.

31. These Reports show that generally the Sudr Ameens have ex-
-ercised their duties as Criminal

Judges

Judges, satisfactorily.

Statements Nos. 7 and 8.

Courts of Circuit. 32. The Statements Nos. 7 and 8 exhibit the operations of the Courts of Circuit from the 1st January to the 30th June 1843.

33. The cases of every description which came before those Courts during the six months under review were 330 including 851 persons; 269 persons more than were brought before the Court of Circuit during the 2d half of the year 1842.

34. Of the 851 persons who were committed for trial 253 were released unconditionally, none of whom were considered to have been falsely and maliciously accused, 95 were released on security, and 336 were convicted and punished.

Of these latter

35.
2. were flogged and imprisoned for a term exceeding 7 Years.
11. do. do. for a term not exceeding 7 Years.
119. were imprisoned for 7 Years and upwards without flogging.
204. were imprisoned for 7 Years and under without flogging.

There

36. There were 50 cases including 111 Prisoners referred to the Foujdaree Udalut, 4 cases containing 13 Prisoners were postponed by the Courts of Circuit; 19 Prisoners were sent back to the Criminal Courts to be disposed of by those authorities; 18 prisoners were discharged from the bar; a case of 5 Prisoners was struck off the Calendar and 1 Prisoner died.

37. The greatest number of cases was brought before the Court of Circuit in the Centre Division, viz. 127, of which 22 cases were referred to the Court of Foujdaree Udalut.

38. In the Southern Division the number of cases was 107, of which 10 were referred to the Foujdaree Udalut.

39. In the Western Division there were 61 Cases, of which 10 were referred, and in the Northern Division 35 Cases of which 8 were referred to the Court of Foujdaree Udalut.

Of

18th October 1844.

Judges, satisfactorily.

Statements Nos 7 and 8.

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There

18th October 1844.

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37. The greatest number of cases was brought before the Court of Circuit in the Centre Division, viz. 127, of which 22 cases were referred to the Court of Foujdaree Udalut.

38. In the Southern Division the number of cases was 107; of which 10 were referred to the Foujdaree Udalut.

39. In the Western Division there were 61 Cases, of which 10 were referred, and in the Northern Division 35 Cases of which 8 were referred to the Court of Foujdaree Udalut.

Of

40. Of the 50 Trials referred to the Foujdaree Udalut, by the Circuit Courts, the Futwas delivered by their Law Officers, were concurred in by the Court of Circuit in 36 Trials; but the nature of the Offences made the Trials of necessity referrible, and 14 Cases were referred because the Courts of Circuit did not approve of the Futwas of their Law Officers.-

Foujdaree Udalut Statement No. 9.

41. Statement No. 9 exhibits the operations of the Foujdaree Udalut during the 1st half of the year 1843.-

42. It shows that during the half year under observation there were received 46 Trials including 94 Prisoners; whereof 24 were trials for Murder, 5 Cases of Robbery and Murder, 3 Cases of Gang Robbery attended with aggravating circumstances, 2 Cases of Gang Robbery without aggravating circumstances, 1 Case of Theft, 1 Case of Procuring abortion, 2 Cases of Frgery, 1 Case of Returning from Transportation, 4 Cases of maiming and wounding

wounding, 1 Case of Fraud, 1 Case of Treason and Rebellion, and 1 Case of misprison of Felony.-

43. Of the 46 Trials, 43 were dis=posed of within the half year under review, leaving 3 undisposed of at the close of the Report.-

44. Of the 43 Cases containing 79 prisoners in which the Court of Foujdaree Udalut proceeded to Judgment.-

8. prisoners were released unconditionally
1 was ordered to be released on security
68. were convicted and sentenced to punishment. Of whom 2 were considered not convicted by the Judge of Circuit.-
1 was insane.-
1. Died.
79

45. Of the 68 prisoners convicted

13. were sentenced to suffer death.-
10. Transported without flogging.
7. Flogged and imprisoned for more than 7 and not more than 14 Years.-
8. Imprisoned for more than 7 and not more than 14 Years without flogging.-
4. Flogged and imprisoned for 7 Years and under.-
26. Imprisoned for 7 Years and under without flogging.-
68

46. In conformity to the instructions contained

contained in the 22d " Para of the Extract from the Minutes of Consultation under date the 8th " August 1834- the Judges beg leave to explain that out of the 13 Cases referred to the Foujdaree Udalut because the presiding Judge disapproved of the Futwah of the Law Officer, the decision of the Judge of Circuit was affirmed by the Foujdaree Udalut in 9 Cases.-

47. The subjoined Statement exhibits the information required by the Honorable the Court of Directors in the 41st " Para of their General letter under date the 20th " March 1833. as to the "number of sentences passed "by each Judge of the Foujdaree Udalut "whether sitting singly or whether more "than one Judge be present."

	Singly	Conjointly	attached to the Court.
H. Dickinson Esqre 1st Judge	1	11	from 1st January to 19th March 1843
M. Lewin Esqre 3d and Actg 1st 2d Judge	2	27	During the whole period.
A. Maclean Esqre Acting 2d " Judge	2	13	from 23d March to 30th June 1843-
F. M. Lewin Esqre Acting 3d " Judge	4	25	During the whole period

A.

48. A Statement is also appended exhibiting the number of referrible trials which have actually been referred to the Foujdaree Udalut within the period under review, and shewing what has been the average number of days delay in the disposal of those trials, as required by the 33d " para of the General letter from the Honorable the Court of Directors dated 20th " of March 1833.-

49. With reference to the instructions contained in Para 8 of the General letter from the Honorable the Court of Directors dated 19th " February 1840, the Judges beg to submit two statements marked A and B shewing the extent to which the Magistrates have themselves discharged their Police duties and how far it has been delegated by them to their Assistants, and in accordance with the Honorable Courts further instructions conveyed in Para 1 of their letter dated 30th " December 1842,

the

18th October 1844.

the Judges beg also to forward the Statement marked C shewing the extent and degree of supervision and controul exercised by the Magistrates over the Proceedings of their Assistants.-

50. Accompanying the Statements submitted for the consideration of Government will be found statements in abstract exhibiting the state of crime, during the 1st half of 1843, in the separate tracts of the Vizagapatam and Ganjam Districts placed under the jurisdiction of the Government Agents.-

Ordered, that Extract from these Proceedings together with copies in triplicate of all statements connected therewith be forwarded to the Secretary to Government, for the purpose of being laid before the Most Noble the Governor in Council.-

(Sent in No. 2366)

Read

F. Vc

18th October 1844

Read Report dated the 10th Instant, from the Acting Session Judge of Trichinopoly of casualties and Prisoners released in the Zillah of Trichinopoly, for the month of September 1844.-

(Here enter F. Vc. No. 2808 of 1844)

Read return dated the 12th Instant, from the Subordinate Criminal Judge of Bellary, to the Precept of the Foujdaree Adalut under date the 5th Idem, directing copies of cases Nos. 104 and 107 of the Report No. V of 1844, to be sent to the Magistrate, in order that he may give some explanation of the delay in the transmission of the above cases requiring the charge in case No. 105 to be amended, and directing that the Pundit Sudr Ameen's attention may be called to Circular Order No. 139. together with some observations relating to the framing of the future Criminal Reports.-

(Here enter F. Vc. No. 2810 of 1844)

Read return dated the 9th Instant, from the Sessions Judge of Mangalore, to the Precept of the Foujdaree Adalut

18th October 1844

Udalut of the 4th Idem, sanctioning the mi-
-tigated punishment recommended by him
in Case No. 42 of 1844 on the Calendar.-

(Here enter F. C. No. 2811 of 1844)

Read letter dated the 8th Instant
from the Session Judge of Tellicherry, trans-
-mitting translation of a Futwa in Case
No. 15 of 1844 on the file of the Session Court
of Tellicherry, also copy of a sentence ap-
-pended thereto, and reasons for passing the
same.-

(Here enter F. C. No. 2812 of 1844)

Read return dated the 12th
Instant, from the Principal Sudr Ameen
of Trichinopoly, to the Precept of the Fouzda-
-ree Udalut under date the 2d Idem, for-
-warding certain orders in regard of the
Criminal Reports for August 1844.-

(Here enter F. C. No. 2813 of 1844)

Read letter dated the 10th Instant
from the Acting Magistrate of Rajahmundry,
reporting that the powers vested in the Ma-
-gistracy by Section LIV Act VII of 1843, have not
been exercised in September 1844.-

(Here enter F. C. No. 2815 of 1844)

Read

18th October 1844

Read letter dated the 9th Instant,
from the Acting Magistrate of Canara, in-
-timating that no cases were disposed of
under Section LIV Act VII of 1843, in the month
of September 1844.-

(Here enter F. C. No. 2816 of 1844)

Read report dated the 12th In-
-stant, from the Acting Magistrate of Cud-
-dapah, of cases tried by the Magistracy
under the provisions of Section LIV Act VII of
1843, during the month of September 1844.-

(Here enter F. C. No. 2817 of 1844)

Read Calendar in cases Nos.
29. 30. 31. 32 and 33 of 1844, submitted by
the Session Judge of Cuddalore under date
the 12th Instant.-

(Here enter F. C. No. 2822 of 1844)

Read report dated the 14th
Instant, from the Sessions Judge of Cuddala-
-lore, of casualties and of Prisoners released
in the Zillah of Cuddalore, during the
month of September 1844.-

(Here enter F. C. No. 2823 of 1844)

Read return dated the
14th

regarding the death of the woman, and re-leased the prosecutor his wife and son.

4. The Session Judge convicted the prisoners, and under the provisions of Section III Regulation III of 1819 and Clause Seventh Section II Regulation XV of 1803 sen-tenced the 1st prisoner to 5 years and the 2d Prisoner to 1 years imprisonment with hard labor in irons.

5. The Court of Foujdarry Adalut seeing reason to question the propriety of the punishment in this case, resolve to direct the Session Judge to transmit to the Foujdarry Adalut an English translation of the record of the trial, and in the mean-time to suspend the sentence passed on the prisoners.

Ordered that Extract from these Proceedings be sent to the Session Judge of Nellore for his information by precept returnable in XXI days from and after its receipt.

(Sent following precept No 2386)

Read.

Read return dated the 7th October 1844. from the Session Judge of Com-bacconum to the precept of the Foujdarry Adalut of the 26th September conveying their remarks and orders on the Calendar in Case No 48 of 1844 on the Combaconum Calendar.

(Here enter F.H. No 2745.)

1. The Session Judge having in the Calendar declared the prisoners in this Case, to be "old offenders," and on the ground of "the 1st being a more hardened offen-der than the 2d Prisoner," thought it necessary to add corporal punishment to the sentence on the 1st.-

2. The Court of Foujdarry Adalut in the proceedings referring to the note of the Subordinate Judge specifying the former delinquencies of the prisoners, observed in the 3d para that a mere demand of security from a prisoner on a former occasion does not con-stitute an old offender, and it does not appear from the note appended to the Proceedings of the Subordinate Judge, that the 1st Prisoner is the hardened offender he is represented to be.-

Adverting

19th October 1846.

3. Adverting to this para, the Session Judge observes that he is not dependant on the Subordinate Judge for information as to the character and conduct of Prisoners committed for trial before him, but reserves to himself the privilege of judging for himself from the proceedings and records and examination of the case before him, and the 2d Prisoner being "a hardened offender" to all intents and purposes, the Session Judge has styled him so, and has not misrepresented the Case, as the remarks of the Foujdaree Udalut would seem to suppose.

4. As the Calendars are prepared for the information of the Foujdaree Udalut they should contain information of the grounds of the enhancement of punishment as well as of the conviction and sentence of the prisoners.

5. In this case the Calendar does not in any way support the assertion of the Session Judge, that the prisoners are hardened offenders, nor does it show the previous conviction on which he grounds his opinion that they are old offenders.

The

F. D.

19th October 1845.

6. The Session Judge will now be pleased to explain these grounds as well as those on which he has asserted that the 1st prisoner is a more hardened offender than the 2d prisoner.

Ordered, that Extract from these proceedings be sent to the Session Judge of Combaconum for his information by 1st precept returnable in X days from and after its receipt.

(Sent following precept No 2367

Read letter dated the 30th September 1844 by the Acting Agent to the Governor of Fort Saint George in the Ganjam District, submitting a summary of the evidence against a prisoner charged with house-breaking attended with aggravating circumstances, and communicating his opinion as to the punishment to be passed on the prisoner.

(Here enter F.D. No 2733.)

1. The Court of Foujdaree Udalut having maturely considered the summary

of

of the evidence taken before the Acting Agent, the statement of the grounds for the conviction, and the Acting Agent's opinion as to the punishment to be passed on the prisoner, resolve, to confirm the sentence of 7 years imprisonment with hard labor on the prisoner

"Samuntee Purshottum."

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

(Sent in No 2368)

Read Criminal Reports dated the 8th Instant submitted by the Session Judge of Guntoor for the Month of September 1844.

(Here enter F. U. No 2751.)

Read Report dated the 2d Instant from the Acting Session Judge of Nonore of Criminal Cases disposed of by the Sudr Ameen of Sirsy during the Month of September 1844.

(Here enter F. U. No 2755.)

Read

Read Criminal Reports dated the 2d Instant submitted by the Principal Sudr Ameen of Itchapore for the month of September last.

(Here enter F. U. No 2756.)

Read Calendar dated the 3d Instant submitted by the Acting Session Judge of Honore, of Case No 21 of 1844.

(Here enter F. U. No 2757.)

Read Calendar dated the 3d Instant submitted by the Session Judge of Chittoor of Case No 34 of 1844.

(Here enter F. U. No 2758.)

Read Return dated the 10th Instant from the Session Judge of Chittoor to the Precept of the Foujdaree Udalut under date the 28th September 1844, authorizing the Session Judge to order security to be taken from the 1st Prisoner in Case No 106, and the 1st, 2d, 3d and 5th Prisoners in Case No 115 of 1844 on the Chittoor Criminal Reports for July.

(Here enter F. U. No 2759.)

Read Supplemental return dated the 8th Instant from the Acting

Subordinate

19th. October 1844.

Subordinate Judge of Salem to the Precept of the Foujdaree Adalut dated the 30th. September 1844, containing their observations on the Criminal reports for August 1844.

(Here enter F. A. No. 2761.)

Read letter dated the 9th. Instant from the Magistrate of South Arcot, reporting the non-transmission of the Report under Section XIV Act VII of 1843. for the month of September 1844.

(Here enter F. A. No. 2765.)

Read Calendar dated the 2d. Instant submitted by the Session Judge of Chittoor of Cases Nos. 32 and 33 of 1844.

(Here enter F. A. No. 2772.)

Read Calendars dated the 8th. Instant submitted by the Session Judge of Bellary in committed Cases Nos. 36 and 37 of 1844.

(Here enter F. A. Nos. 2773 and 2774.)

F. A.

Monday 21st. October 1844

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre. 1st.
Malcolm Lewin Esqre. A. 2d.
Alexr. Maclean Esqre. A. 3d.
} Puisne Judges

Read letter dated 30th. August 1844 from the Magistrate of Bellary forwarding the explanation called for in this Courts proceedings of the 2d August last, relative to cases Nos. 70 and 71 on the Bellary Criminal Reports for June and certifying that the required order have been issued in case No. 73.

(Here Enter F. A. No. 2366)

1 In review of the Bellary Criminal Reports for the Month of June the Court of Foujdaree Adalut noticed in case No. 70 the remark of the Subordinate Judge that "there is nothing "whatever against the 2d. Prisoner" and they desired that this circumstance be communicated to the Magistrate

2 With his letter the Magistrate forwards a copy of a communication received from the Joint Magistrate of Bellary

Bellary explaining the grounds on which
the 2d Prisoner in case No. 70 was sent
up to the Court by the Police Officer
and representing that if those grounds
had been stated the necessity of the
reference to the Magistrate by the
Fonjdaree Adalut would have been obviated.

3 Adverting to the Grounds
of the transmission of the case to the
Subordinate Court stated in the Joint Magis-
trate's letter the Court of Fonjdaree
Adalut resolve to direct that a copy of
of Mr Pelly's letter be forwarded to the
Subordinate Judge and that he be
called on to explain his remarks
that "there is nothing whatsoever
"against the 2d Prisoner."

Ordered that Extract from
these Proceedings be sent to the Subordinate
Judge of Bellary for his information
by precept returnable in 3 days from
and after its receipt.

(Sent following precept No. 2373)

Read Return and supplemental
Return dated the 13th and 14th February from the
Session Judge of Tinnevelly to the precept
of the Fonjdaree Adalut of the 3d inst.

directing

directing him to look into and pass the
necessary orders in cases Nos. 70 and 26 on
the Tinnevelly Criminal Reports for
the Months of December 1843.

(Here Enter Pl. No. 4654688)

1 With reference to case No. 26
the Court observe from the Sessions
Judge's return of the 14th February 1844
that he is aware that the proceedings
of the Principal Sudr Ameen in dismiss-
the charge, on a mere perusal of the Joint
Magistrate's proceedings without hold-
ing any personal examination is not
illegal.

2 The proceedings would however
appear to be improper in itself and to
indicate an absence of proper respect
for the proceedings of the European Magis-
trate and as the Sessions Judge has
expressed an opinion that the case
requires further investigation and the
ends of justice demand that so grave an
offence as that charged against the Prisoners
should not be lightly treated.

3 The Court of Fonjdaree Adalut resolve
to authorize the Sessions Judge to order
the case to be reserved and fully re-exam-

by

by the Principal Sudr Ameen who shall
then proceed to dispose of it on its merits
reporting the result to the Foujdaree
Adalut.

Ordered that Extract from
these proceedings be sent to the Sessions
Judge of Tinnevelly for his information by
precept returnable in 15 days from
and after its receipt.-

/sent following precept. No 2374/

Read return dated 23d May
1844 from the Acting Sessions Judge of Honore to the
precept of the Foujdaree Adalut of the 15th May
1844 conveying their remarks and orders
on case No 6 of 1844 on the Honore Calen
=dar.-

/Here Enter Ft K No 1336/

The Sessions Judge according
to the 3d para of this Courts proceedings
of 15th May wherein the opinion was
expressed that "the case had been improperly
"decided by the Sessions Judge" explains
that "as there were some discrepancies
"in the testimony of the Prosecutor and
"Witness when examined in Court as to
"the degree of ill treatment inflicted on the
deceased he placed the 1st Prisoner under a
requisition

requisition of security for a period of
three years in order that there might be
no bar to his being again brought to
trial for murder should further evidence
sufficient for conviction be forthcoming"

2 "In conclusion the Acting
"Sessions Judge begs to be informed whether
"he is now precluded from punishing
"the 1st Prisoner (who has tendered security)
"for the Assault, as the precept does
"not appear to him to convey any
"definite order on that point"

3 The Court of Foujdaree Adalut
would point the Sessions Judge's at=
=tention to Circular Order 20th July
1829 from which it will be seen that
as the prisoner has been put on his
trial and acquitted he cannot be tried
again. The proper course to have been
adopted in this case is clearly laid
down in the Circular Order above
quoted and to it the Sessions Judge
is required in future to conform.

Ordered that Extract from
these Proceedings be sent to the
Acting Sessions Judge of Honore
for his information.-

/sent in No 2375/

Read

Read Calendar No 10 of 1844
forwarded by the Acting Sessions Judge
of Rajahmundry under date the 3d Instant

(Here Enter FR No 2719)

The Prisoner in this Case
is charged with having burglariously stolen
from the Prosecutor's house jewels and other
property to the value of Rupees 165-4-0
The Law Officer in his Futwa finds him
guilty of receiving goods knowing them to have
been stolen and declares him liable to
0 Rs 0 an 4- The Acting Sessions Judge
concurs in the above finding and sentences
him to six years' imprisonment with hard
labor in irons in banishment to such places
as the Court of Foujdaree Udalut may direct

2 The Court of Foujdaree Udalut
direct that the Acting Sessions Judge
be called upon to state the circumstance
which renders the prisoner liable
to a more heavy punishment than
2 years' imprisonment-

3 It is observed by the Court of Foujdaree Udalut
that the prisoners has been tried on one
indictment and found guilty of another
offence- The Acting Sessions Judge is required
to explain why he did not put the Prisoner on
his trial as a receiver of stolen property- the
sentence

sentence meanwhile to be suspended-

Ordered that copy of these
proceedings be forwarded to the Acting Sessions
Judge of Rajahmundry for his information
and guidance-

(Sentence No 2370)

Read Supplemental Criminal
Report dated 24th Ultimo submitted by the
Sessions Judge of Guntoor for the Months
of August 1844

(Here Enter FR No 2608 of 1844)

Read return dated 20th Ultimo from the Sessions Judge of Trichinopoly to the Precept of the Foujdaree Udalut under date the 10th inst directing the Acting Sessions Judge to explain the grounds upon which he considered the Prisoner convicted of trespass, and left unnoticed the charge brought against him of having robbed the Prosecutrix of her property, in the Calendar of Cases No 15 of 1844 on the file of the Sessions Court-

(Here Enter FR No 2611 of 1844)

Read report dated the 21st Ultimo from the Magistrate of Salem of cases tried by the Magistracy of Salem under the provisions of Section XIV Act

October 1844.

Act VII of 1843 during the Month of August 1844.-

(Here Enter F.H. No 2612 of 1844)

Read return dated 24th Ultimo from the Magistrate of Masulipatam to the precept of the Foujdaree Udalut dated 20th idem directing him to state the Regulation under which the offence committed by the Suit Peon therein alluded to was taken cognizance of

(Here Enter F.H. No 2621 of 1844)

Read Calendar dated 26th September 1844 Submitted by the Session Judge of Combaconum of Cases Nos 54 & 55 of 1844.

(Here Enter F.H. No 2624 of 1844)

Read Calendar dated 23 September 1844 submitted by the Session Judge of Chittoor of Case No 30 of 1844.

(Here Enter F.H. No 2628 of 1844)

Read Calendar dated 28th Ultimo submitted by the Session Judge of Chingleput of a prisoner sentenced by the Sessions Court under Clause 2nd Section V Regulation VII of 1822.-

(Here Enter F.H. No 2631 of 1844.) 15

F. H.

Tuesday.
22nd October 1844. At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqr. 1st Puisne Judge,
Malcolm Lewin Esqr. Ag 2d Puisne Judge,
Alex. Maclean Esqr. Ag 3d Puisne Judge,

Read letter dated 9th instant from the Sessions Judge of Tellicherry, submitting for the final sentence of the Court of Foujdaree Udalut the proceedings in Case No 11 of 1844.

(Here enter F.H. No 2843.)

Mr Dickinson and Mr Maclean. The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the prisoner,

'Podoowan Chator,'

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

time

time and place of execution.

The Court resolve to intimate to the Session Judge that if he deemed the opinion of the Assistant Surgeon to be necessary he should have caused that Officer to appear before him, and have examined him on oath.

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

(Sent following letter No 3379)

Read Calendar in Case No 82 of 1844 submitted by the Session Judge of Cuddapah under date the 10th instant.

(Here enter F.M. No 2781.)

1. The Prisoner in this case is charged with having on the night of the 13th July last, entered the Prosecutor's house by breaking through the wall of it, and with having stolen therefrom jewels and other property to the value of Rupees 1816-3-.

2. The Futwah of the Law Officer acquitted the Prisoner on the ground of insufficiency of evidence.

The

3. The Session Judge concurred in the above finding, but required the Prisoner to furnish 2 sureties in the sum of Rupees 50 each for his good behaviour and appearance during 3 years.

4. The Court of Foujdaree Adalut do not think that there are grounds for the demand of Security, and accordingly resolve to direct that the Prisoner be unconditionally released.

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

(Sent in No 2380)

Read Criminal Reports for the month of September 1844, submitted by the Session Judge of Chicacole under date the 5th Instant.

(Here enter F.M. No 2754.)

Case No 9.

1. The Court of Foujdaree Adalut observe, that the indictment in this case would have been more clearly and satisfactorily drawn up, had the graver crime with

which

which the 3d Prisoner stands charged been first specified in the column "Abstract of the Crime," and had the minor offences committed by the 1st and 2d Prisoners been subsequently entered therein.

2. Under the present form, it does not appear in what manner the property stated to have been received by the 1st Prisoner, had been stolen. This should have been stated in order that the Court of Foujdarry Udalut might be enabled to judge rightly of the extent of punishment to which the said Prisoner was liable.-

3. The Foujdarry Udalut remark that it is stated in the report on this case that "the evidence given by the 8th Witness "for the Prosecution cannot establish the state"ment of the 1st Prisoner, he (Witness) being a "boy, and his evidence being by itself, and "not supported by another."

4. The Court desire that the Moofty Sudr Ameen be instructed that one witness, if good, is enough, and that the evidence of the Witness above referred to, being that

that of a boy and single, is no argument against it.-

5. From the explanation submitted in this case the Court are unable to discover the grounds upon which the guilt of the 1st and 2d Prisoners has been founded.

6. This is the only Criminal case that has been disposed of during the month, and ought to have been more carefully looked into.

7. From the statement appended to these Reports, it appears that 23 Jail Prons were employed at Tehicacole during the month of September 1846: as only 87 Prisoners were worked outside the Jail, and the authorized guard for this number of Convicts is only 21 Prons, the Session Judge is required to explain the reason of 2 Prons being employed in excess of the prescribed complement.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Tehicacole for his information and guidance by precept returnable in 3 days from and after its receipt.

(Sent following Precept No 2381)
Read.

Read the Criminal Reports submitted by the Principal Sudr Ameen of Chingleput for the month of September 1846.

(Here enter F.M. No 2777.)

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

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

(Sent in No 3382)

Read return dated 3d September 1846 from the Magistrate of South Arcot to the precept of the Foujdarry Udalut of the 29th August last requiring such explanations as he may deem necessary regarding the statements of the Acting Session Judge in the appointment of Mr Egan.

(Here enter F.M. No 2383.)

1. The Court of Foujdarry Udalut consider the explanations afforded in the foregoing return satisfactory, and they see no necessity for disturbing the appointment of

of Mr Egan to the situation of Jailor at Markanam. They trust that the degradation from the office of Jailor at Cuddalore will prove a sufficient punishment for the offence committed by Mr Egan and be the means of ensuring future good conduct on his part.

2. The Court do not consider that any advantage would be derived from noticing the other subjects alluded to in this return.

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

(Sent in No 3383)

Read again Calendar of Cases No 2 on the file of the Session Court at Calicut.

(Here enter No 292 of 1846.)

Read also again Miscellaneous Petition presented on the 22d April last by T. Appiah Vakeel on behalf of F.D'Aranjo a prisoner in the Zillah Jail of Calicut.

(Here enter Miscellaneous Petition No 49 of 1846.)

Read

22d October 1846.

Read also return dated the 16th May last from the Sessions Judge of Calicut to the Precept of this Court dated the 6th May last communicating the orders of the Court on the Petition of F. D'Aranjo a prisoner in the Zillah of Calicut.

(Herewith enter No 1282.)

Read also letters dated the 7th August last and 7th Ultimo from the Acting Subordinate Judge of Mangalore forwarding Petitions preferred by one of the two Convicts lately transferred from Calicut to the Jail of Mangalore.-

(Herewith enter Nos 2122 and 2461.)

Read also the Translated proceedings held by the Sessions Judge of Calicut in Case No 2 of 1846 and submitted by that Officer on the 6th Ultimo.-

(Herewith enter No 2440.)

In the case above referred to, the 2d Prisoner was charged with house breaking and theft of property valued at Rupees 95-13-7- the 1st Prisoner with aiding and abetting and receiving part of the stolen property.

On

3.

F. C.

22d October 1846.

2. On a deliberate consideration of all the circumstances of this case in evidence before them, the Court of Foujdaree Udalut see no grounds whatever for doubting the justice of the conviction or for mitigating the punishment awarded to the Prisoners.

1st Francis D'Aranjo.

and

2d Thomas Desurier.

by the Sessions Judge of Calicut, and they direct that the whole sentence be left in force.

Ordered that the above Petition be rejected, and that copy of these Proceedings be forwarded to the Sessions Judge of Calicut for his information and guidance.-

(Sent in No 2384)

Read again Miscellaneous Petition presented on the 19th August, 1846, by Ammanee Ummall of Chittoor.

(Herewith enter Miscellaneous Petition No 109 of 1846)

Read return dated the 3d October 1846 from the Magistrate of North Arcot to the precept of the Foujdaree Adalut under

date

date the 2d September 1846, directing the Magistrate to forward any order which may have been passed by him on the Miscellaneous Petition of the 19th August 1846 presented by Annamalai Ammall of Tchittoor.

(Here enter No 2690.)

1. From the above return the Court of Foujdarry Adalut observe, that the Petitioner's case has been duly considered and disposed of by the local tribunals, and that nothing further is required.

2. They accordingly direct that the above petition be dismissed.

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

Read Miscellaneous Petition presented by Sutchmoo Ummall on behalf of the 6th Prisoner in case No 38 on the Calendar of the Sessions Court at Combaconum.

(Here enter Miscellaneous Petition No 113 of 1846.)

The trial in the above case having been referred for the final sentence of

of the Foujdarry Adalut who have directed the release of the 6th Prisoner Ramasawmy Naick on security, no order seems now to be called for on the above address, which accordingly is rejected.

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

Read Miscellaneous Petition presented on the 17th September 1846 by Krishnasawmy Pandayatchee the younger brother to Ramasawmy Pandayatchee now a Prisoner in the Jail at Combaconum.

(Here enter M. P. No 119 of 1846.)

1. The object of the above address is to procure the issue of orders directing the release of Ramasawmy Pandayatchee 6th Prisoner in No 26 on the Calendar of the Session Court of Combaconum for 1846.

2. Before bringing the Petitioner's request under consideration for final disposal, the Court of Foujdarry Adalut resolve to direct that it be transmitted to the Session Judge of Combaconum with instructions.

as

22d October 1844.

as the Foujdarry Udalut have only the Calendar of the Case now before them, to report on the several allegations which the Petition contains.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Combaconum for his information by precept returnable in XV days from and after its reciept.-

(Sent following precept No 3385)

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

Read Miscellaneous Petition presented on the 15th January 1844, by Moonam Rajah of Calicut.

(Here enter M.P. No 10 of 1844.)

1. The Petitioner appeals against the proceedings of the Sessions Court of Calicut dated 16th November 1843 approving an order of the Magistrate of Malabar directing the transfer to the Tahsildar of Vallovanaad of an Elephant which had fallen into a pitfall made by Petitioner himself on his own ground property.

The Petitioner further complains of the Magistrate having rejected his prayer to allow the Elephant to remain in his possession on good and sufficient security being furnished by him, or that it should be made over to the Talook Authority thro' his Karyasten Oonny Numby, so as to give him an opportunity of recovering any loss he might sustain in consequence of the transfer.

2. It appears to the Court of Foujdarry Udalut, that the order of the Magistrate of Malabar, and that of the Court of Sessions confirming it, were perfectly right.

3. The fact asserted by the Petitioner, that he did not know of the Magistrate's order to make over the Elephant in deposit to certain persons, were if true, is no reason why he should not obey that order when he did come to know of it.

4. The objection as to the right to the Elephant is frivolous; the circumstance of the Elephant being made over direct by the Petitioner, instead of thro' Oonny Numby would

22d October 1844.

as the Foujdarry Udalut have only the Calendar of the Case now before them, to report on the several allegations which the Petition contains.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Combaconum for his information by precept returnable in XV days from and after its receipt.-

(Sent following precept No 2385)

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

Read Miscellaneous Petition presented on the 15th January 1844, by Moonum Rajah of Calicut.

(Here enter M. P. No 10 of 1844.)

1. The Petitioner appeals against the proceedings of the Sessions Court of Calicut dated 16th November 1843 approving an order of the Magistrate of Malabar directing the transfer to the Tahsildar of Vallovanaad of an Elephant which had fallen into a pitfall made by Petitioner himself on his own garden property.

property. The Petitioner further complains of the Magistrate having rejected his prayer to allow the Elephant to remain in his possession on good and sufficient security being furnished by him, or that it should be made over to the Talook Authority thro' his Karyasten Oonny Numby, so as to give him an opportunity of recovering any loss he might sustain in consequence of the transfer.

2. It appears to the Court of Foujdarry Udalut, that the order of the Magistrate of Malabar, and that of the Court of Sessions confirming it, were perfectly right.

3. The fact asserted by the Petitioner, that he did not know of the Magistrate's order to make over the Elephant in deposit to certain persons, were if true, is no reason why he should not obey that order when he did come to know of it.

4. The objection as to the risk to the Elephant is frivolous; the circumstance of the Elephant being made over direct by the Petitioner, instead of thro' Oonny Numby would

would make no difference in any suit brought by Petitioner against the latter.

5. The insinuations against the Magistrate of Malabar are highly reprehensible

6 The order appealed from is confirmed and this Petition is rejected.-

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

Read again Miscellaneous Petition presented on the 15th July 1844, by Audy Lutchmy the sister of Appavoo Moodelly prisoner in Case No. 6 of 1844, on the file of the Session Court of Madura complaining of the conviction and sentence passed on her brother, and praying for his release.-

(Here enter M. P. No. 87 of 1844.)

Read also return dated 23d September 1844, from the Session Judge of Madura to the precept of the Foujdaree Udalut of the 26th August 1844, directing him with reference to the foregoing Petition to forward to this Court an English translation

translation of the record of the trial in Case No. 6 of 1844, and to explain the nature of the contradictions made by the Petitioner's Brother, and the points on which they were material to the issue of the trial.

(Here enter F. H. No. 2640.)

1. It appears that in an investigation held before the Joint Magistrate of Madura regarding an Arzee alleged to have been written by or in the name of the Zemindar of Verroopatchy to the Principal Collector, in which it was denied that he voluntarily preferred a complaint of Bribery against the Tahsildar Shama Row, the prisoner on solemn affirmation declared that the said Zemindar came to his house at Dindigul on the 7th and left it on the 13th December 1843 and that subsequently (in the examination of the Criminal Case No. 14 of 1844 wherein 4 prisoners (including the late Tahsildar Shama Row) were charged with having forged the said Arzee with a view to obtain the acquittal of the Tahsildar of the charge of Bribery) he deposed

22d October 1844.

deposed on solemn affirmation "that the said Zemindar remained in his house from the 5th to 23d December 1843." On these discrepancies he was committed for perjury in Case No 6 of 1844.

2. The Sessions Judge explains that as the said Urzee was stated to have been written in Dindigul on the 17th December 1843 (altho' dated the 27th) it was of course material to the issue of the said Case to shew whether the Zemindar was or was not present there on that date. The charge of Forgery was in fact mainly grounded upon evidence to his having left Dindigul on the 13th December, but, as stated in the remarks in the Calendar, that evidence was not satisfactory, and there was at least as good evidence on the part of the defence to prove that the Zemindar did not leave Dindigul till the 23d. The Sessions Judge was indeed inclined to give credit to the latter evidence and upon the whole to suspect that the

F No.

22d October 1844

the Zemindar did write or cause to be written the urzee in question.-

3. As however, the two Contradictory depositions were proved in the usual manner by Witnesses, to have been given by the prisoner before the said authorities respectively, and the Sessions Judge could not suppose that any such illegal proceeding as that mentioned by the Petitioner could have taken place in the Joint Magistrates Cutcherry - he (the prisoner) was convicted and sentenced accordingly.-

4. It appears to the Foujdaree Adalut that the refusal of the Sessions Court to examine the evidence for the defence is a most extraordinary proceeding, of itself sufficient to vitiate the conviction of the prisoner and entitle him to his release. But independent of this glaring defect the Court consider that on the merits of the case the prisoner is entitled to his acquittal. The

perjury

perjury charged in this Case rests on a date, it is not at all clear to the Court that the prisoner ever intended to commit a perjury on the contrary there seems ground to suspect that he did not do so.-

5. Under these circumstances the Court of Fouzdaree Udalut resolve to direct that the prisoner.

"Appavoo Moodelly"

be immediately released.-

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

(Sent following precept No. 2384)

Ordered also that copy of these proceedings be granted to the Petitioner on her application.- S

End W.H.

WDL
hg

Thursday
23rd October 1844

F.U.

At a Court of the Fouzdaree Udalut

Present

M: Dickinson Esqr 1st Puisne Judge
M: Lewin Esqr Acting 2d Puisne Judge
A: Maclean Esqr Acting 3d Puisne Judge

Read Report required by Section XXXVII Regulation VII of 1802 submitted by M.W.A.D. Duglis Acting Session Judge of Cuddapah

(Vide entry F.U. No. 528)

para 4 The Fouzdaree Udalut observe with satisfaction the testimony borne by the Acting Session Judge to the improvement which he considers perceptible in the manner of preparing cases transmitted to the Criminal Court and which Mr Duglis thinks may fairly be attributed to the pains taken by the late Acting Magistrate in looking minutely over the police proceedings in every case and noticing immediately every omission and neglect.-

Mr W. Abstract

Ordered that Extract from these proceedings together with the Copy of the above Report be sent to the Secretary to Government for submission to the Most Noble the Governor in Council.-

(Sent in No. 2387)

Ordered also that Extract from these

23rd October 1844. there proceedings be sent to the Acting Sessions Judge of Cuddapah for his information

(Sent in No. 2388)

Read Report dated 27th February last submitted by Mr. W. C. Ogilvie Sessions Judge of Bellary, under the provisions of Section XXXVII Regulation VII of 1802, for the year 1843, and Supplemental communication dated 15th ultimo last

(Here enter Nos. 588 & 1293 of 1844)

paras 5 & 7. 1. The remarks made by the Sessions Judge in these paras in respect of the present state of efficiency of the Police in the Bellary District, call for the special attention of the Magistrate to whom a transcript thereof should be forwarded. It is only by the unremitting attention of the Magistracy to the enforcement of the provisions of the Regulations and Circular Orders of this Court which apply to enquiries held before Police Officers that the irregularities can be prevented, to which Mr. Ogilvie has adverted.

para 6. 2. With particular reference to the objectionable practice which the Sessions Judge has animadverted on in para 6 of the above address viz. the arrest on suspicion of a number of individuals who are unauthorizedly detained by the Amildar for several days and of whom some are eventually compelled by the apprehending parties to confess

23rd October 1844. confess, is one which the Magistrate should expressly prohibit, as liable to the abuses resulting from the

vide C. C. No. 117. issue of blank warrants.

3. The Court observe also that no person lower than a Head of Police, of one vested with his powers, should receive a confession at all.

Copy of Sessions Court dated 27th December 1843 4. The order by the Sessions Judge directing the refund to the Petitioner Encampah of the fine which had been imposed on him by the Magistrate is approved by the Sudder Adalut.

5. The act of Encampa, if done before any of the Courts would be punishable under Section VII Regulation XIII of 1832, but the Magistrate is not mentioned in that Section; neither was it punishable under the provisions of Act XXX of 1841 as not having been committed in the presence of the Magistrate.

See also 2nd April 1844 para: 182. Return from Magr. dated 8th May 1844 No. 7. Sessions Court dated 11th May 1844

6. The subject discussed in the paper noted in the Margin having been disposed of by the Sudder Adalut in reply to the reference made by the Magistrate under date the 12th June last, the Judges deem it unnecessary here to enter on any further observations in respect of the obligation imposed on the Magistracy by Regulation VIII of 1832 to record those proceedings in all cases brought under their official cognizance but direct that a copy thereof be

23rd October 1844. be submitted for the information of Government.

7 The Envelope detailed inside the proceedings held by the Sessions Judge on the Calendar received from the Magistrate, to be cridetable to Mr. Ogilvie

Proceedings of April Court dated 22nd April 1844 para 7

8. The opinion expressed by him regarding the illegality of a demand of Security from a Prisoner by a Head of Police made under orders from the Magistracy is clearly correct. The Circular Order of this Court dated 25th February 1824 declares that no such demand can be legally enforced unless as the result of proceedings on oath.

9 The Court infer that the Sessions Judge has ascertained that the several fines of the imposition of which he has disapproved, were returned by the Magistrate to the parties from whom they were levied.

Ordered, that Extract of these proceedings together with the Copy of the above Report be sent to the Secretary to Government for submission to the Most Noble the Governor in Council.

(Sent in No. 2389)

Ordered also that Extract from these proceedings be sent to the Sessions Judge of Bellary for information and communication to the Magistrate of that District.

(Sent in No. 2390)

E:4:

23rd October 1844. Read Report dated 15th April 1844 submitted by the Sessions Judge of Chicacole, under the provisions of Section XXXVII Regulation VII of 1802. for the year 1843.

(Here enter E:4: No. 1024)

para 8. 1. The remark contained in this para: regarding the inability of the Sessions Judge to report on the state of the Jails at Ichapore and Vizagapatam in consequence of his not having visited them, induces the Court to suggest that the Sessions Judge of Chicacole for the time being, be required, in conformity with the rule sanctioned

Order of Govt No. 160 dated 15th December 1843 in respect of the Jail at Cotacamund, to proceed to those stations once every six months and they think that a similar rule might, with propriety, be made applicable to the Sessions Judge of Honore in regard to the Jail at Sirsy.

para 9 2. The Sessions Judge has omitted in this para: to specify whether the Sentences admitted to were recorded in the hand writing of the officers by whom they were passed, which information he will be pleased now to submit.

para 11 3. The Sessions Judge suggests that Principal Land Owners in cases committable to the Sessions Court, should not send up witnesses forwarded by the Heads of Police on whose examination before them Courts they find no information whatever

23

23rd October 1844. whatever can be got as to the charge in the Case which they have to commit".

6. The point noticed by Mr. Glass is one on which no new order from this Court appears to be necessary.

15th July 1830. 5. In the Circular Order noted in the Margin it is declared that "when on reference "to the examination before the lower Tribunal, a "witness is found entirely ignorant of the matter at "issue in the trial, the witness should not be "examined and the criminal Court should be "admonished of the impropriety of binding over such "a witness to appear before the Court of Circuit".

6. Therefore the witness Mr. Glass has refused as knowing "nothing of the case" should not have been transmitted with the Recovery to the Sessions Court by the Principal Sudr Ameen.

para 12. 7. The Court observe with reference to the remarks of the Sessions Judge on this para that the committing officer already has all the discretion that is requisite, under Section II Regulation II of 1822 which enactment appears to have escaped Mr. Glass' notice.

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

(Sent following Receipt No. 2391)

Ordered also, that Extract of these proceedings

23rd October 1844. proceedings together with the Copy of the above Report be sent to the Secretary to Government for submission to the Most Noble the Governor in Council.

(Sent in No. 2392)

Read Report dated 27th February last submitted by Mr. Monkhead, Sessions Judge of Chingleput, under the provisions of Section XXXVII Regulation VII of 1802, for the year 1843.

(Here enter No. 546)

para 2. 1. With reference to the brief experience of the new system which could be advanced as grounds for advocating any change in the preliminary steps of investigation before the Sessions Courts, the Sudder Adalut deem it at present inadvisable to revive any discussion regarding the propriety of retaining the committing Officer.

para 3. 2. The Orders of this Court, No. 159. recently circulated, appears calculated to remedy any evils resulting from the investigation held in committable cases by the committing authorities, beyond that contemplated in Section XXIX Act XII of 1843, and within which those adverted to in this para of the Sessions Judge's communication appear to fall.

para 4. 3. The substitution of the brief Statement

23rd October 1846

Statement generally submitted by Heads of Police with cases sent to the Criminal authorities would be no more nor less than an entire relinquishment of the usual Calendars which the Judges are not satisfied can conveniently be dispensed with.

Ordered that Extract of these proceedings together with copy of the above Report be sent to the Secretary to Government for submission to the Most Noble the Governor in Council

(Sent in No 2393)

Ordered also that Extract from these proceedings be sent to the Sessions Judge of Chingleput for his information and guidance.

(Sent in No 2394)

Read Report dated 22nd June last submitted by Mr L. Walker Sessions Judge of Nellore under the provisions of Section XXXVII Regulation VII of 1802 for the year 1843.

(Here enter No 1563)

1. The Sessions Judge deprecates the retention of the Calendar drawn up in the Court of the Committing Officer and submitted with the record of a Committed Case to the Sessions Court, on the ground of the delay which results from its preparation in English in the Office of the Principal Sudr Ameen and advocates

E.L.

23rd October 1846.

advocates the committal of Prisoners to the Sessions Court by the Police authorities direct.

2. The policy of retaining a Committing Office was sufficiently discussed previous to the introduction of the new judicial System, and that part of Mr Walker's report is therefore not considered now to require any remark by the Superior Adalut.

3. In regard to the preparation of a Calendar it is observed that the Government have expressed the opinion that as there is a Committing Officer there must be a Calendar, and the Court are not satisfied that the difficulty and delay on which the Sessions Judge has enlarged, are generally experienced, at all events not to the extent of now rendering it advisable to discontinue to the Sessions Judges the aid which they may derive from a Calendar drawn out in a concise and intelligent form.

* Minutes of Consultation 17th June 1842 para 11.

4. Adverting to para 8 of Mr Walker's communication, the Judges deem it necessary to ascertain under what circumstances the case referred to was delayed for the period of one week in the Principal Sudr Ameen's Court when, as the Sessions Judge observes, one day would have sufficed for the translation of the Police proceedings.

The

23rd October 1846

5. The Session Judge will accordingly call upon the Principal Sudr Ameen for such explanation as he may have to offer, and lay it before the Court.

Ordered, that Extract of these proceedings be sent to the Session Judge of Nellore by Receipt returnable in X days from and after its receipt.

(Sent following receipt No. 2395)

Ordered also, that Extract of these proceedings together with the Copy of the above Report be sent to the Secretary to Government for submission to the Most Noble the Governor in Council.

(Sent in No. 2396)

Read again report dated the 24th February 1846 prescribed by Section XXXVII Regulation VII of 1802 for 1843, from Mr. G: L: Beauchamp the Acting Subordinate (late Acting Session Judge) of Combaconum.

(Here enter E.D. No. 568)

Read absentee dated 21st March last, from the late Acting Session Judge of Combaconum, to the precept of the Faujdaree Adalut of the 18th Instant, calling for further information on the above report

(Here enter No. 800)

The above papers not requiring any further remarks from the Court of Faujdaree Adalut.

Ordered, that Extract from these

23rd October 1846

Report from the Sessn Judge of Combaconum dated 27th February 1846.
Enj: Proceedings 18th ditto
Return from the late Actg Sessn Judge of Combaconum 21st Inst.

these Proceedings together with Copy of the correspondence noted in the Margin be forwarded to the Secretary to Government in the Judicial Department to be laid before the Most Noble the Governor in Council

(Sent in No. 2397)

Read Report prescribed by Section XXXVII Regulation VII of 1802 submitted by the Session Judge of Nellore for 1845.

(Here enter No. 798)

Proceedings Session Court of 12th March 1846 para 2.

1. On reference to the Calendars adverted to in this para the Court do not find any entry regarding the reduction of diet which would appear to have been ordered by the additional Joint Magistrate, in addition to the imprisonment awarded to the Prisoners concerned in the cases noted marginally.

No. 1822 para 3.

2. In this para the Acting Session Judge, in respect of certain Cases in which Prisoners were charged with smuggling salt, has observed that confinement with labor has been adjudged but that no mention is made of the fine imposed under Clause first Section IV Regulation V of 1831 and Act 17 of 1840.

3. A fine is imperative, under Section XVIII Regulation I of 1805 imprisonment is only in commutation of the fine.

para 4. 4. The Faujdaree Adalut approve the intimation conveyed to the Head Assistant Magistrate in regard to the amount of the fine

(50)

23rd October 1846. (50 Rs) imposed by that Officer on the Prisoner in Case No. 51 which they concur with the Acting Sessions Judge in considering to be "Excessive".

5. On the event of any return having been received from the Magistrate of Cannanore to the proceedings of the Session Court under observation, the Judges desire a copy thereof may be transmitted to this Court.

Ordered, That Extract of these proceedings together with Copy of the above Report be sent to the Secretary to Government for submission to the Most Noble the Governor in Council.

(Sent in No. 2398)

Ordered also, That Extract of these proceedings be sent to the Acting Sessions Judge of Tellicherry for his information and for communication to the Magistrate of Cannanore.

(Sent in No. 2399)

Read Supplemental and Criminal Report submitted by the Principal Sudr Ameen of Tellicherry for the Month of March 1846.

(Here enter E.C. No. 931)

Suppl. Report Case No. 13.

The Court of Enjadure Adalut do not understand from the observations made by the Principal Sudr Ameen in this case whether it was decided by him on a perusal of the record sent up with it, from the Head Police Officer of whether, in conformity with existing Regulations, an examination of the parties was held by him.

The

E.C.

23rd October 1846.

The Court direct that they may be furnished with information on the above points.

Ordered, That Extract of these proceedings be sent to the Principal Sudr Ameen of Tellicherry by precept returnable in V days from and after its receipt.

(Sent following precept No. 2400)

Read the Criminal Reports for the Month of September 1846, forwarded by the Principal Sudr Ameen of Guntoor under date the 10th instant.

(Here enter E.C. No. 2771)

Case No. 33. 1. The Court of Enjadure Adalut observe that the delay of 4 Months and 18 days in forwarding this Case to the Criminal Court for disposal is not justifiable - and they desire that the Session Judge of Guntoor be called upon to examine and report for their information, whether there were grounds for the many references which are stated to have been made in the Case.

2. The Court of Enjadure Adalut have been inconvenienced in their perusal of the reports under observation by the extremely illegible small writing of the copyist as well as by the palness of the ink used. The Principal Sudr Ameen is required to transmit future Reports in a more legible form.

Ordered, That Copy of these Proceedings (Para 1) and of Case No. 33 be forwarded to the Session Judge of Guntoor for his information and guidance by precept returnable in X days from and after its receipt.

(Sent following precept No. 2401)

23rd October 1846. Ordered also that Copy of these proceedings be forwarded to the Principal Sudr Ameen of Guntoor for his information and guidance

(Sent in N° 2402)

Read the Criminal Reports for the Month of September last forwarded by the Acting Principal Sudr Ameen of Coimbatore under date the 7th instant:-

(Here enter E.D. N° 2752)

Case N°90 1. The Court of Sujdance Udalut observe with regard to this case that the Moofty Sudr Ameen has omitted to specify in the indictment where the work box from which the Prosecutrix property was stolen was deposited. They direct that

Case N°95 information on this point be now submitted.

2. It is observed from the Report that the Prisoner in this case was detained 5 days in the Custody of the Prosecutor the Monigar of the Village in which the robbery was committed, before he was forwarded to the Taluk Cutcherry. It does not appear from the Calendar what notice has been taken of this unwarrantable conduct on the part of the Prosecutor by the Magistrate of Coimbatore to whom the circumstance of the delay was reported by the Tehnee Kaughery Tahsildar.

3. The Court of Sujdance Udalut therefore resolve to direct that a full explanation on this point be submitted for their information by the Magistrate of Coimbatore.

4. The Court of Sujdance Udalut further

23rd October 1846. further require to be informed by the Acting Principal Sudr Ameen whether the Prosecutrix claim to the property discovered in the possession of the Prisoner is supported by the evidence adduced in the Case.

Case N°96 5. The Court of Sujdance Udalut concur in the propriety of the remarks recorded by the Acting Principal Sudr Ameen in regard to the unnecessary transmission of this Case to the Criminal Court.

Ordered, that Copy of these Proceedings be forwarded to the Acting Principal Sudr Ameen of Coimbatore for his information and guidance by Precept returnable in V days

(Sent following precept N° 2403)

Ordered also that Copy of extract from paras 2-3-4-5 of these Proceedings be forwarded to the Magistrate of Coimbatore for his information and guidance by Precept returnable in V days from and after its receipt.

(Sent following Precept N° 2404)

Read the Criminal Reports for the Months of September 1846 forwarded by the Acting Subordinate Judge of Rajahmundry under date the 1st instant.

(Here enter E.D. N° 2753)

Case N°98 1. The Prisoners in this Case stood charged with having while armed broken open the Prosecutor's house and stolen therefrom property to the value of Rupees 287 7.

2. The Acting Subordinate Judge was of opinion that there was no evidence to shew the Prisoners guilty of the crime charged and he accordingly ordered their

23rd October 1846 - then release.

3 The Court of Sudder Adalut observe that as the Prisoners have been released, the property before the Court if not belonging to the Prosecutor should be restored to them and not deposited as stated with the Sazis.

Case No. 47. 4. The acting Magistrate will be pleased to submit for the information of the Court of Sudder Adalut, a full explanation of the delay of 13 days in the transmission of this case to the Criminal Court.

Case No. 49. 5. It is required also that an explanation of the delay of 4 days in this case be forwarded for the information of the Sudder Adalut.

Ordered, that Copy of these Proceedings be forwarded to the acting Subordinate Judge of Rajahmundry for his information and guidance and for the communication of paras 4. & 5. to the Acting Magistrate of Rajahmundry.

(Sent in No. 2405)

Read the Criminal Reports for the Month of September submitted by the Principal Sudr Ameen of Vizagapatam dated the 30th Ulto.

(Here enter E. R. No. 2790)

Suppl. Report. Case No. 25. 1. The Court of Sudder Adalut observe that the remark appended to the abstract Statement annexed to this Case is not called for the information afforded by it being given in its

E. R.

23rd October 1846 - its proper place.

Report No. V Case No. 32. 2. The Prisoner in this and in three preceding Cases is charged with having stolen property to a small amount from his master the Prosecutor. He is sentenced by the Principal Sudr Ameen to 1 years imprisonment with hard labor in irons.

3. The Court of Sudder Adalut are of opinion in consideration of the trifling nature of each of the Cases that the punishment awarded to the Prisoner is excessive, and they direct that it be reduced to 2 months imprisonment.

4 From the Statement appended to these Reports it appears that 32 Jail Peons were employed at Vizagapatam during the month of September 1846, as only 125 Prisoners were worked outside the Jail and the authorized Guard for this number of Convicts is only 30 Peons, the Principal Sudr Ameen is required to explain the reason of 2 Peons being employed in excess of the prescribed complement.

Ordered, that Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Vizagapatam for his information and guidance by precept returnable in V days from and after its receipt.

(Sent following precept No. 2406)

Read the Criminal Reports for the Month of September last from the Principal Sudr Ameen of Cocanada dated the 30th Ulto.

(Here enter E. R. No. 2820).

The

23rd October 1844

Report No. V

Case No. 32

1. The Prisoner in this case is charged with having at night entered the Prosecutors' house and stolen therefrom rice valued at 80 rds. He is found guilty and is also stated to be an old offender. He is sentenced to 2 years' imprisonment and to receive 150 lashes under Clause Fourth Section III Regulation 6 of 1822.

2. The Court of Zeijdarre Adalut observe that the Section quoted by the Principal Sudr Ameen applies only to simple theft and not to breaking; moreover the Prisoner should have been committed under Clause Second Section II of the Regulation quoted as a person of notoriously bad character.

Case No. 33.

3. In this case the Prisoner is charged with having at night stolen a goat from the Prosecutrix's house. He pleads guilty and on the ground of his being an unclaimably bad character, having once previously been brought before the Police on suspicion of theft, and on another occasion sentenced by the Deman of Cochin to receive Corporal punishment he is for the present offence sentenced to 12 months' imprisonment and to receive 50 lashes.

4. From the explanation submitted in the report on this Case the Court of Zeijdarre Adalut are not clear that the Prisoner should be treated as an old offender. They direct that the Principal Sudr Ameen be required to state for the information of the Zeijdarre Adalut what record there is of the punishment stated to have been awarded to the Prisoner by the Deman of Cochin

and

23rd October 1844

and that the Sentence of lashes be meanwhile suspended.

5. It is observed that the Principal Sudr Ameen of Cochin has twice been told that the way in which his reports are stitched together and copied is objectionable and inconvenient.

6. The Court of Zeijdarre Adalut direct that the accompanying specimen be sent to him* and that he be desired to follow it as a guide in drawing up his future statements.

* to be returned

Ordered that Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Cochin for his information and guidance by precept returnable in X days from and after its receipt

Sent following Precept No. 2407

Read letters dated the 10th and the 2d Instant respectively from the Acting Magistrate of Cuddapah submitting for the consideration and orders of the Court of Zeijdarre Adalut certain communications from the Acting Joint Magistrate of that district.

Have entered E.A. Nos. 2789 & 2830 of 1844

1. From the documents abovementioned it appears that a Murder took place or is supposed to have taken place on or about the 1st July last in the Cuddapah District, and that the Proceedings held in the case in the Subordinate Criminal Court were forwarded to the Acting Joint Magistrate with instructions that he should endeavour to elicit further evidence.

The

23rd October 1840.

2. The Acting Joint Magistrate states that he sees no prospect of bringing the crime home to the guilty except on the evidence of some of the accomplices - and he accordingly proposes that a free pardon be granted to any two of the accomplices who will afford evidence sufficient to convict the murderer or murderers - and further that a reward of Rupees 100 - be offered for the production of the body, or for such information as may lead to the discovery and punishment of certain parties who are said to have found and again concealed the body.

3. The Court of Enjudge Udalut observe that it is not yet certain that a Murder has been committed, and that the case is not sufficiently developed for the admission of two accomplices to a conditional pardon.

4. They further remark that no part of the Regulations authorizes the sanction of the reward proposed by the Acting Joint Magistrate. An offer of a reward for the discovery of a body said to have been murdered in July last and therefore not likely to be recognized now, would be not only absurd in itself but would be likely to produce false evidence, false accusation and injustice.

Ordered, that Copy of these Proceedings be forwarded to the Acting Magistrate of Cuddapah for his information and guidance.

(Sent in No. 2408)

E.U.

23rd October 1840.

Read the Criminal Reports for the Month of September 1840 forwarded by the Acting Subordinate Judge of Mangalore under date the 1st instant

(Vide entry E.U. No. 2793)

Report No. V
Case No. 168.

1. The Court of Enjudge Udalut observe that the explanation offered for the delay on the part of the Peishcar in forwarding the Prisoner in this case to the Court is not satisfactory.

2. The Acting Subordinate Judge is instructed by the Enjudge Udalut that he ought to have submitted for their information some explanatory remarks regarding the Case of resistance to Lal guard entered in the Statement appended to the above Reports shewing the instances in which the powers of Punishment created by Regulation X of 1832 have been exercised during the last Month.

3. The Court of Enjudge Udalut observe that the endorsement on the back of the above Reports is deficient and erroneous.

Ordered, that Copy of these Proceedings be forwarded to the Acting Subordinate Judge of Mangalore for his information and guidance.

(Sent in No. 2409)

4th A.M.

DS
Reg

J. Uo.

Thursday
24th October 1844.

At a Court of the Foujdaree Udalut.

Present.

Henry Dickinson Esquire 1st Puisne Judge.
Malcolm Lewin Esquire Actg 2d Puisne Judge.
Alexander Maclean Esquire Actg 3d Puisne Judge.

Read letter dated 21st March 1844, from the Acting Magistrate of North Arcot.

(Here enter No 804 of 1844.)

It appears from the papers laid before the Foujdaree Udalut with the above communication, that under instructions issued by the Acting Joint Magistrate of North Arcot, an individual named Vencatasabutten was committed for trial to the Criminal Court at Chittoor, charged with having preferred a wilfully false complaint before the Police, to the effect that a robbery had taken place in his house, the

intention

intention of the said charge being to annoy the Police.-

2. It further appears that the sentence passed on him by the Pundit Sudr Ameen was annulled by the Acting Sessions Judge, on the ground of an opinion declared in Foujdaree Adalut proceedings of the 24th October 1836 that a Prisoner charged with an act of an analogous nature was not liable to punishment.

3. The late Acting Magistrate of North Arcot agreeing with the officiating Joint Magistrate that the offence should have been, as it was by the Sudr Ameen, punished under Section XII Regulation X of 1816, but the late Acting Session Judge adhering to the opinion which he at first entertained, the point has been submitted for determination by the Foujdaree Adalut.-

4. The Court having made a reference to their Mahomedan Law Officer to ascertain whether the act charged is

is punishable under the Mahomedan Law. The reply of the Cazyool Cozat is that "the complaint made by a complainant, without naming the Defendant shall "not be heard, nor is the complainant "liable to any punishment under Mahomedan Law."-

5. In the present case the Prisoner is not accused of having brought a false charge against any particular individual either by name or by implication.-

6. The allegation is that he brought the false charge in order to annoy or to give trouble to the Police.-

7. This in the opinion of the Court is an offence which does not come within the scope of Regulation IX of 1832. The Court therefore approve the order passed by the Session Judge.-

Ordered, that Extract from these Proceedings be forwarded to the Magistrate of North Arcot and Session

24th October 1844.

Sessions Judge of Chittor for their information.

(Sent in Nos. 2419 & 2420)

Read Calendar in Case No. 15 of 1844, forwarded by the late Acting Sessions Judge of Cuddalore.

(Here enter F. Vo. No. 2784.)

The Court of Foujdaree Udalut direct that a copy of this Case be forwarded to the Magistrate of Cuddalore, who is required to investigate the apparent neglect of duty on the part of the Tahsildar, and to pass such orders on his conduct as he may deem proper, reporting the result for the information of the Foujdaree Udalut.

Ordered, that copy of these Proceedings together with copy of Calendar be forwarded to the Magistrate of Cuddalore for his information and guidance.

(Sent in No. 2421)

Read the Criminal Reports for

F. Vo.

24th October 1844.

for the month of September 1844 from the Principal Sudr Ameen of Tinnevelly dated the 1st Instant.

(Here enter F. Vo. No. 2734)

Supplemental Report & Case No. 100.

The Court of Foujdaree Udalut are of opinion, judging from the explanation submitted, that the evidence against the Prisoner in this case is not sufficient to convict him of the crime with which he stands charged.

2. They therefore resolve to direct that the Sessions Judge of Tinnevelly be called upon to look into the case, and to pass such orders thereon as he may deem proper, reporting the result for the information of the Foujdaree Udalut.

Report No. V Case No. 103.

3. The 1st Prisoner in this Case is charged with having preferred a false accusation, and the 2d Prisoner with having investigated the 1st Prisoner to this act.

4. The 2d Prisoner has been released and the 1st Prisoner's sentence of by

24th October 1844.

Sessions Judge of Chittoor for their information.

(Sent in Nos. 2419 & 2420)

Read Calendar in Case No. 15 of 1844, forwarded by the late Acting Sessions Judge of Cuddalore.

(Here enter F. Vo. No. 2734)

The Court of Foujdaree Udalut direct that a copy of this Case be forwarded to the Magistrate of Cuddalore, who is required to investigate the apparent neglect of duty on the part of the Tahsildar, and to pass such orders on his conduct as he may deem proper, reporting the result for the information of the Foujdaree Udalut.

Ordered, that copy of these Proceedings together with copy of Calendar be forwarded to the Magistrate of Cuddalore for his information and guidance.

(Sent in No. 2421)

Read the Criminal Reports for

F. Vo.

24th October 1844.

for the month of September 1844 from the Principal Sudr Ameen of Tinnevelly dated the 1st Instant.

(Here enter F. Vo. No. 2735)

Supplemental Report & Case No. 100.

The Court of Foujdaree Udalut are of opinion, judging from the explanation submitted, that the evidence against the Prisoner in this case is not sufficient to convict him of the crime with which he stands charged.

2. They therefore resolve to direct that the Sessions Judge of Tinnevelly be called upon to look into the case, and to pass such orders thereon as he may deem proper, reporting the result for the information of the Foujdaree Udalut.

Report No. V Case No. 103.

3. The 1st Prisoner in this Case is charged with having preferred a false accusation, and the 2d Prisoner with having investigated the 1st Prisoner to this act.

4. The 2d Prisoner has been released and the 1st Prisoner sentenced to by

by the Principal Sudr Ameen to 2 months' imprisonment with labor suitable to his advanced age.-

5. The Court of Foujdaree Udalut observe, that the original Record in which was the alleged false charge should have been forwarded to the Court and no fresh examinations of the witnesses should have been taken.-

6. They further remark that the 2d Prisoner ought not to have been sent up to the Court merely upon the Statement of the 1st Prisoner that he had instigated him [1st Prisoner] to prefer the false complaint.-

Case No. 105. 7. The Court of Foujdaree Udalut are of opinion that sentence of 7 months' imprisonment passed upon the 1st Prisoner in this case is very lenient, considering that he is an old offender.-

Case No. 107. 8. The Prisoner in this case a Taloot Peon is charged with wilful neglect of duty and has been sentenced by

by the Principal Sudr Ameen to dismissal from the service.-

9. The Court of Foujdaree Udalut remark that the Principal Sudr Ameen has no authority whatever to pass a sentence of dismissal from the service against a Peon. and that he has quoted a Regulation wholly inapplicable to any authority but the Magistrate.-

10. They desire that the Magistrate of Tinnevelly be called upon to enquire into the conduct of the Peon, and to take such notice of it as he thinks proper, reporting the result for the information of the Foujdaree Udalut.-

Case No. 111. 11. This is a case of Murder and is not yet disposed of. It was received in the Principal Sudr Ameen's Court on the 22nd September last and a yadast for 3 witnesses for the Prosecution was dispatched only on the 30th September to the Assistant Magistrate's Office. The Principal Sudr Ameen is required to explain

by the Principal Sudr Ameen to 2 months' imprisonment with labor suitable to his advanced age.-

5. The Court of Foujdaree Udalut observe, that the original Record in which was the alleged false charge should have been forwarded to the Court and no fresh examinations of the witnesses should have been taken.-

6. They further remark that the 2d Prisoner ought not to have been sent up to the Court merely upon the Statement of the 1st Prisoner that he had instigated him [1st Prisoner] to prefer the false complaint.-

Case No. 105. 7. The Court of Foujdaree Udalut are of opinion that sentence of 7 months' imprisonment passed upon the 1st Prisoner in this case is very lenient, considering that he is an old offender.-

Case No. 107 8. The Prisoner in this case a Taloot Peon is charged with wilful neglect of duty and has been sentenced by

by the Principal Sudr Ameen to dismissal from the service.-

9. The Court of Foujdaree Udalut remark that the Principal Sudr Ameen has no authority whatever to pass a sentence of dismissal from the service against a Peon, and that he has quoted a Regulation wholly inapplicable to any authority but the Magistrate.-

10. They desire that the Magistrate of Tinnevelly be called upon to enquire into the conduct of the Peon, and to take such notice of it as he thinks proper, reporting the result for the information of the Foujdaree Udalut.-

Case No. 111. 11. This is a case of Murder and is not yet disposed of. It was received in the Principal Sudr Ameen's Court on the 22nd September last and a yadast for 3 witnesses for the Prosecution was dispatched only on the 30th September to the Assistant Magistrate's Office. The Principal Sudr Ameen is required to explain

24th October 1844.

explain for the information of the Fouj: daree Udalut, what he was doing in so important a case from the 22d to the 30th September being a period of 8 days.

12. Moreover as the case appears to be a committable one, the Court of Foujdaree Udalut desire to be informed on what point the Assistant Magistrate's enquiry was considered by the Principal Sudr Ameen to be deficient, and to require the support of 3 more witnesses for the prosecution.

Case No. 112. 13. The Court of Foujdaree Udalut observe that neither of the Prisoners in this case was liable to be punished by the Principal Sudr Ameen. The false charge of the 1st Prisoner was made before the Joint Magistrate and does not therefore come under Regulation IX of 1832. The 2d Prisoner preferred no charge but was examined as a witness.

14. They accordingly order that the Prisoners be forthwith set at liberty.

Case No. 117 and Supplemental Report Case No. 91.

15. As the instructions issued for

No. 16

24th October 1844.

for the guidance of the Principal Sudr Ameen of Tinnevelly in the Foujdaree Udalut proceedings of the 2d Instant may probably not have been received until after the dispatch of this Report, the Court merely draw the attention of the Principal Sudr Ameen to the remarks in para: 9 of those Proceedings as applicable to the cases noted in the margin.

16 The Principal Sudr Ameen will further be careful to conform strictly with the directions laid down in paras 1 and 2 of the proceedings above referred to, and in future will frame his sentences with reference to the heading of the several Columns of the Statements.

Ordered that Extracts from these Proceedings be forwarded to the Principal Sudr Ameen of Tinnevelly for his information and guidance and the communications of paras 8 and 10 to the Magistrate of that District by precept returnable in V days from and after its receipt.

(Sent following Precept No. 2422)

Ordered

Ordered also that Extract from these Proceedings (of paras 1 and 2) be forwarded to the Sessions Judge of Tinnevelly for his information and guidance by precept returnable in X days from and after its receipt.

(Sent following precept No. 2423)

Read Criminal Reports for the month of September 1844, forwarded by the Principal Sudr Ameen of Masulipatam under date the 9th instant.

(Here enter F. Vo. No. 2791)

Reports No. V Cases Nos. 30 and 33.

With reference to these Cases the Court of Foujdaree Udalut direct that the Magistrate will call the attention of the Police Officers of his District, to Foujdaree Udalut Circular Order of the 6th January 1834 - which requires that the proceedings in which the charge is declared to be false should be submitted for the judgment of the Criminal Court, and that no fresh examination of the party who made the false charge or of

of the witnesses should be held.

Case No. 34. 2. It is stated in the explanation submitted with regard to the delay in the transmission of this case from the Talook, that 4 of the Prisoners were apprehended two days before the Prosecutor preferred his charge.

3. The Court of Foujdaree Udalut observe, that if their orders contained in Circular Order 29th April 1833 were attended to, the anamoly which is remarked in this case could not occur.

4. The Magistrate is required to impress upon the Police Officers serving under him the necessity for making an immediate record of the information they may receive of an offence which has been committed - the date on which this information may have been received should be considered to be the date of the charge, not that on which the Prosecutor may subsequently have been examined.

Ordered

24th October 1844.

Ordered that Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Masulipatam for his information and guidance and communication to the Magistrate of Masulipatam

/Sent in No. 2424/

Read Calendar dated the 8th Instant, submitted by the Sessions Judge of Bellary in Case No. 37 of 1844.

/Here enter F. Vo. No. 2774 of 1844./

Read Calendar dated the 8th Instant submitted by the Sessions Judge of Bellary in case No. 38 of 1844.

/Here enter F. Vo. No. 2775 of 1844./

Read letter dated the 9th Instant from the Subordinate Judge of Bellary, submitting Criminal Reports for the month of September 1844.

/Here enter F. Vo. No. 2776 of 1844./

Read Calendar dated the 10th Instant, submitted by the Sessions Judge of Cuddapah in case No. 83 of 1844.

/Here enter F. Vo. No. 2782 of 1844/

Read

F. Vo.
24th October 1844.

Read Calendar dated the 10th Instant, submitted by the Sessions Judge of Cuddapah in Case No. 84 of 1844.

/Here enter F. Vo. No. 2783 of 1844/

Read return dated the 5th Instant from the Sessions Judge of Nellore, to the Precept of the Foujdaree Udalut under date the 1st Instant, desiring him to review Case No. 60 of 1844 of the Principal Sudr Ameen's Criminal Reports for the month of August last.

/Here enter F. Vo. No. 2797 of 1844/

Read Jail Reports dated the 12th Instant, submitted by the Sessions Judge of Nellore for the Month of September 1844

/Here enter F. Vo. No. 2798 of 1844/

Read letter dated the 12th Instant from the Sessions Judge of Nellore, returning the two Precepts which accompanied a Memorandum from this Court dated the 9th October 1844, duly headed.

/Here enter F. Vo. No. 2799 of 1844/

24th October 1844.

Read return dated the 9th Instant from the Principal Sudr Ameen of Tinnevelly, to the Precept of the Foujdaree Udalut under date the 2d Idem, directing that regard should be had to the Columns of the Statements that the Proceedings in Nos 87 and 95 may be forwarded to the Sessions Judge, and that it may be explained under Section XLII Act VII of 1843 why the Principal Sudr Ameen sent a Yaparat to the Sessions Judge for a witness.

/Here enter F. No. No. 2801 of 1844-/

Cº NW

F. No.

Friday
25th October 1844.

At a Court of the Foujdaree Udalut.

Present

H. Dickinson Esqre — 1st.
Malcolm Lewin Esqre — Ag. 2d. } Puisne Judges
A. Maclean Esqre — Ag. 3d.

Read letter dated the 19th Instant from the Sessions Judge of Chittoor referring the trial of Case No. 36 on the Calendar of the Chittoor Session Court for the final Orders of the Court of Foujdaree Udalut.—

/Here Enter No. 2859/

Mr Dickinson and Mr Lewin.

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

Selam Saib

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

The Court of Foujdaree Udalut observe

observe that if the 2d Witness, the brother of the deceased, had scrupulously adhered to the same account in each of her examinations they would have felt disposed to convict the prisoner in this case. She however when examined before the Sessions Judge differed in a most material manner from what she had before stated in her two previous examinations, and although when reminded of the difference she returned to her original story still there can be no doubt that the account she thus accidentally gave is the true version of the transaction, viz.t. that her son rushed suddenly into her house wounded and bleeding, and that the statement that the Prisoner had called her son to his house, and that she had accompanied him thither was altogether false.—

2. That the Prisoner should have called in the assistance of a young man of 25, and he not related to his family, to appease his wife, who refused to eat her rice is indeed a most improbable story.—

Unsupported

3. Unsupported as it is by evidence of any sort the Court consider it to be altogether false.—

4. The act of the prisoner is in the opinion of the Court of Foujdaree Adalut only to be accounted for by believing the statement he gave, that he found the deceased in the act of Adultery with his wife, to be true.—

5. They therefore resolve to acquit the Prisonrr and to direct that he be set at liberty.—

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

(Sent following letter No. 2429)

Read the Criminal Reports for the month of September last submitted by the Subordinate Judge of Chittoor under date the 1st Instant.—

(Here Enter F. H. Re. 2770)

Suppl.l Report. Case No. 117.

1. The Court of Foujdaree Adalut presume as this case has been committed for trial, that the Sessions Judge will,

if

if he conciders the conduct of the Monegar of Onapullay and of the Narrainavanum Tahsildar deserving of punishment, brings the same to the notice of the Magistrate of Chittoor.—

Cade No. 123. 2. The Court of Foujdaree Udalut resolve to call upon the Session Judge of Chittoor to look into this case and to pass such orders thereon as he may think proper, reporting the result for the information of the Foujdaree Udalut.—

Report No. V Cases Nos. 128 129-130 and 140. 3. The Court of Foujdaree Udalut observe that as the delay in none of these Cases was excessive, the explanation submitted was unnecessary.—

4. With regard to the Case No. 130, the Foujdaree Udalut require to be informed what prevented the further witnesses stated to have been summoned on the 13th Ultimo, from making their appearance before the close of the months—

Case No. 133. 5. The Session Judge will be pleased to look into this case and to pass such orders thereon as may appear to

to him necessary reporting the result for the information of the Foujdaree Udalut.—

Case No. 145. 6. The Court desire to be informed what became of the 1st Prisoner in this case between the 10th and 26th Ultimo. the dates of his apprehension and of the transmission of the case to the Subordinate Court.—

Ordered, that copy of these Proceedings be forwarded to the Subordinate Judge of Chittoor for his information and guidance.—

(Sent in No. 2430)

Ordered also that Extract from these proceedings (para. 1, 2 and 5) be sent to the Session Judge of Chittoor for his information and guidance.—

(Sent in No. 2431)

Read the September Criminal Reports submitted by the Principal Sudr Ameen of Cuddalore under date the 30th Ultimo.—

(Here enter F. R. No. 2778)

The

Report No. 1 Cases Nos. 109 and 110.

The Court of Sunjdaree Adalut desire that the Magistrate of Cuddalore be requested to call upon the Head of Police to explain for their information, why he forwarded the Prisoners in these cases for trial before the Court.—

Case No. 111. 2. The Magistrate of Cuddalore will further be pleased to require the Chedumbarum Cutwal to explain fully, for the information of this Court, the cause of the detention of the Prisoner in this case for six days in the Talook Cutcherry previous to his transmission to the Horzgor.—

Ordered, that copy of these proceedings be forwarded to the Magistrate of Cuddalore for his information and guidance by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 2432)

Ordered also, that copy of these proceedings be forwarded to the Principal Sudr Ameen of Cuddalore for his information.—

(Sent in No. 2433)

Read

Read the Criminal Reports for September 1844 submitted by the Principal Sudr Ameen of Nellore dated the 12th Instant.—

(Here enter F.M. No. 2795)

Suppl. Report. Cases Nos. 60 & 69. and Report No. V Case No. 78.

1. The use of the word "burglariously" in a Sunjdaree Adalut report is objectionable, and must in future be discontinued.—

2. In the charge in Case No. 78, the mode of entry into the Prosecutor's house should have been specified.—

Suppl. Report Case No. 67.

3. The door of the Prosecutor's house was not fastened at the time that the robbery in this case was committed. The Regulation therefore quoted by the Moofty Sudr Ameen is inapplicable.—

Report No. V Case No. 73.

4. The Court desire to know what has become of "Dowoor Vencatachristnareddy" who appears from the evidence of the 1st Witness in the case to be the cause of the death of the deceased "Punpadoo."—

Ordered, that copy of these proceedings be forwarded to the Principal

Sudr

Sudr Ameen of Nellore for his information and guidance.—

/Sent in No. 2434/

Read Statement forwarded by the Acting Session Judge of Trichinopoly under date the 10th Instant, shewing the instances in which the powers of punishment created by Regulation X of 1832 have been exercised during the month of September 1844 in the Jail at that Station.—

/Vide Enter F.H. No. 2807/

1. The Court of Foujdaree Udalut direct that the attention of the Acting Session Judge be called to Section VII Regulation X of 1832 and Foujdaree Udalut Circular Order 29th December 1837 No. 97 which require that in the Summary inquiries authorized by that Regulation a record shall be kept not only of the name of the Prisoner and of the offence charged against him, but also of the substance of the evidence and conviction.—

2. The Acting Session Judge will be pleased to state for the information

of the Foujdaree Udalut whether any inquiry into the conduct of the Convict Vencataramanyen was held previous to the award of the sentence of 100 lashes.—

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

/Sent in No. 2435/

Read the Criminal Reports for September 1844 forwarded by the Subordinate Judge of Combaconum under date the 1st Instant.—

/Vide Enter F.H. No. 2818./

Report No. 1. The Court of Foujdaree Udalut
Case No. 159. direct that the Magistrate of Trichinopoly be called upon to submit for their information, an explanation of the delay in forwarding to the Subordinate Court, the Brother of the 1st Prisoner in this case.—

Case No. 165. 2. The Prisoner in this case, is a female, and should be sentenced, the Court of Foujdaree Udalut observe, to labor suited to her sex, and not to

hard

hard labor as stated in the Report.—

3. The Court of Foujdaree Udalut in conclusion suggest that as the Mooftys services are seldom brought into play by the Session Judge of Combaconum, the Subordinate Judge might occasionally send him a criminal case to decide.—

Ordered, that copy of these proceedings, be forwarded to the Subordinate Judge of Combaconum for his information and guidance and for communication of para: 1 to the Magistrate of Trichinopoly.—

/Sent in No. 2486/

Read the Criminal Repts for the month of September forwarded by the Subordinate Judge of Calicut under date the 10th Instant.—

/Vide Entr. Fll. No. 2819/

Supplt. Rept Cases 130 & 131. and Rept No. V Case No. 113.

1. The Court of Foujdaree Udalut require that a full explanation be submitted for their information, of the circumstances under which the wounds were inflicted by the Prisoners in these several Cases.—

The

25th October 1844.

Supplt. Report Case No. 132.

2. The Subordinate Judge will be pleased to explain for the information of the Foujdaree Udalut why the name of one Prisoner alone viz. the 3d is entered in the charge, while it appears from the report that two other Prisoners the 1st and 2d were concerned in this case.—

Ordered, that copy of these proceedings be forwarded to the Subordinate Judge of Calicut for his information and guidance.—

/Sent in No. 2487/

Read Supplemental Report dated the 16th Instant from the Magistrate of Malabar of Cases tried by him under the provisions of Section IV Act VII of 1843 during the month of September 1844.

/Vide Entr No. 2864/

Read the Criminal Rept No. IX dated the 15th Instant from the Subordinate Judge of Bellary for the month of September 1844.—

/Vide Entr No. 2865/

Read

Read Calendar dated the 18th Instant from the Session Judge of Guntoor of Case No. 17 of 1844.-

/Here Enter No. 2866/

Read Calendar dated the 18th Instant from the Session Judge of Cuddalore of Case No. 56 of 1844.-

/Here Enter No. 2867/

Read letter dated the 18th Instant from the Magistrate of Tinnevelly reporting that no case has been investigated either by the Magistrate or his Subordinates during last Month.-

/Here Enter No. 2875/

Read Calendar dated the 7th August last from the Sessions Judge of Calicut of Case No. 45 of 1844.-

/Here Enter No. 2878/

Read Calendar dated the 7th Ettium from the Sessions Judge of Calicut of Case No. 49 of 1844.-

/Here Enter No. 2879/

F. H.

Saturday 26th October 1844.-

At a Court of the Foujdaree Adalut.-

Present,

H. Dickinson Esqre. 1st Puisne Judge,
M. Lewin Esqre. Act'g 2d Puisne Judge,
A. Maclean Esqre. Act'g 3d Puisne Judge,

Read letter dated the 20th January last from the Sessions Judge of Coimbatore transmitting copies of correspondence between the Magistrate and himself, and requesting the orders of the Foujdaree Adalut on the queries therein referred to.-

/Here Enter F. H. No. 251 of 1844/

1. The queries involved in the above correspondence were originally propounded by the Head Assistant Magistrate of Coimbatore to the following effect.

"Do the regulations any where give to the Magistrate and Police Officers, an authority similar to that granted to Judges by Section VIII Regulation

Regulation XIII of 1832 for the punishment of contempt of Court? If not what means has the Magistrate of vindicating the dignity of his Court? What the Police Officer."

"Are Witnesses contumaciously refusing to give evidence before a Police Officer punishable by the Regulations? Would not the Magistrates calling up the Original complaint for investigation under such circumstances be subversive of the authority of the Police Officer? What then should be [illegible] Magistrates) mode of proceeding".

2. In reply it was pointed out by the Sessions Judge that in the several Sections of Act XXX of 1841 [illegible] provision is made for upholding the authority of a Magistrate and Collector in cases under enquiry before him, but that that enactment did not however appear to the Sessions Judge to apply to Native Police, and that he was clearly of opinion there

is

26th October, 1844.

is no Regulation under which contempt before a native Police Officer, can be punished.

3. The Magistrate of Coimbatore remarked on reference to the Sessions Judge's opinion, that he still had great doubts as to the applicability of the Law quoted by that Functionary to cases of contempt of authority, observing that "Act No XXX of 1841 confers on the Magistrates &c. the power of imposing a fine "of 200 Rupees on Parties using menacing gestures or expressions or otherwise "obstructing justice in the presence of any Zillah or City Magistrate" &c. &c., and that he did not consider that a Magistrate, by virtue of that act, could punish a Party with so heavy a fine, for mere contempt of authority, or, in other words, for disrespectful expressions in open Court; for which offence, a Circuit or Criminal Judge has not been allowed, under Regulation XIII of 1832, to impose

a

a greater punishment than a fine of 50 Rupees and further that he believed it was never the intention of the Legislature that cases of contempt of authority should fall within the scope of the act in question which does not rescind or modify Section VIII Regulation XIII of 1832.

4. He also observed that it would be inconvenient to rule that all cases of contumacious refusal to give evidence on the part of witnesses in cases depending before the Police Officer are to be called to the Magistrates Office, as likely to be productive of much Public inconvenience and delay in the settlement of trifling cases, and he therefore urged that this point may be referred to the Foujdaree Udalut for consideration Viz "whether witnesses "contumaciously refusing to give evidence "before a Police Officer are punishable "by the Regulations?" and would not "the Magistrates' calling up the ex-

"Original

"original complaint under such circum-"stances be subversive of the authority "of the Police Officer"?

5. The Court of Foujdaree Udalut are of opinion that Act XXX of 1841 does not apply to the case of a witness, refusing to give evidence in whether before a Magistrate or Native Police Officer. That act relates to positive obstruction, not the negative obstruction involved in the refusal to give evidence, A refusal to give evidence has always been regarded as a contempt of Court, for which parties may be committed till they consent to depose, and this proceeding is in the opinion of the Foujdaree Udalut to be adopted by any public Officer empowered to hold judicial inquiry.

6. It is inherent in every Court to be able to compel parties to relate what they know in matters before it, and parties, whether

before

before a Magistrate or before a native Police Officer, who persist in refusing to deposr, should be committed after a reasonable period to the Criminal Court, to be punished for the act.—

The Court consider that it would not be justifiable in a Magistrate to call up a cavr for no other reason than the refusal of a witness to give evidence.— The Native Police Officer has in own hands the means of vindicating his authority by committing a contumacious witness.—

Ordered, that Extracts from these proceedings be sent to the Sessions Judge of Coimbatore for his information, and for communication to the Magistrate of Coimbatore.

(Sent in No. 2441)

Read letter dated the 15th Instant from the Agent to the Governor of Fort St. George in the Vizagapatam District, submitting a

a Summary of the evidence against a prisoner charged with Theft, and communicating his opinion as to the punishment to be passed on the prisoner.—

(Here enter No. 2855)

The Court of Foujdaree Udalut having maturely considered the Summary of the evidence as taken before the Agent, the statement of the grounds for the conviction, and his opinion as to the punishment to be passed, resolve to confirm the sentence of Five years imprisonment with hard labor in irons on the Prisoner "Lotaty Goravadoo"

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

(Sent in No. 2442)

Read

26th October 1844.

Read letter dated the 15th October 1844 from the Sessions Judge of Calicut submitting the record of trial in Case No 30 of 1844 on the Calendar of the Sessions Court of Calicut.

/Here enter No 2858./

Mr H. Dickinson and Mr A. Maclean

The Court of Foujdaree Ada-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,

Kooriatil Awarra"

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

1 The Prisoner having been apprehended on a charge of having stolen jack fruit was examined by the Police and was about to be taken to the Talook Cutcherry, when, as he would not move on, one of the Kolkars in charge

"the Magistrates calling up

"Original

T. U.

26th October 1844

charge of him /2d Prosecutor/ gave him a shove. The Prisoner thereupon snatched a knife from the waist of the other Kolkar and inflicted two wounds on the 2d Prosecutor, and on the second Kolkar interfering he stabbed him also in two places, of which wounds the said Kolkar almost immediately died.-

2. Before the Police the Prisoner confessed the crime but before the Subordinate and Sessions Judges he denied it, declaring that he had been severely beaten by the Police, and that the two Kolkars having become intoxicated had quarrelled and wounded each other.-

3 Five witnesses distinctly swore that they were present and saw the Prisoner commit the crimes laid to his charge - their evidence is consistent throughout, and in judgment of the Court there is not the slightest ground for suspecting their veracity.-

The

26.

Read letter dated the 15th October 1844 from the Sessions Judge of Calicut submitting the record of trial in Case No. 50 of 1844 on the Calendar of the Sessions Court of Calicut.

(Were entered No. 2858.)

Mr. H. Dickinson and Mr. A. Maclean:

The Court of Foujdaree Uda-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,

Kooriatil Awarra"

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

1. The Prisoner having been apprehended on a charge of having stolen jack fruit was examined by the Police and was about to be taken to the Talook Cutcherry, when, as he would not move on, one of the Kolkars in charge

charge of him (2d Prosecutor) gave him a shove. The Prisoner thereupon snatched a knife from the waist of the other Kolkar and inflicted two wounds on the 2d Prosecutor; and on the second Kolkar interfering he stabbed him also in two places, of which wounds the said Kolkar almost immediately died.-

2. Before the Police the Prisoner confessed the crime but before the Subordinate and Sessions Judges he denied it, declaring that he had been severely beaten by the Police, and that the two Kolkars having become intoxicated had quarrelled and wounded each other.-

3. Five witnesses distinctly swore that they were present and saw the Prisoner commit the crimes laid to his charge - their evidence is consistent throughout, and in judgment of the Court there is not the slightest ground for suspecting their veracity.-

The

4. The Law Officer convicted the Prisoner; but on the ground of two witnesses named by him having deposed to his having been maltreated by the Police he declared him not to be liable to Kissaas, but to Tazeer.—

5. The Sessions Judge expressed his opinion that the charge was fully proved. He however stated that he suspected that the five witnesses who saw the crimes committed had "suppressed the real facts in their narration", it being improbable that with such slight provocation the Prisoner should have taken such deadly revenge. He stated himself to be persuaded that "other ill usage" had been offered to the Prisoner "which he resented at the instant"; but he went on to detail a frightful scene of violence enacted by the Prisoner in his presence in which the Prisoner having seized upon a sword wounded two of the Sepoys who were on guard over him, and threatened to

to kill any one whom he could approach. The Sessions Judge finally pronounced the Prisoner to be a dangerous character and to be "a fit object for Capital punishment", but in order to prevent him from being "deified as a martyr" he recommended that he should be sentenced to receive 195 lashes and to be transported for life.—

6. In the above detail gross irregularity and contradiction is to be observed.—

7. From the tenor of his remarks on the trial immediately before him it is to be inferred that the Session Judge considered the evidence of the first five witnesses to be undeserving of credit, and that as the Prisoner had on the spur of the moment avenged himself of the Police for the severe treatment he had received, he was not deserving of punishment. In opposition however to this

the

the Sessions Judge immediately afterwards describes the violence of the Prisoner in another instance, (for which be it remarked he had not been tried, and consequently was not convicted) and on this he pronounced him to be a fit object for Capital punishment.

8. It was the duty of the Sessions Judge to confirm his remarks to the trial immediately before him. The question of whether or not the Prisoner is guilty of murder and wounding can in no wise depend upon his subsequent conduct when in confinement.—

9. The Court are unable to discover any grounds for doubting the truth of the statements of the first five witnesses. They believe them implicitly to be true.—

10. The Court further observe that the Sessions Judge has displayed singular inconsistency in his remarks.—

11. The Sessions Judge has described

described the fury of the Prisoner, and has stated that "it was quite evident how "much he thirsted for the blood of "another victim", but in the face of this he expresses himself as sceptical as to the Prisoner having committed the original instances of violence without having been exposed to more severe treatment than that acknowledged.—

The Court would remark that if the Prisoner thirsted for the blood of a victim in one instance, it is not difficult to believe that on another occasion he did not hesitate to use his knife on the slightest ground of provocation.—

12. The Court being of opinion that the Prisoner is clearly convicted of murder resolve to sentence him to be hanged.—

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

(Sent in No. 2443)

No.

No reply having been received from the Magistrate of Tanjore to the proceedings of this Court dated the 23d August last, requiring certain information relative to Case No 108 on the Combaconum Criminal Reports for the month of July 1844 —

Ordered, that the Magistrate of Tanjore be required to reply to the above proceedings within V days. —

(Sent in No 2443)

Read the Criminal Reports submitted by the Sessions Judge of Tellicherry for the month of September 1844.

(Were enter No 2832)

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

Ordered therefore that, Extract from these proceedings be forwarded to the Sessions Judge of Tellicherry

Tellicherry for his information. —

(Sent in No 2445)

Read letter dated the 12th Instant from the Agent to the Governor of Fort St George in the Vizagapatam District, submitting a summary of the evidence against a prisoner charged with Culpable Homicide, and Communicating his opinion as to the punishment to be passed on the prisoner. —

(Were enter No 2841)

The Court of Foujdaree Udalut having maturely considered the summary of the evidence taken before the Agent, the statement of the grounds for the conviction, and his opinion as to the punishment to be passed, resolve to confirm the sentence of Two years' imprisonment with hard labor in irons on the prisoner. —

"Mullaty Juggadoo,"

Ordered that Extract

from

26th October 1844.

from these proceedings be forwarded to the Agnt to the Governor of Fort St. George in the Vizagapatam District for his information and guidance.

/Sent in No. 2440/

No reply having been received from the Magistrate of Malabar, to the Proceedings of this Court dated the 23d. August, requiring certain explanation relative to Case No. 114 on the Calicut Criminal Reports for the month of July 1844.-

Ordered that the Magistrate of Malabar be required to reply to the above Proceedings within 7 days.

/Sent in No. 2447/

Read letter dated 14th October 1844 from the Sessions Judge of Combaconum forwarding the Subordinate Judge's return to the death warrant issued in case No. 49 of 1844.-

/Here enter F.W. No. 2829/

In the letter required by Circular

F.W.

26th October 1844.

Circular Order 30th September 1830 the Subordinate Judge adverting to the long march from the Jail to the present place of execution about 4 miles and to the unseemly behaviour of the crowd attending the cart on which the prisoner was carried to execution recommends that in future sentences of death should be carried into effect in front of the Jail.-

2 To this proposal the Sessions Judge objects on the ground that the space between the Court House and the Jail is unsuited to the purpose of executions, for in the first place there is not sufficient room for the multitude who would certainly assemble there, and when the River is full, danger of drowning might ensue, and holding executions where there would be highly distasteful to all classes of persons frequenting the Courts.-

The

26th October 1844.

from these proceedings be forwarded to the Agnt to the Governor of Fort St. George in the Vizagapatam District for his information and guidance.

/Sent in No. 2440/

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Ordered that the Magistrate of Malabar be required to reply to the above Proceedings within 7 days.

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The

3. The Court of Foujdaree Udalut entirely concur in the view taken by the Subordinate Judge. The unnecessary addition to the sufferings of the condemned from the harrassing and exposed march of 4 miles is greatly to be deprecated and must tend if not to such scenes as are described by the Subordinate Judge which are calculated to demoralize and brutalize the people, to render the condemned an object of pity and thus to neutralize the beneficial effect which it was intended by the Circular Order of the 3rd May 1830 to produce by making the execution public.

4. The Court do not anticipate any difficulty in carrying out the instructions of the Circular Order above quoted from changing the site of the place of execution and they accordingly resolve to sanction the recommendation made by the Subordinate Judge and to direct that in

in future the sentence of death be executed in front of the Jail.

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Combaconum for his information and for communication to the Subordinate Judge.

(Sent in No. 2448)

Read letter dated 10th October 1844 from the Governor's Agent at Kurnool, submitting for the final sentence of the Foujdaree Udalut a summary of evidence taken in 4 cases of swindling charged against the same prisoner, Mahomed Ali.

(Were enter F.U. No. 2788)

1. In this case the prisoner is convicted on four different charges of swindling, in the first instance to the amount of 59-8-0 Rupees, in the second instance to the amount of 34 Rupees in the 3d instance to the amount of 27 Rupees and in the 4th instance to the amount of 8 Rupees

and

and the Assistant who tried the case recommends that he should be sentenced to 12 months imprisonment with hard labor in the Jail of Kurnool.

2. As the offence charged against the prisoner has not been specifically provided for under any regulation, and as it appears to the Agent that the punishment provided by Section VIII Regulation X of 1816 under which he conceives cases of this nature might be tried is not sufficient for such a systematic mode of plunder. The Agent has submitted the case for the decision of the Foujdaree Adalut but he observes that as the sentence recommended and in which he concurs, is within the powers delegated to the Assistant, he has not thought it necessary to go thro' the form of a fresh trial before submitting it for the orders of the Court.—

3. The Court of Foujdaree Adalut observe that this reference is

irregular; if the prisoner is deserving of a severer punishment than that specifically declared to be adjudicable by a Subordinate Court under the Mahomedan Law according to Section VIII Regulation X of 1816. The Agent must himself try the offence and submit his opinion, (as required by the fifth Clause of Rule I of the rules issued for the guidance of the Agents,) as to the quantity of punishment to be adjudged according to the Mahomedan Law under Clause fourth Section II Regulation XII of 1803.—

Ordered that Extract from these proceedings be sent to the Agent to the Governor at Kurnool for his information.—

Sent in No. 2449

End. W.

Monday,
28th. October 1844.

H. Uc

At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esqre. 1st. Puisne Judge.
Malcolm Lewin Esqre. Actg. 2nd. Puisne Judge.
Alexander Maclean Esqre. Actg. 3rd. Puisne Judge.

Read again letter dated the 21st. August last from the Session Judge of Cuddapah forwarding translations in Case No. 59 on the Calendar of the Session Court for 1844.

(Here enter No. 2258)

Read also again return dated the 9th. Ultimo from the same Officer to the precept of the Foujdaree Udalut of the 6th. Ultimo calling for an English translation of the indictment in Case No. 59 of the Cuddapah Calendar for 1844.

(Here enter No. 2444)

Read also again return dated the 21st. Ultimo from the same Officer

Monday,
28th. October 1844.

At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esqre. 1st. Puisne Judge.
Malcolm Lewin Esqre. Actg. 2nd. Puisne Judge.
Alexander Maclean Esqre. Actg. 3rd. Puisne Judge.

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Ff. 46

Monday
28th. October 1844 — At a Court of the Foujdaree Udalut —

Present

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Malcolm Lewin Esqre — Actg 2nd. Puisne Judge
Alexander Maclean Esqre Actg 3rd. Puisne Judge

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(Here enter No. 2444)

Read also again return dated the 21st. Ultimo from the same Officer

28th October 1844 Officer to the precept of the Foujdaree Udalut of the 17th Ultimo directing him to forward a copy of the arraignment adopted by the Session Judge against the prisoners in Case No. 59 of 1844.

(Here enter No. 2587.)

Read also return dated the 2nd Instant from the same Officer to the precept of the Foujdaree Udalut of the 30th Ultimo requiring a correct and certified translation of the arraignment before the Session Court in case No. 59 of the Cuddapah Calendar for 1844.

(Here Enter No. 2685.)

Mr. McLaurn and Mr. A. Maclean

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

1st Mahomed Cassim

2nd Dundoo Pauperaddy

and

3rd Cauder Hussain

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

28th October 1844. their own confession of the crime of Bribery do acquit them thereof, and direct that they be unconditionally released.

1. It appears to the Court of Foujdaree Udalut that the prisoners are entitled to their acquittal, as the arraignment on which they were tried is defective and shows no criminality - no prisoner tried on such charges as these have been tried on could possibly see the grounds upon which a defence was called for. The Circular Order 31st January 1844 lays down specific rules for the arraignment of a prisoner before a Session Judge, which is to be "the result of all the examinations "taken by the Criminal Court" and this statement is intended to show with precision the grounds of accusation" "the "specific crime charged against the prisoner" the object of the bribe was to turn the course of justice and "to make bundobust with the witnesses" as stated by the 1st Witness or in other words to obtain a decision (contrary to a just one

as

28th October 1844

as the case may be) thro' the tampering with or subornation of the witnesses. Mr. Lavie remarks the matter "is altogether new to me" if the Session Judge were in any doubt how to proceed he might have referred to this Court for instructions. In a case not long ago disposed of, Mr. Lavie held the examinations without the Law Officers, and there caused a failure of Justice. had he changed the prisoners with giving a bribe as a means of subverting evidence. the Court think there can be no doubt punishment might have been awarded.

2. The Court of Foujdaree Udalut would remind the Session Judge that whatever the extent of business requiring to be disposed of by a Judicial Officer may be, no excuse is afforded thereby for a deterioration in the quality of the work performed.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Cuddapah for

28th October 1844

for his information.

(Sent following letter No. 2454.)

Read communication dated 7th May 1844 from the Session Judge of Bellary.

(Here enter No. 1157 of 1844.)

1. In the above address the Session Judge brings to notice the circumstance of a charge for fraud, to the extent of Rupees 500, having been presented before the Magistracy which was finally disposed of by that authority awarding imprisonment for 6 months with a fine of 200 Rupees.

2. Adverting to the fact of there being on the Records of the Court at Bellary precedents in which charges involving a far less sum than 500 Rupees have been committed for trial, and disposed of, by the late Courts of Circuit, the Session Judge states that he has deemed it necessary to refer the question of jurisdiction for the opinion and decision of the Court of Foujdaree Udalut; with

the

28th October 1844.

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the

the view of an amount being fixed, beyond which cases of the kind in question shall come under the definition of "Extensive fraud" and be disposable under Clause Seventh Section II Regulation XV of 1803.

3. A definition of the nature proposed by the Session Judge could be declared only under the sanction of an express legislative enactment for the promulgation of which the Sudder Adalut are not satisfied that sufficient necessity has been shown.

4. Adverting however to the circumstances stated in the Session Judge's letter, the Court resolve to state their opinion that the amount concerned in the fraud would in most cases lead to the same jurisdiction as the same amount in a case of theft - but if the provisions of Section VII Regulation X of 1816 do not embrace a sufficient punishment (as in the present instance) the case must be

be committed to the Sessions Court.

Ordered that Extracts from these proceedings be forwarded to the Sessions Judges and Agents for their information and communication to the Magistrates and Officers exercising criminal judicial functions within their respective jurisdictions.

(Sent in No. 2455)

Read Miscellaneous Petition presented on the 23d Ultimo by Yanady father-in-law to Goondlapully Lutchmyah Prisoner in case No. 13 of the Nellore Calendar for 1844.

(Here enter F. M. D. No. 123 of 1844.)

1. The Petitioner complains against the proceedings of the Sessions Judge of Nellore sentencing the Prisoner in the aforesaid case to 7 years imprisonment with hard labor in irons in consequence of a change

28th 28th October 1844

charge of Forgery having been preferred against him, and which that Functionary has declared to be fully proved in evidence.

2 The Court of Foujdaree Udalut see no reason to disturb the sentence of the Session Judge complained of. It being necessary to punish public servants, who are convicted of Forgery and of embezzling the Sirkar dues with severity in order to deter others from such practices.

3. If the facts detailed in it had been true, they would have been stated by Prisoner at the time of trial before the Session Judge.

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

End 1 Pet.

1 Pet
2

Tuesday,
29th October 1844.

F. C.

At a Court of the Foujdaree Udalut

Present,

Henry Dickinson Esqre. 1st Puisne Judge,
At Malcolm Lewin Esqre. Actg. 2d Puisne Judge,
Alexr. Maclean Esqre. Actg. 3d Puisne Judge.

Read return dated 4th October 1844 from the Session Judge of Nellore to the precept of the Foujdaree Udalut of the 8th August last forwarding the explanations submitted by the Acting Head Assistant Magistrate of Nellore in support of his committal of the Prisoners in Cases Nos. 34 and 35 on the Criminal Reports for May and in complaint of the Principal Sudr Ameen for not sufficiently appreciating the reasons he had assigned for the committal and requiring the Session Judge of Nellore to call up and consider the

Records

records of those cases and pass such orders as he may think proper.

(Here enter F. C. No. 2697)

The Court of Foujdaree Adalut deem it unadvisable to issue any instructions on the general question raised in the foregoing return. Each case must be disposed of according to its own peculiar merits.—

2 But adverting to the cases referred for the decision of the Sessions Judge the Court observe that the Sessions Judge is authorized to dispose of them supposing the principle to be admitted that a charge of forgery may be received where it is clearly proved that the document said to have been forged has been suppressed or where its production from other causes has been found impossible but the Court think the utmost caution necessary in admitting evidence where the forged document is

is not forthcoming.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Nellore for his information.—

(Entered No. 2457)

Read Calendar dated the 7th Instant submitted by the Sessions Judge of Salem of Case No. 19 for 1844.—

(Here enter F. C. No. 2837)

In this case the Prisoner

1 is charged with having, with intent to kill the 1st Prosecutor, cut and thereby severely wounded him and 2nd Prosecutor with a sword.—

2 The charge it appears originated in a gambling dispute, and as it was proved by the prisoners witnesses that the Prosecutors had, as declared by the Prisoner in his Police confession and defence, knocked down

29th October 1844.

down, beaten and maltreated the Prisoner before he wounded them with the sword, which it is shewn he brought from a distance, the Sessions Judge is of opinion that considering the provocation the prisoner received the ends of justice will be met by sentencing the prisoner to four years imprisonment in irons and hard labor on the public roads or other public works and accordingly under the provisions of Clause VII Section II Regulation XV of 1803 awards this punishment

It appears to the Tribunal Adalut that no provocation could justify the prisoner going to another place to fetch a sword. The case is one of a most aggravated nature and the shortest period of imprisonment that ought to have been adjudged is 7 years. tho' 10 would have better suit the circumstances of the case.

Ordered

29th October 1844.

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Salem for his information.

(Sent in No. 2458)

Read letter dated the 14th Instant from the Agent to the Governor of Fort St. George at Nundial submitting for final disposal, a summary of evidence taken in a case of robbery to the amount of 305 Rs. a. p. 5 No. 65 of 1844, charged against the Prisoner Hussain and as the Prisoner had no intention to commit the robbery when he entered the Prosecutors house, recommending the mitigated punishment of 3 years imprisonment

(Here enter F. C. No. 2846.)

The Court assent to the punishment recommended by the Agent to the Governor - they are not however of opinion that the circumstance of the prisoner having had

no

no intention to commit the theft when he entered the house of the Prosecutor, can be justly pleaded in extenuation of his offence which has no other feature of aggravation except such as is involved in the amount of property stolen.—

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George at Kurnool for his information.—

(Sent in No. 2407)

Read the September Criminal Reports submitted by the Acting Subordinate Judge of Madura under date the 30th Ultimo.—

(Here enter F. U. No. 2836)

Supplemental Report Case No. 127

The prisoner in this case should have been sentenced under the provisions of Clause Second Section II Regulation VII of 1822 and the punishment awarded

awarded to him should have been in excess of 6 months imprisonment as explained in Tinjapore Udalut Circular Order 13th May 1841 No. 139.

Report No. V Case No. 136.

2. It appears that the Prisoners, in this case arrived before the Court on the 14th September and that a yadast was issued to the Magistrate on the 24th Ultimo for witnesses for the defence.—

3. The Court of Tinjapore Udalut desire that the Peishcar Nadir Ameen be called upon to explain for their information, why he allowed ten days to elapse before he dispatched the yadast for the witnesses.—

Case No. 137.

4. It should have been stated in the charge how the property in the possession of the Prisoner had been stolen from the Prosecutors house, in order that the Court of Tinjapore Udalut might be enabled to

29th October 1844. to judge of the correctness of the sentence in this case.—

5 The excessive delay in forwarding the Case to the Court appears to the Foujdaree Udalut to be entirely owing to great mismanagement on the part of the Subordinate Police Officers.

Case Nº 1382. 6. The Court of Foujdaree Udalut observe that the Moodeeala-too Police Jmeen deserves censure for the little knowledge of his duty which he displayed in delaying the transmission of this case by an unnecessary reference to the Magistrate of Madura

7 In the convict labor statement it is reported that 7 men were employed to assist the Ironsmith during the month of September—

8 The Acting Subordinate Judge will be pleased to explain for the information of the Foujdaree Udalut why so many assistants were

29th October 1844.

were required in this department.—

9.— It is observed that in forwarding the above Reports without any endorsement the Acting Subordinate Judge of Madura has again neglected to conform with the instructions issued in this Courts Circular letter of the 31st July— and with the orders of Government no-

Official Gazette for 1842 page 619— 10. ticed in the margin.— The Reports now under review were received in this Court only on the 18th Instant instead of by the 15th as directed in para 6 of Foujdaree Udalut Circular Order 18th April 1835 Nº 40.—

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

(Sent in Nº 2468.)

Read the Criminal Reports for September 1844 submitted by

29th October 1844.

by the Principal Sudr Ameen of Tpichinopoly under date the 12th Instant.-

(Ken enter F. 26 No 2821.)

Report No V

Case No. 79 With regard to this case the Court of Foujdaree Adalut find themselves called on to repeat the instructions issued in their proceedings of the 12th August last to the Principal Sudr Ameen of Tpichinopoly never of himself to punish one Prisoner in a case and convict another.-

Case No 80 2 The Court of Foujdaree Adalut resolve to direct the Acting Sessions Judge of Tpichinopoly to call for the record of this case, and to pass such orders thereon as he may think proper reporting the result for the information of the Foujdaree Adalut.-

Case No. 83 - 3 It has already been pointed out to the Principal Sudr Ameen that all Prisoners sentenced under Section II Regulation VI of 1822 should be

29th October 1844.

be sentenced to severer punishment than 6 months imprisonment.-

4 The attention of the Principal Sudr Ameen is again called to the Foujdaree Adalut Circular Order 13th May 1841 No. 139 and he is directed to be more careful in future in attending to the instructions of the Foujdaree Adalut

Cases Nos 86 and 87. 5 The Court of Foujdaree Adalut observe that the preferences made in these two cases to the Head Assistant Magistrate were unnecessary. The Principal Sudr Ameen should have acted in both cases on his own discretion.-

Ordered that Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Tpichinopoly for his information and guidance.-

(Sent in No. 2401)

Ordered also that Extract from

29th October 1845

Para 2 from these Proceedings be sent to the Acting Subordinate Judge of Tirchinopoly for his information and guidance.

(Sent in No. 2402)

Read the Criminal Reports for the month of September 1845 forwarded by the Subordinate Criminal Judge of Bellary under date the 9th Instant

(Here enter F. C. No. 2776.)

Supplemental Report Case No. III.

1. As the offence in this case is sufficient according to Tinjdaree Adalut Circular Order 28th January 1828, to constitute a breaking into the 1st. portion of a house, the Court of Tinjdaree Adalut observe, that the 1st. Prisoner ought to have been sentenced under Clause Sixth Section II Regulation VII of 1822 and not under the Clause and Section quoted by the Pundit for Mr. Ewen.

Report No. V 2. Case No. 116.

The Court of Tinjdaree Adalut

29th October 1845.

Adalut do not consider the reason assigned to be any justification of the delay in the transmission of this case to the Court. It would appear from the explanation submitted that the Prisoner had been detained by the Duffadar with a view to extort from him a confession of guilt.

3. The Court have repeatedly prohibited in the strictest terms such abuse of authority and they direct that the Session Judge of Bellary be enjoined to notice the Duffadars conduct in the present case, in such a manner as he may deem necessary.

Ordered that copy of these Proceedings be forwarded to the Subordinate Judge of Bellary with instructions to communicate paras 2 and 3 to the Magistrate of Bellary for his information and guidance.

(Sent in No. 2403)

Read again letter dated

dated 10th July 1844 from the Subordi-
nate Judge of Bellary detailing the
circumstances of two persons having
been sent to the Jail Hospital under
the plea of insanity and recommend-
ing that instructions may be issued
to the Magistrate to hold preli-
minary investigations before sending
to the Jail Hospital persons charged
with insanity.—

(Here enter F. 26 No. 1750)

Read also letter dated 3d
August 1844 from the Magistrate of
Bellary reporting on the cases of the
two insane persons above alluded to.—

(Here enter F. 26 No. 2068.)

In his letter the Subordi-
nate Judge stated that a man and
a woman had been forwarded to
the Court by the Magistrate as
insane and that the Magistrate
had represented that one of them
has

has been reported to him as being a
Complete nuisance committing great
mischief and assaulting the people
of the place the other person is
reported as being a nuisance to the
Coml Bazar but that in a commu-
nication received from the Tillah
Surgeon "he had certified that the
"man appeared when sent to the Jail
"Hospital to be labouring under ex-
"citement from the effects of bangh smoking
"and since his confinement in the
"Hospital he has been perfectly quiet
"and harmless."—

"The woman in question
"has also been perfectly quiet and
"harmless since her confinement in
"the Jail Hospital, and the Tillah
"Surgeon reports that the cause of
"her creating the disturbance (for which
"act she has been reported insane)
"was in consequence of a family
"quarrel; that she has no appearance
whatever

"whatever of insanity."—

3. The Subordinate Judge accordingly suggests "that the Magistrate himself should institute some "further enquiry into cases of insanity "reported to him by the Head of Police "before sending them direct to the Court "as it appears to him that if the individuals "in question had been called before "the Magistrate, and after a few days "confinement released, with a warning "that they would be punished if found "creating disturbances in future, there "would have been no occasion for "the individuals in question to have "been forwarded to the Court."—

3. The Magistrate explains that in the case of the woman he "distinctly informed the Subordinate "Judge that she was sent up on the "representation of the Superintendent "of Police, and he is not aware what

further

"further proceedings can be held in these "cases than to hear the evidence of the "Parties who declare the insanity. The "Magistrate reports that he himself "visited (in company with his Assis- "tant who had called up the cases) "the woman in his Jail and his opinion "from her appearance and demeanour "was that she was mad."—

4. It appears that "the Superin- "tendent of Police forwarded this wo- "man to the Magistrate's Office on "a former occasion, and as he thought "what was then stated did not war- "rant her being sent to the Court as "insane he released her. She was "again brought before him and on "this occasion it appeared that she "was not harmless. She throws stones, "follows and abuses people, and in "fact was represented as an improper "person to be at large in a great

Military

29th October 1844.

"Military bazar Regarding the Insane
"sent up as insane by the Amildar
"of Khumply. The Amildar mentions
"in his report that one time with another
"this person had been no less than
"3 months under his surveillance he
"being unwilling to send him up, and
"the Proceedings held by the Amildar
"the number of testimonies to the in-
=sanity were so conclusive that he had
"no doubt on the matter."

5 He thinks that the experience
"gained by the Surgeon from a know-
=ledge of the prisoners cases for say
"days is liable to error and hardly a
"sufficient authority for a Magistrate
"to act upon in direct opposition to
"the proceedings of a Head of Police
"or Superintendent declaring a person
"a confirmed lunatic on the testimony
"of those who have known them for
"years, and he wishes to be informed

for

Sic in Origi:

29th October 1844.

"for his future guidance whether on
"such an opinion he should be justified
"in refusing to send up an insane
"person and in waiting till some
"act of violence gave irremediable
"testimony of insanity."—

6. The Court do not think
the prisoners can be longer detained
as having been lunatics when the
Civil Surgeon pronounces them to be
perfectly sane; but it is competent to the
Magistrate if he thinks they cannot be
released without danger to the com-
=munity, or without a reasonable
apprehension that they will commit
a breach of the peace to demand
security from them under the provi-
=sions of Clause first Section V
Regulation VI of 1827 after formal
inquiry, and to incarcerate them
in failure to furnish it for a defi-
=nite period.—

7. The Court accordingly
re-pet

regret to observe from several communications which have come before them the want of cordiality which exists between the judicial and Magisterial functionaries in the Bellary District and while they are prepared to impute to such a Zealous desire efficiently to discharge the duty which they respectively owe to the Government they believe that the public service would be more effectually advanced were a more conciliatory disposition evinced by the judicial authorities.—

8. In this instance the reference of the Subordinate Judge to the Foujdaree Udalut direct is irregular the course to be pursued is laid down in Sections XL and XLI Act VII of 1843 and the Court think that if the opinion contained in the Subordinate Judges letter of the 15th July last had in the

the first instance been communicated as it should have been to the Magistrate, this reference would have been obviated and the time both of the Foujdaree Udalut and of the lower Court, as well as of the Magistrate more profitably employed.—

Ordered that Extract from these Proceedings be forwarded to the Subordinate Judge and Magistrate of Bellary for their information and guidance respectively.

(Sent in Nos 2464 & 2465)

Read Report dated the 16th Instant from the Magistrate of Malabar, of cases tried by him under the provisions of Sections I to IV Act VII of 1843 during the month of September 1844.—

(Here enter F. 26 No 2864)

Case No 2.

The Court of Foujdaree Udalut are of opinion that the sentence passed upon the Prisoner

in

29th October 1844.

in this case was too lenient.—

Ordered that copy of these Proceedings be forwarded to the Magistrate of Chalaban for his information and guidance.—

(Sentence No. 2466)

Read letter dated 24th February 1844 from the Sessions Judge of Chicacole, submitting a copy of the Calendar in Case No. 3 of 1843 on the Nellapore Calendar; together with a translation of the futwa and the grounds of the sentence passed by the Sessions Court and furnishing the explanation called for in this Court's letter of the 17th February last.—

(Here enter F. 29 No. 575)

The Court of Foujdaree Udalut observing from the Criminal Reports that Cases Nos. 11 and 13 on the Vizagapatam Calendar and Case No. 3 on the Nellapore Calendar for 1843 had been committed to the Sessions Court

29th October 1844.

Court on the 8th September 28th October and 30th December respectively and receiving no Calendars up to the 17th February required the Sessions Judge immediately to forward them; and to explain why they were not forwarded at the close of the trial of each case.—

2. From the letter of the Sessions Judge it appears that tho. the cases Nos. 11 and 13 of 1843 were committed the former on the 8th September and the latter on the 28th October the prisoners were only forwarded to the Sessions Court by the Principal Sudr Ameen at Vizagapatam with his Calendars dated 25th December 1843 and were received by the Sessions Court on the 29th of the same month. The examination of the first case was closed on the 6th and the latter on the 15th January. The futwa given by the Law Officer

29th October 1844

Officer in the first on the 19th and the 2nd on the 20th Idem, and it was determined to refer Case No. 11 to the Tonjaneer Udalut but as the Futwah in Case No. 13 acquitted all the prisoners the Session Judge thought it necessary to examine the proceedings which occupied him till the 30th January on which day he determined to release the 2d and 3d Prisoners but to refer the trial regarding the 1st and 4th.

3. Those two cases though not at all bulky were referred on the 30th April and 14th May following and were received respectively on the 10th and 24th May.

4 The Court of Tonjaneer Udalut are of opinion that the excessive delays which have been permitted to take place in the several steps of progress in these cases reflects any thing but credit on the Session Judge and

29th October 1844

and they desire it may be explained why when the cases were committed on the 8th September and 28th October they were not forwarded to the Sessions Court by the Principal Sudder Ameen of Vizagapatam till the 25th December and if any what notice was taken by the Sessions Judge of this extraordinary delay.

5 The Court do not see the necessity of the protracted enquiry in Case No. 11 which extended over 8 days, nor the cause of the consumption of 13 days in the preparation of the futwa in this case.

6. The Sessions Judge will also explain why the examination in Case No. 13, was not closed before the 15th January and what prevented the submission of the futwa before the 20th and the declaration of this opinion on the case before the 30th January

7 With regard to Case No. 13 on

29th October 1844

on the Hehapoor Calendar the Sessions Judge explains that tho' committed on the 30th December 1843 it was only forwarded by the Principal Sudr Ameen with his Calendar dated 20th January 1844 and was received on the 26th of the same month— On the 8th February the case was closed and the Law Officer gave his Futwa on the 10th and sentence was passed on the 15th

8. The great delay which occurred between the committal and transmission of the case by the Principal Sudr Ameen; and between the reception of the case and the closing of the trial as well as that between the submission of the Futwa and the declaration of the sentence must be explained.—

9 With reference to the sentence passed in this case the Court of Fouzdaree Udalut observe that—

29th October 1844

that stripes are not a suitable punishment for an assault and they accordingly resolve to direct that this portion of the sentence be immediately permitted.—

10 In conclusion the Court of Fouzdaree Udalut desire that a Calendar be submitted to them in each case coming before the Sessions Court at the close of the trial.—

Fouzdaree Udalut Proceedings 21st August 1843 para 8

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittagong by precept returnable in 15 days from and after its receipt.—

(Sent following Precept No 2467)

Read Calendar of Case No 19 of 1844 on the Honore Calendar—

(Here enter F. C. No 2849)

The Prisoner was charged with having inflicted several wounds on the prosecutor with a sword.—

The

29th October 1844 2

The Acting Session Judge concurred with his Law Officer in the conviction of the prisoner, but as the Medical officer was of opinion that no serious consequences were to be apprehended from the very severe wounds inflicted on the Prosecutor and considering the provocation received from the Prosecutors continued illicit intercourse with the Prisoners wife and the circumstance of there being every reason to believe that the Prosecutor was wounded just outside if not actually in the Prisoners house he sentenced the Prisoner to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of 18 months.—

3. The Court consider the ——— sentence awarded in this Case to be unsuitable. Hard labor in irons is not a fit punishment for such an offence as that proved against

29th October 1844

against the prisoner. The punishment is excessive and must be reduced. The Court are of opinion that the prisoner should be immediately released as the imprisonment already undergone has more than atoned for the offence committed and they accordingly direct that he be set at liberty on the receipt of these orders.—

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

(Sent following Precpt No 2468)

Ent'd

WDM

HC

F. U.

Wednesday 30th October 1844.

At a Court of the Foujdaree Udalut.

Present.

Henry Dickinson Esqre 1st Puisne Judge.
Malcolm Lewin Esqre Actg 2d Puisne Judge.
Alexr. Maclean Esqre Actg 3d Puisne Judge.

Read the Criminal Reports for September 1844, submitted by the Acting Subordinate Judge of Salem under date the 30th Ultimo.

(Here enter F.U. № 2770.)

Court of Foujdaree Udalut desire to be informed what was done with the 4th Prisoner in this Case from the 7th Ultimo, the date of his apprehension to the 18th when the other three Prisoners were brought forward.

Report № V Case № 91.

2. The Official Reports submitted by the Subordinate Judge of Salem, are in parts unintelligible from the very abrupt style in which they are penned. In the Case noted in the margin it is remarked, "The Court on this statement forthwith di-

Case № 90.

-rected

"practd prisonrs release. (denies before the
"police) for even granting that Vr."

3. It is not easy from the above
to infer who denies before the Police.

4. The Court of Foujdarry Adalut
would impress upon the Acting Subordi-
nate Judge the importance of clearly ex-
pressing any remarks he may enter in
his Official Reports, which ought to be
drawn up in as Condensed and concise a
form as may be compatible with perspi-
cuity and the correct statement of all in-
formation that may be important to
record.

Ordrd that Copy of these
Proceedings be forwarded to the Acting
Subordinate Judge of Salem for his in-
formation and Guidance.

(Sent in №2473)

Read return dated the 12th Inst-
stant from the Session Judge of Cuddapah
to this Courts praspt of the 5th instant requiring
him to look into case №181 of 1846 on the file
of

of the Subordinate Criminal Court, and to
pass such ordrs thereon as may appear to
him necessary.

(Herewith F.A. №2802.)

1. The Session Judge states that
the Sudr Ameen seems altogether to have mis-
taken the case above preferrd to, and remarks
"the duty of the Sudr Ameen was merely to
"ascertain that the Prisoners Complaint was
"false: and as to the Prisoner denying or
"qualifying his Complaint, that unsupported
"assertion ought to have had no wight with
"the Sudr Ameen, as the proceedings before
"the Head of Police, and the order of the Acting
"Joint Magistrate spoke for themselves and
"were quite sufficient to convict the Prisoner."

2. The instruction conveyd in this
remark of the Session Judge to the Sudr
Ameen is quite opposed. the Court observe to
Foujdarry Adalut Circular Order 6th January 1834,
which requires that if there are grounds for
believing a Charge to be wilfully false and
malicious, the party sent up shall have an
opportunity of defence. The Prisoner in the

Case

"prefrd prisonrs release. (denies before the
"police) for even granting that V:-"

3. It is not easy from the above
to infer who denies before the Police.

4. The Court of Foujdaree Udalut
would impress upon the Acting Subordi-
nate Judge the importance of clearly ex-
pressing any remarks he may enter in
his Official Reports, which ought to be
drawn up in as Condensed and concise a
form as may be compatible with perspi-
cuity and the correct statement of all in-
formation that may be important to
record.

Ordered, that a Copy of these
Proceedings be forwarded to the Acting
Subordinate Judge of Salem for his in-
formation and Guidance.

(Sent in № 2473)

Read return dated the 12th Inst-
stant from the Session Judge of Cuddapah
to this Courts precept of the 5th instant requiring
him to look into case № 181 of 1844 on the file

of

of the Subordinate Criminal Court and to
pass such orders thereon as may appear to
him necessary.

(Herewith F.R. № 2802.)

1. The Session Judge states that
the Sudr Ameen seems altogether to have mis-
taken the case above referred to, and remarks
"the duty of the Sudr Ameen was merely to
"ascertain that the Prisoners Complaint was
"false: and as to the Prisoner denying or
"qualifying his Complaint, that unsupported
"assertion ought to have had no weight with
"the Sudr Ameen, as the proceedings before
"the Head of Police, and the order of the Acting
"Joint Magistrate spoke for themselves and
"were quite sufficient to convict the Prisoner."

2. The instruction conveyed in this
remark of the Session Judge to the Sudr
Ameen is quite opposed the Court observe to
Foujdaree Udalut Circular Order 6th January 1834.
which requires that if there are grounds for
believing a Charge to be wilfully false and
malicious, the party sent up shall have an
opportunity of defence. The Prisoner in the

Case

30th October 1824.

case above-mentioned denied the deposition on which he was sent to Court he also denied having confessed - that point also should therefore have been deposed to. -

3. The Sudr Ameen was not justified in releasing the Prisoner as he did without calling evidence to prove the depositions It appears however that he thought the case was not sustained by the record as it reached him and that it should be at once dismissed

Ordered, that copy of these Proceedings be forwarded to the Magistrate of Cuddapah for his information and guidance. -

(Sent in № 2474)

Read the Criminal Reports submitted by the Magistrate of Chingleput for the Month of September 1824.

(Here enter F.C. № 2814)

His above Reports do not appear to call for any remark from the Court of Foujdaree Adalut

Ordered therefore that Extract from these proceedings be forwarded to the Magistrate

F.C.

30th October 1824.

Magistrate of Chingleput for his information.

(Sent in № 2475

Read letter dated the 26th October 1824. from the Session Judge of Chingleput, submitting the record of the trial in Case № 19 of 1824.

(Here enter F.C. № 2915.)

The Court of Foujdaree Adalut

Mr. Lewin and Mr. Maclean. on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoner.

Sobbun

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

(Sent following letter № 2476)

Read again letter dated the 2d August last from the Acting Session Judge of Cuddapah, forwarding for the final

30

final sentence of the Foujdarry Udalut the record of trial in Case №43 on the Calendar of the Sessions Court of Cuddapah for 1844.

(Here enter F.U. №2042.)

Read also return dated the 6th September 1844 from the Sessions Judge of Cuddapah, to the Precept of the Court of Foujdarry Udalut under date the 17th August 1844. directing him to supply omissions in the trial in Case №43 of Cuddapah Calendar for 1844.

(Here enter F.U. №2432.)

Read also return dated the 21st instant from the Sessions Judge of Cuddapah to the Precept of the Court of Foujdarry Udalut under date the 5th instant, directing that 3 witnesses examined by the Head of Police in Case №43 of 1844. may be sent for and examined on the point indicated in their proceedings of the 17th August last.

(Here enter F.U. №2873.)

The Court of Foujdarry 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 Hickinbotham
Mr Maclean

"Juckoola Gengoolloo."

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

(Sent following letter №2477)

Read Report dated the 14th Instant from the Sessions Judge of Cuddalore of the labor of Convicts in the Jail at Cuddalore for the Month of September 1844.

(Here enter F.U. №2824.)

Read Statement dated the 14th Instant from the Sessions Judge of Cuddalore, of the estimated value of the product of the Prisoners labor during the month of September 1844.

(Here enter F.U. №2825.)

Read Statement dated the 14th instant from the Sessions Judge of Cuddalore, of Extra Jail Proms employed during the month of September 1844.

(Here enter F.U. №2826.)

Read

30

final sentence of the Foujdarry Udalut the record of trial in Case No 43 on the Calendar of the Sessions Court of Cuddapah for 1844.

(Here enter F.U. No 2042.)

Read also return dated the 6th September 1844 from the Session Judge of Cuddapah, to the Precept of the Court of Foujdarry Udalut, under date the 17th August 1844. directing him to supply omissions in the trial in Case No 43 of Cuddapah Calendar for 1844.

(Here enter F.U. No 2432.)

Read also return dated the 21st Instant from the Session Judge of Cuddapah to the Precept of the Court of Foujdarry Udalut under date the 5th instant, directing that 3 witnesses examined by the Head of Police in Case No 43 of 1844. may be sent for and examined on the point indicated in their proceedings of the 17th August last.

(Here enter F.U. No 2873.)

The Court of Foujdarry 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 Mackenzie
&
Mr Maclean

"Juckoola Gengoolloo."

is

30th October 1844.

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

(Send following letter No 2477)

Read Report dated the 14th Instant from the Session Judge of Cuddalore of the labor of Convicts in the Jail at Cuddalore for the Month of September 1844.

(Here enter F.U. No 2824.)

Read Statement dated the 14th Instant from the Session Judge of Cuddalore, of the Estimated value of the product of the Prisoners labor during the month of September 1844.

(Here enter F.U. No 2825.)

Read Statement dated the 14th instant from the Session Judge of Cuddalore, of Extra Jail Rows employed during the month of September 1844.

(Here enter F.U. No 2826.)

Read

Read Return dated the 14th Instant from the Session Judge of Cuddapah to the Precept of the Fouzdarry Udalut under date the 30th Ultimo, requiring to call for the proceedings in Cases Nos 191 and 202 of 1846 on the file of the Subordinate Criminal Court, and pass on them such orders as may appear proper.-

(Here enter F.A. No 2828.)

Read Report dated the 1st instant from the Subordinate Criminal Judge of Chittoor of Prisoners tried and referred to the Fouzdarry Udalut, but on whom no sentences have been received from that Court in the Months of September 1846.

Here enter F.A. No 2831.

Read letter dated the 14th Instant from the Session Judge of Coimbatore, calling attention to the 8th Para of his letter of the 8th July, in which he recorded an opinion that Sooba Row the Head of Police of Carroor merited the penalty of dismissal from Office.-

(Here enter F.A. No 2838.)-

F.A.

Thursday,
31st October 1846.

At a Court of the Fouzdarry Udalut.

Present,

Henry Dickinson Esquire 1st Puisne Judge,
Malcolm Lewin Esquire Actg 2d Puisne Judge,
Alex. Maclean Esquire Actg 3d Puisne Judge,

Read letter dated the 24th Instant from the Session Judge of Cuddapah forwarding the translations of the Record in Case No 80 on the Calendar for 1846.-

(Here enter F.A. No 2913.)

The Court of Fouzdarry Udalut

Mr. Lewin
and
Mr. Maclean

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

1st Bundala Chinniagandoo.
2d Yette Maula Cuddereegandoo.
and
3d Doompala Vaunappah.

is sufficient to convict them of aiding and abetting in the crime of theft with which they are charged, do convict them thereof,

and

and, with reference to the provisions of the Mahomedan law as declared in futwahs of their Law Officers, annexing the penalty of amputation of one limb to that offence, and to the provisions of Section XXI. Regulation VII of 1802, and Section XXXIII. Act VII of 1843, and being of opinion that a lesser sentence of imprisonment than that proposed by the Session Judge will meet the ends of justice, do sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of three Years.

(Sent following letter No 2482)

Read letter dated the 12th October 1844, from the Session Judge of Chicacole submitting trial in Case No 2 on his Calendar.

(Here enter F.H. No 2869.)

The Court of Foujdarry Adalut

Mr Lewis and Mr Maclean.

On a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners.

1st Boodireddy Atchiah.

5th

2d Gundy Moosalyah.

3d Gundy Chelliah

and

4th Gundy Coomiah.

is sufficient to convict them of the crime of theft, do convict them thereof, and under the provisions of Section XXI Regulation VII of 1802, and the provisions of the Mahomedan law as declared in futwahs of their Law Officers which annex the penalty of amputation of one limb to that offence, do sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public work for and during the period of seven years.

1. The Court of Foujdarry Adalut observe that had the Session Judge called the Sepoy mentioned in page 8 of the record, as having accompanied the 4th Prisoner to his house the trouble this case has given would in all probability have been avoided.

2. Adverting to the charge made by the Session Judge against the Mahomedan Law Officer, the Court of Foujdarry

Adalut

Udalut see no grounds for complaint in the present case. There are defects in the evidence the Court observe, which justify the futwah of the Law Officer, and the difference of opinion which exists between him and the Session Judge.-

3. The Court however concur in the opinion of the Session Judge and direct that the Prisoner be sentenced to 7 years imprisonment without stripes under Section XXI Regulation VII of 1802.

4. The theft committed in the case being above Rupees 300. the Court of Foujdaree Udalut are at a loss to conceive how the Session Judge of Chicacole could propose to sentence the Prisoner under the Section and Regulation quoted by him.

Ordered that copy of these Proceedings be forwarded to the Session Judge of Chicacole for his information and guidance.-

(Sent following letter No. 2483.)

Read letter dated the 25th instant from the Session Judge of Vellore, submitting translation of the proceedings in Case No. 18 on the Vellore Calendar for 1814 for the consideration

F. C.

31st October 1814.

-sideration and final sentence of the Court of Foujdaree Udalut.

(Herewith F.M. No. 2914.)

The Court of Foujdaree Udalut

Mr. Dickinson and Mr. Swinton

on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the Prisoner

"Poller Mchanna"

is sufficient to convict him of the crime of Robbery when single and unarmed, do convict him thereof, and with reference to the provisions of the Mahomedan Law as declared in futwahs of their Law Officers, annexing the penalty of amputation of two limbs to that offence, and to the provisions of Section XXI Regulation VII of 1802, do sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of (14) fourteen years.-

1. The Court do not think that it is sufficiently proved that the Prisoner

was

was armed at the time he committed the rob-
bery. The offence must therefore be treated as
having been committed by a single unarmed
robber.

2. And since the Mahomedan
Law declares a Prisoner to be punishable for
this offence under a sentence of Hud, by the
amputation of two limbs, the Court would
sentence the Prisoner under Section XXI Regu-
lation VII of 1802, to be imprisoned with hard
labor in irons for 14 Years.

3. The Court see no ground for
mitigating the punishment awarded by
Law.

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

(Sent following letter No 2484)

Read letter dated 15th October 1846.
from the Magistrate of Coimbatore submitting
the explanation called for in the proceedings
of this Court of the 3d Ultimo held in review of
the Criminal Reports for the month of July - in
regard to the precise point of reference on which
the

the Head of Police solicited the orders of the
Magistrate in Case No 69 of the Report.

(Repertory No 2868.)

1. The Magistrate in his letter
explains that the prisoners in the case in ques-
tion were examined on a charge of having as-
saulted the prosecutor on the High road and
robbed him of 10 Rupees which the Police Officer
reported to have been proved by the evidence of
two witnesses, but he expressed at the same
time his doubts as to the validity of the
evidence which he considered untrustworthy
and collusive. There was however
nothing in the face of the proceedings to
support this supposition in the opinion of
the Magistrate, and he was consequently
directed to forward the case to the criminal
Court provided the charge was sufficiently
substantiated against the Prisoners as pres-
cribed by Clause fourth Section XXVIII Regula-
tion X of 1816.

2. The Court of Foujdaree Udalut
observe that the reference to the Magistrate
was not justifiable - it was for the police officer

to

was armed at the time he committed the robbery. The offence must therefore be treated as having been committed by a single unarmed robber.

2. And since the Mahomedan Law declares a Prisoner to be punishable for this offence under a sentence of And, by the amputation of two limbs, the Court would sentence the Prisoner under Section XXI Regulation VII of 1802, to be imprisoned with hard labor in irons for 14 Years.

3. The Court see no ground for mitigating the punishment awarded by Law.

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

(Sent following letter No 2484)

Read letter dated 15th October 1844. from the Magistrate of Coimbatore submitting the explanation called for in the proceedings of this Court of the 3d Ultimo held in review of the Criminal Reports for the month of July— in regard to the precise point of reference on which the

the Head of Police solicited the orders of the Magistrate in Case No 69 of the Report.—

(Here enter F.M. No 2868.)

1. The Magistrate in his letter explains that the prisoners in the case in question were examined on a charge of having assaulted the prosecutor on the High road and robbed him of 10 Rupees which the Police Officer reported to have been proved by the evidence of two witnesses, but he expressed at the same time his doubts as to the validity of the evidence which he considered untrustworthy and collusive. There was however nothing in the face of the proceedings to support this supposition in the opinion of the Magistrate, and he was consequently directed to forward the case to the criminal Court provided the charge was sufficiently substantiated against the Prisoners as prescribed by Clause fourth, Section XXVIII Regulation X of 1816.

2. The Court of Foujdaree Adalut observe that the reference to the Magistrate was not justifiable— it was for the police officer

to

to judge of the sufficiency of the evidence. and if he considered it inadequate for the conviction of the offence charged, he should have dismissed the Case. If the Police Officer is not competent to exercise his discretion in such a matter as this he should not be retained in his office, but it is observable that the result of the enquiry before the Pundit Sudr Ameen established the correctness of his views of the case.

3. The attention of the Magistrate is called to Circular Order №22. in which the views of the Court regarding the reference of cases by the Police to the Magistrate are fully and clearly explained, and he is required in conformity with them to discountenance and prohibit needless references in future.

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

(Sent in №2485)

Read Calendar of Case №53. on the Calicut Calendar of 1846 submitted under date the 19th October by the Session Judge of Calicut.

(Herewith F.C. №2880.)

In

1. In this case the prisoner is charged with having in 1835 severely wounded the prosecutor by stabbing with a Rifle "the charge was" in the opinion of the Session Judge "clearly brought home to him by the evidence of five witnesses, who verified their former depositions with some slight variations "for which allowance must be made after "the lapse of 9 years. One of the wounds would likewise appear to have been a severe one, the "Medical Officer certifying "that it had been of a serious nature" and that "the removal over the site of it is most probably a "portion of intestine that protruded through "the original wound." Under these circumstances, the Session Judge felt it imperative "even altho so many years had elapsed since "its occurrence to award a somewhat lengthened period of imprisonment" and accordingly sentenced him to 3 years imprisonment with labor in irons.

2. The Court of Foujdarry Adalut observe that the charge in this case is defective,

it

it being obvious from the nature of the wounds, and the circumstances of the case that it was the intent of the prisoner to kill the prosecutor, such intent should have been charged, as required by Circular Order No 91. in the arraignment.

3 Adverting too to the orders of Government of the 15th November 1836, and the evidence in the case, the Court consider the punishment respectively awarded lapse of time is no ground of mitigation.

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

(Sent pr No 2486)

The Criminal Reports due from the Month of April 1836, not having as yet been received from the Agent to the Governor of Fort Saint George at Ganjam, the attention of that Officer is drawn to the Court's letter, dated the 26th May 1840, pr which he was desired to submit the statements under observation "at the close of each Month".

2. Adverting to the omission on the

× para 9. Extract of Minutes of Commutation.

the part of the Agent to the Governor hither to to conform with regularity to the requisition in question, the Court of Sudder Adalut resolve to direct that, with reference to the rule laid down in their Circular orders, the Agent be desired to transmit the usual Monthly Criminal Report so that it may arrive at Madras by the 15th of the Month succeeding that for which it is furnished.

Ordered that Extract from these proceedings be forwarded to the Acting Agent to the Governor of Fort Saint George at Ganjam by precept returnable in 5 days from and after its receipt.

(Sent following precept No 2487)

No further return having been received from the Sessions Judge of Calicut to the precept of this Court dated the 3d Ultimo requiring him to call for the record in Case No 28 on the Cochin Criminal Report No V for the Month of July last, and pass such orders thereon as he may consider requisite reporting the same for the information

No 40. para 6.

mation of this Court.

Ordered that the Sessions Judge of Calicut be required to make a full return to the precept aforesaid within X days.

(Sent in No 2488)

Read return dated the 14th Instant from the Sessions Judge of Chicacole to the precept of the Foujdaree Udalut under date the 4th October 1844, requiring him to transmit a transcript and translation of the statements made by the 1st Prisoner before the Police authorities, and the Principal Sudr Ameen's Court in case No 7 of 1844, on the file of the Sessions Court at Chicacole.

(Here enter F.U. No 2861.)

Read return dated the 23d Instant from the Sessions Judge of Chittoor to the Precept of the Foujdaree Udalut dated 17th October 1844 returning the record of the trial in case No 29 on the Chittoor Calendar of 1844, and desiring the Sessions Judge to call on his Law Officer to state the sentence to which the Prisoners would have been liable if the evidence of the 1st and 2d Witnesses had been admissible under the

the provisions of the Mahomedan Law, and then proceed to dispose of the case according to law.

(Here enter F.U. No 2870.)

Read letter dated the 16th Instant from the Acting Sessions Judge of Honore, stating that, with reference to Circular Order of 9th June 1837, no money was realized by the labor of the Prisoners, during the 3d quarter of 1844.

(Here enter F.U. No 2872.)

Read return dated the 22d Instant from the Sessions Judge of Guntoor, to the Precept of the Foujdaree Udalut under date the 18th October 1844, directing that the sentence of imprisonment for Seven Years passed by the Sessions Judge on the Prisoner in the 2d Calendar of 1844 be reduced to one Year.

(Here enter F.U. No 2877.)

Read communication dated the 21st Instant from the Sessions Judge of Mangalore, forwarding copy of a letter from the Acting Subordinate Judge, dated 14th Instant, stating that no disbursements were

made

made during the last Quarter of the nature referred to in the Foujdaree Udalut Circular Orders Nos. 50 and 65.

(Here enter F.U. No. 2884.)

Read return dated the 10th Instant from the Acting Subordinate Judge of Madura to the Precept of the Foujdaree Udalut under date the 7th October 1844, reviewing the Criminal Reports for the Month of August 1844.

(Here enter F.U. No. 2886.)

Read Calendar dated the 4th Instant from the Session Judge of Chittoor in Case No. 35 of 1844.

(Here enter F.U. No. 2888.)

Read Calendar dated the 31st July 1844 from the Session Judge of Madura of last No. 34 of 1844.

(Here enter F.U. No. 2889.)

Read Calendar dated the 15th August 1844 from the Session Judge of Madura of Case No. 35 of 1844.

(Here enter F.U. No. 2890.)

Read Calendar dated the 20th August 1844 from the Session Judge of Madura

of

of Case No. 37 of 1844.

(Here enter F.U. No. 2892.)

Read letter dated the 24th Instant from the Acting Magistrate of Nellore, stating that no cases cognizable under Section LIV Act VII of 1843 were disposed of by him or his Assistants during the Month of September last.

(Here enter F.U. No. 2897.)

Read Calendar dated the 23d October 1844 from the Session Judge of Bellary in Case No. 39 of 1844.

(Here enter F.U. No. 2898.)

Read Calendar dated the 12th Instant from the Session Judge of Tinnevelly in Case No. 27 of 1844.

(Here enter F.U. No. 2899.)

Read Statement dated the 30th Ultimo, from the Session Judge of Chingleput shewing the amount realized by the labor of Prisoners for the 3d Quarter 1844.

(Here enter F.U. No. 2900.)

Read Supplemental Report dated the 22d October 1844 from the Agent to the Governor

Governor of Fort Saint George at Vizagapatam of Persons apprehended in the separate Tracts of Vizagapatam and delivered to the Agency and regarding whom no final orders had been passed at the date of the Report ending 30th August 1844.-

(Here enter F.H. № 2903.)

Read Calendar dated the 25th Instant from the Session Judge of Combaconum of Cases №s 56, 57 and 58 of 1844.

(Here enter F.H. № 2906.)

Read letter dated the 21st Instant from the Session Judge of Coimbatoor transmitting the warrant issued for the Execution of the sentence of death passed on the Prisoner in Case № XLVIII of 1844 on the Calendar of the Session Court with the endorsement of the Subordinate Judge, and copy of his report.

(Here enter F.H. № 2909.)

Read letter dated the 22d Instant from the Session Judge of Trichinopoly reporting that no disbursements were made during the third quarter of 1844 of the nature described in the Foujdaree Adalut's Circular Orders №s 50 and 65.

(Here enter F.H. № 2910.)

Ed Vth

F.H.

Fridays
1st November 1844

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqr — 1st
Malcolm Lewin — Esqr Acting 2d
Alexr Maclean — Esqr Acting 3d
} Puisne Judges

Read Calendar of Cases №s 29 of 1844 submitted with One Enclosure by the Sessions Judge of Chittoor under date the 14th September 1844.-

(Here Enter F.H. № 2881.)

The Court of Foujdaree Adalut observe that there is no connexion between the offences of the two Prisoners in this case, and that they ought therefore to have been tried separately.-

They direct that this be communicated to the Subordinate Judge for his information.

Ordered that copy of these Proceedings be forwarded to the Sessions Judge of Chittoor for his information and guidance.-

(Sent in № 2492)

Governor of Fort Saint George & Vizagapatam. of Persons apprehended in the separate Tracts of Vizagapatam, and delivered to the Agency, and regarding whom no final orders had been passed at the date of the Report ending 30th August 1844.-

(Here enter F.U. № 2903.)

Read Calendar dated the 25th Instant from the Session Judge of Combaconum of Cases №s 56, 57 and 58 of 1844.

(Here enter F.U. № 2906.)

Read letter dated the 21st Instant from the Session Judge of Calicut, transmitting the warrant issued for the Execution of the sentence of death passed on the Prisoner in Case № XLVIII of 1844, on the Calendar of the Session Court, with the endorsement of the Subordinate Judge, and copy of his report.

(Here enter F.U. № 2909.)

Read letter dated the 22d Instant from the Session Judge of Tellicherry, reporting that no disbursements were made during the third Quarter of 1844 of the nature described in the Foujdaree Adalut's Circular Orders №s 50 and 65.

(Here enter F.U. № 2910.)-

F.U.

Friday 1st November 1844.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre — 1st
Malcolm Lewin — Esqre Acting 2d
Alexr Maclean — Esqre Acting 3d
} Puisne Judges

Read Calendar of Cases №s 29 of 1844 submitted with One Enclosure by the Session Judge of Chittoor under date the 14th September 1844.-

(Here Enter F.U. № 2881.)

The Court of Foujdaree Adalut observe that there is no connexion between the offences of the two Prisoners in this case, and that they ought therefore to have been tried separately.-

2 They direct that this be communicated to the Subordinate Judge for his information.-

Ordered that copy of these Proceedings be forwarded to the Session Judge of Chittoor for his information and guidance.-

(sent in № 2892)

1st November 1864.

Read Criminal Reports for the Month of September 1864 submitted by the Subordinate Judge of Cuddalore.

(Here Enter F.H. No. 2835.)

Supplemental Report - Case No. 38.

1 The Court of Tondiarpet Adalut are of opinion that the examination of this case should be no longer delayed. If the prisoner is not sufficiently recovered on the receipt of these proceedings to be present at the investigation of the case in the Court house the examination of the parties must be conducted in the Hospital in the presence of the Prisoner.

Case No. 205.

2 The Subordinate Judge has omitted to enter in the report the charge preferred against the 1st. prisoner, this omission must be supplied. The Subordinate Judge will also explain under what circumstances the Prisoners were before conviction confined in irons.

Case No. 209

3 The Prisoner in this case is charged with having preferred maliciously a false complaint before the Head of Police against the 1st. Witness and others to the effect that they

administered

1st November 1864.

administered certain medicines to his mother and killed her and has been sentenced by the Sadr Ameen Nadeerattna Sastry to one months imprisonment with hard labor in irons.

4 It appears to the Court that the Sadr Ameen would have exercised sounder discretion had he liberated the prisoner. He is a lad of 16 years of age and represents that he heard from his mother that she had been compelled by the 1st. 2nd. and 4th. Prisoners to take medicine and this statement is corroborated by the 5th. & 6th. Witnesses.

5 The Judgments of this Sadr Ameen repeatedly call for remark from the Tondiarpet Adalut. The Subordinate Judge will therefore warn him to be more circumspect in future.

Report No. V. Case No. 217.

6 Adverting to the explanation of the detention of this case before the Police and the date of the apprehension of the Prisoners. The Court of Tondiarpet Adalut desire it may be explained

Ex

1st November 1844.

Read Criminal Reports for the Month of September 1844. submitted by the Subordinate Judge of Cuddalore.

(Here Enter F.H. Nº 2835.)

Supplemental Report - case Nº 38.

1 The Court of Fouzdaree Adalut are of opinion that the examination of this case should be no longer delayed. If the prisoner is not sufficiently recovered on the receipt of these proceedings to be present at the investigation of the case in the Court house the examination of the parties must be conducted in the Hospital in the presence of the Prisoner.

case Nº 205.

2 The Subordinate Judge has omitted to enter in the report the charge preferred against the 1st. prisoner, this omission must be supplied. The Subordinate Judge will also explain under what circumstances the Prisoner were before conviction confined in irons.

case Nº 209

3 The Prisoner in this case is charged with having preferred maliciously a false complaint before the Head of Police against the 1st. Witness and others to the effect that they

administered

1st November 1844.

administered certain medicines to his mother and killed her and has been sentenced by the Sudr Ameen Anderanna Sastry to one months imprisonment with hard labor in irons.

4 It appears to the Court that the Sudr Ameen would have exercised sounder discretion had he liberated the prisoner. He is a lad of 16 years of age and represents that he heard from his mother that she had been compelled by the 1st. 2d. & 3d. Witnesses and 4th. Prisoner to take the medicine and his statement is corroborated by the 5th. & 6th. Witnesses.

5 The Judgments of this Sudr Ameen repeatedly call for remark from the Fouzdaree Adalut. The Subordinate Judge will therefore warn him to be more circumspect in future.

Report Nº V. case Nº 217.

6 Adverting to the explanation of the detention of this case before the Police and the date of the apprehension of the Prisoners. The Court of Fouzdaree Adalut desire it may be explained

on w^t ground the Head of Police believes the charge of K: Sanjeevie Condadee that the Prisoners strangled the Prosecutor on the 22d August. The Court desire it may be stated whether the Prisoners were at large or in close confinement from the date of their apprehension the 18th August and if the latter how they could have been concerned in the Murder of the Prosecutor.-

Case N: 218

7 In this case N: 218 the 2d Prisoner is charged with house breaking and theft to the amount of Rupees 1816. 3- 0 and the 1st and 3d with having purchased part of the stolen property knowing it to be stolen.

8 The Officiating Subordinate Criminal Judge has convicted the 1st and 2d prisoners and committed them to trial but considering the evidence against the 3d Prisoner to be insufficient to prove his guilt tho' giving rise to strong suspicion of his criminality he has summoned witnesses for his witness for his defence.-

9 This proceeding of the officiating Subordinate Judge is irregular. He should have

have deferred committing the 1st and 2d Prisoners till the enquiry regarding the third was completed and then he should have passed orders on all at the same time.-

10 The Court considering the explanation of the delay in transmitting this and the following case N: 219 to the Subordinate Court to be unsatisfactory resolve to direct that copies of them as they stand in the Report and of this parah be sent to the Magistrate who will be pleased take such notice of the conduct of the Police Officers concerned as he may deem proper and report the result for the information of the Tonjadaree Adalut.-

Case N: 221

11 The reference to the Joint Magistrate which caused the delay in the transmission of this case to the Subordinate Judge was unnecessary. If the Police Officer is not competent to exercise his own discretion in such a case he is not fit for his Office. Copy of this para will be furnished by the Subordinate Court to the Magistrate who will point out to the Police Officer his irregularity and discourage similar needless references in

future

future.-

Case N:226 13 The Prisoner in this case who has been convicted of house breaking has been sentenced by the Sudr Ameen Ragavachary to 3 Months imprisonment under Clause fourth Section III Regulation VII of 1822.-

13 The Section quoted is inapplicable- Clause Sixth Section II and not Clause fourth Section III. of the Regulation referred to provides for the punishment of house breaking.-

14 The punishment awarded also is inadequate according to the construction of Regulation VII of 1822 Circular Order N:139- the imprisonment awarded the prisoner should have exceeded six months- The attention of the Sudr Ameen in question will be particularly called to the Circular Order N:139.-

Case N:232- 15 In this case the Prisoner is convicted of having thrown a stone at the Prosecutor's bullock and killed it and has been sentenced under Clause first Section VIII Regulation XIII of 1832 to three months imprisonment. As the act which destroyed the animal was not the effect of malice, the punishment

punishment is illegal and the prisoner must be released.-

Case N:237- 16 The Sudr Ameen Ragavachary has sentenced the prisoner in this case convicted of preferring a false and malicious charge before a Head of Police, to pay a fine under Section VII Regulation X of 1816 or in default to suffer one months imprisonment under Section II Regulation IX of 1832.-

17 The sentence is irregular the offence of which the prisoner is convicted having been specifically provided for in Regulation IX of 1832 by imprisonment- The Sudr Ameen was not authorized in imposing a fine- This part of the sentence must accordingly be annulled.-

Case N:238- 18 The offence charged and proved against the Prisoner in this case being house breaking- Clause Sixth Section II and not Clause fourth Section III Regulation VII of 1832 should have been quoted in support of the sentence awarded.-

Case N:241- 19 The sentence passed on the 1st prisoner in this case is contrary to the instructions laid down in Circular Order

1st November 1844

Order N° 639 and to the intention of the legislature in enacting Regulation VII of 1822. The attention of the Provincial Judge Ancent should be particularly drawn to the Circular Order above referred to and he should be enjoined to pay strict obedience to it in future.

20 These reports not having been received till the 17th Instant the attention of the Subordinate Judge is called to parah 6 of Circular Order N° 40.

21 It is further observed that the endorsement is in direct contravention of the rules and orders issued on the subject the Subordinate Judge is required in future to adhere strictly to the form of endorsement laid down in the order of Government dated 9th August 1842 and published in the official Gazette of the 12th idem N° 1221.

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Cuddapah for his information by precept returnable in 5 days from and after its receipt.

(Sent following precept N° 2493)

Read Report dated the 22d instant submitted

Pty.

1st November 1844.

submitted by the Magistrate of Tanjore of Cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the Months of September 1844.

(Vide Entry N° 2894)

The Tanjore Adalut have ruled that the additional powers conferred on the Magistracy by Section LIV Act VII of 1843 do not extend to such cases of Cattle stealing as are cognizable by the Criminal Courts under Regulation VII of 1822.

Ordered that Extract from these Proceedings be forwarded to the Magistrate of Tanjore for his information and future guidance.

(Sent N° 2494)

Read Calendar dated 30th August last submitted by the Sessions Judge of Madura in Case N° 38 of 1844.

(Vide Entry Pty. N° 2893)

The prisoner was charged with perjury committed before the Head Assistant Magistrate of Madura and having been declared by the Moofty liable to Do Roobut has been sentenced by the

1st Nov 1864

the Sessions Judge who concurred in the Moottyj's view of the case to be imprisoned and kept to hard labor for the period of Seven years.-

2 The Tondaree Udalut greatly doubt the correctness of this sentence and resolve to call upon the Sessions Judge to state the grounds upon which he has convicted the prisoner, and what parts of the prisoner's statements are proved to be untrue.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Madura by precept from and after its receipt.-

Sent following precept No. 2495/8

M.

Monday
4th November 1844.

N. Ub.

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqre 1st Puisne Judge

Malcolm Lewin Esqre Ag. 2nd Puisne Judge

Alexander Maclean Esqre Ag. 3rd Puisne Judge

Read letter dated the 22d Ultimo from the Sessions Judge of Tellicherry submitting for the final sentence of the Foujdaree Udalut the record of trial in Case No. 12 on the Calendar of the Sessions Court of Tellicherry for 1844.

(Here enter No. 2942)

Mr. A. Maclean. The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoners.

1st Perrotte Coomy Camaren Nambiar.

2nd Erney Kumy Checkotty

3rd Vuddeota-pololatil Vamery Chumoo Nambiar

4th Perrotte-mettil Chandamen.

5th Mungalasheny Camaren.

6th

6th Tellatè Checkon.
7th Tearkunoy Coorn.
8th Pooten-pidigail Checkon.
9th Tayalaeddatil Cannaren.
10th Parrainmele Malan Checkon.
11th Parathanoy Chamen.
12th Heyetekura Checotty.
13th Uddoovatta Cannaren
and
14th Tevarkunoy Cunnen
is sufficient to convict them of the crime of Gang Robbery attended with rape and aggravated circumstances do convict them thereof; and, with reference to the provisions of Clause fifth, Section IV. Regulation XV of 1803, and Clause third, Section II. Regulation I of 1825, sentence the prisoners,
1st Perrotte Coondy Cannaren Nimbiar
6th Tellatè Checkon
and
8th Pooten pidigail Checkon
to receive one hundred and ninety five lashes with a Cat-o-nine tails, and to be transported to such place or places beyond Sea, as the Governor in Council shall

shall appoint, there to be imprisoned and kept to hard labour in irons, on the public roads, or other public works, for and during the period of their natural lives; and the prisoners,
2nd Erray Kumoy Checkotty.
3rd Vuddeota-eddatil Vamery Chundoo Nambeer.
4th Perotte-meetil Chandamen.
5th Mungalashery Cannaren.
7th Tearkunoy Coorn.
9th Tayalaeddatil Cannaren
10th Parrainmele Malan Checkon
11th Parathanoy Chamen
12th Heyetakura Checotty
13th Uddoovatta Cannaren
and
14th Tevarkunoy Cunnen
to be imprisoned and kept to hard labour in irons on the public roads or other public works, for and during the period of 14 years.

1. The Sessions Judge, it is observed, has failed to specify in the letter above recorded the exact punishment which he would award

to

4th November 1844.

back of the Prisoners whom he has convicted - and has they omitted to conform to the requisition contained in the Circular Orders noted marginally -

2. The words "well flogged" used to express the Sessions Judge's opinion that certain of the Prisoners should receive corporal punishment are too general -

24th December 1824.
14th March 1834.

3. In this instance however the Fouzdaree Udalut refrain from sending back the trial for the required amend= ment -

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Tellicherry for his in= formation and future guidance -

(Sent following letter No. 2506)

Read return dated the 10th October 1844 from the Acting Agent to the Governor of Fort Saint George in Ganjam, to this Court's Precept of the 23d April last, calling upon him to submit a translation of the record of trial in Case No. 13 of 1843, on his Criminal file -

(Here enter F. R. No. 2856.)

From

F. R.

4th November 1844.

From the record of the trial in the above case as now submitted by the Acting Agent, it does not appear that the Prisoners were arraigned, or that any defence was taken from them - The Case was one of Culpable homicide com= pequired investigation before the Agent, Acting in the capacity of a Session Judge - The depositions however, except from page 9th appear to have been taken before the Police Officer - and the proceedings throughout are so informal, irregular and defective as to be altogether incompatible with the notion of a trial -

2. The Court of Fouzdaree Udalut are surprized at the great want of judgment and discretion evinced by the Acting Agent in Ganjam throughout the disposal of the case, and they resolve to direct that the whole of the proceedings held in the case be quashed, and the requisition of security from the 2d and 3rd De= fendants be cancelled -

3. The Acting Agent is at liberty

liberty to submit such explanation of his proceedings as may appear to him necessary.-

Ordered that Copy of these Proceedings be forwarded to the Acting Agent in Ganjam for his information and guidance.-

(Sent in No. 2507)

Read again Miscellaneous Petition presented on the 17th Instant by Venga Latchmy Ummaul wife and mother of Syavien and Kristnien Prisoners in Case Nos. 19 and 20 of the Combaconum Calendar for 1844.-

(Here enter M. P. Nos. 118 and 132 of 1844).

Read also returns dated the 7th October 1844 from the Sessions Judge of Combaconum to the precept of the Foujdaree Udalut under date the 30th September 1844 transmitting for such observations as the Sessions Judge may think necessary copy of a Petition of one Vengaletchoomy Ammal wife and mother of Syavien and Kristnien Prisoners in Cases Nos. 19 and 20 of

of the Combaconum Calendar.

(Here enter F. P. No. 2905 of 1844)

On a consideration of the circumstances of the case referred to in the above address as they appear in the Calendar received from the Session Court, and of the statements made by the Session Judge in the above return, the Court of Foujdaree Udalut do not consider that any sufficient grounds have been shewn to justify their calling upon the lower Court to submit the entire record of the proceedings which have been held in the trial of the Petitioner's relatives. Her Petitions are accordingly rejected.-

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

Read Miscellaneous Petition presented on the 22nd Ultimo by Soondara Ummaul, Suvanay Moodely and Palany Moodely the heirs and representatives of the Prisoners in

Criminal

14th November 1844

Criminal Case No. 19 of 1844 on the file of the Sessions Court of Cuddalore

(Here enter F. C. M. P. No. 133)

1. The Petitioners merely repeat the prayer urged by them in a former petition No. 66 of 1844 - an abstract of which has already been given in the proceedings of the Foujdaree Udalut under date the 29th July last -

2. The Court of Foujdaree Udalut direct that the Petitioners be referred to the former orders passed in their case which are final -

3. This petition is rejected -

Ordered accordingly and that copy of these Proceedings be furnished to Petitioners on their application -

Read petition presented on the 22d Ultimo by Re Nursumaul wife of Kitta Ragupaih in case No. 14 on the Calendar 1844 Criminal Court of Chittoor -

(Here enter F. M. P. No. 135 of 1844)

1. The Petitioner complains that

F. C.

14th November 1844

that the 1st 3rd 4th 5th and 6th Prisoners in the above case, in collusion with one Mudiasun Rufsool Khan, who bears ill will towards Petitioners husband, took advantage of his mental derangement to implicate him in the charge of Highway Robbery preferred in the above trial by giving him some of the jewels which they had stolen - Petitioner declares herself capable of establishing by evidence the fact of her husbands having never been guilty of any criminal act whatever, and requests the Court to send for and reconsider the record of the case and then order his release -

2. The Court of Foujdaree Udalut do notice a consideration of the Calendar of the trial in question and of the Petitioners address consider it necessary to make the further investigation which she has solicited -

Petition dismissed -

Ordered

4th November 1844.

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

Read return dated 5th August 1844 from the Session Judge of Calicut to the precept of the Foujdaree Adalut of the 13th July 1844 relative to a case of extorting money disposed of by the Magistrate of Malabar under the provisions of Section VII Regulation V of 1816.

(Here enter F. No. No. 2021 of 1844)

Read also petition presented on the 8th July 1844 by T. Appiah Vakeel on behalf of Poodiah Mahakel Bavachy and two others complaining against the sentence passed by the Magistrate in the foregoing case and praying the Court to reverse it.

(Here enter a No. P. No. 77 of 1844)

1. It appears that the Petitioner and 7 others were charged before the Magistrate of Malabar with having intimidated the complainant and thereby

F. No.

4th November 1844

thereby extorted from him 500 Rupees.

2. The Magistrate considered it proved that the 1st 2nd 4th 5th 6th and 7th Defendants went to the complainant and having threatened to seize him and deliver him to the authorities succeeded in extorting five hundred Rupees from him. He accordingly sentenced the 1st Defendant who is the principal to pay a fine of Rupees 200 the second 50 Rupees the 4th 100 Rupees and the 5th 150 Rupees in default to be confined in Jail for six months. The 6th and 7th Defendants being younger brothers of the 5th they and the 3rd and 8th Defendants against whom there was no proof were released.

3. From this decision the Petitioner, and the 2nd 4th and 5th Prisoners appealed to the Session Judge who consider the evidence for the Prosecution of so discrepant a nature as to render it scarcely possible to uphold

4th November 1844 uphold the Magistrates award, and he observed that if the Magistrate should be unable to adduce any further testimony against the Prisoners, the fines should be returned to them, unless that Officer is desirous of submitting the proceedings for the decision of the Higher Authority when the Judge presiding will readily allow his instructions to remain in abeyance until their orders are known such a course being fully justified by the strong suspicion which attaches to the Prisoners and which may be regarded by the Judges of the Foujdaree Udalut to amount to the degree of strong presumption held sufficient for conviction.-

4.- The Magistrate availing himself of the Sessions Judges offer requested a reference of the case to the Foujdaree Udalut.-

5. The Court observe that this reference should never have been made

F. U

4th November 1844 made - and having received the additional evidence called for in their proceedings of the 13th July they resolve to direct that the papers be now returned to the Session Judge for his final decision* together with the Petition submitted to this Court. If the Session Judge continues of the opinion expressed in his proceedings of the 27th May that the charge is not proved he must pass judgment accordingly, it is not in the province of the Foujdaree Udalut to do so except in Appeal.-

* for his consideration and Report.

6. The Court are always ready to aid the Session Judge with their opinion in cases of real difficulty but they consider this shrinking from the responsibility of this Office to be objectionable and they cannot sanction it with their authority.-

Ordered that Extract from these

4th " November 1814 these Proceedings be sent to the Sessions Judge of Calicut for his information by Precept returnable in x days from and after its receipt.-

(Sent following Precept No. 2508)

Ordered also that Extract from these Proceedings (paras 1. 3 and 5) be furnished to the Petitioner on his application.-

Read Miscellaneous Petition presented on the 30th September last by Modeen Khan late a Jail Peon in the Zillah of Cuddapah.-

[Here enter F.W. Mi.P. No. 125 of 1814]

1. The Petitioner complains that he was dismissed from his situation in consequence of the escape of certain prisoners while at work on the road at Davony Cuddapah on the 6th February last.-

2. He states that he pursued and captured some and wounded others of the fugitive convicts and that his activity

4th November 1814.

activity and zeal on the occasion was made known to the Sessions Judge who promised to recommend him to this Court for promotion - that in consequence however of his refusing to give a bribe to the Jail Gomastah "Venkatanarumma" he was deprived of his situation.-

3. He prays the Court of Foujdary Udalut to pity him and to direct his restoration.-

4. The Court of Foujdary Udalut resolve to forward the above petition to the Sessions Judge of Cuddapah who is required to take such notice of it as he may deem necessary.-

Ordered that copy of these Proceedings be forwarded to the Sessions Judge of Cuddapah for his information and guidance by Precept, returnable in x days from and after its receipt, and that copy be furnished to Petitioner on his application.-

(Sent following Precept No. 2509)

East W.A.

Tuesday

5th November 1844. At a Court of the Zoyedaree Adalut

Present

Henry Dickinson Esqre 1st
Malcolm Lewin Esqre 2d
Alex. Maclean Esqre 3d
} Puisne Judges

Read Calendar submitted by the Sessions Judge of Chinglepute in Case No 18 of 1844.

(Here enter No 2850)

1. The Prisoner in the above case was charged with having entered the house of the Prosecutor by breaking the lock of the door and with stealing thence from property valued at Rupees 32-11-6.

2. The Moofty assisting at the trial on a second question being put to him, whereby the exception under which he had declared the Prisoner not liable to Hud was removed, pronounced the Prisoner liable to Hud, and to the amputation of his right hand.

3. The Sessions Judge under the provisions

5th November 1844.

provisions of Clause Second Section III Regulation VII of 1822, and Section XXI Regulation VIII of 1802, Sentenced the Prisoner to imprisonment with hard labor and irons for a period of four Years.—

4. This Sentence is wrong. The Law Officer having declared the Prisoner liable to the penalty of Death, and to the loss of one limb, should have been Sentenced under Section XXI Regulation VII of 1802, to 7 years imprisonment. The present Sentence being illegal the Court according to Section XXXV Act VII of 1843 Require the Sessions Judge to pass a new Sentence according to Law.

5. Should the Sessions Judge be of opinion that this Sentence is too severe, he will pursue the prescribed course for obtaining a mitigation of it.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chingleput for his information and guidance by Precept, returnable in 7 days from and after its receipt.—

(Sent following Precept No 2314)

J. H.

5th November 1844.—

Read Letter dated the 21st Ultimo from the Acting Sessions Judge of Honore, Submitting for the consideration and orders of the Foujdaree Adalut a question relative to a Prisoner in case No 23 of 1844 on his Calendar who admits that he put his wife to death by Cutting her with a billhook, but wishes to make it appear that he is subject to insanity or at least that he was insane at the time he committed the act.—

(Here enter J. H. No 2917)

1. The Acting Sessions Judge Reports, that nothing in any of the Proceedings held in the case abovementioned, or in the Prisoner's demeanour during trial Could in his opinion warrant a belief of the Prisoner's insanity.—

2. He therefore directed the Law Officer to submit his Futwah. but in consequence of a subsequent report from the Jailor to the effect that the Prisoner was or feigned to be mad, he placed him under the charge of the

Zillah

5th November 1844. Gillah Surgeon —

3. He now begs to be instructed "whether the proceedings in the case should "be forwarded without the Law Officer's "Futwah, and whether the Gillah Surgeon "should be required to submit his Report "within a stated period." —

4. The Court of Sawdarut Adalut are of opinion, that while the mental sanity of the Prisoner is still a question, the Law officer could not legally deliver his judgment in the case. —

5. It is obvious that the Prisoner if sane might wish to call evidence, or to do any other thing of which he is now physically incompetent. but which if competent he might do legally — and which might influence the nature of the judgment. —

6. The Prisoner, they observe, should be kept under charge of the Gillah Surgeon until pronounced by him to be sane, when the Sessions Judge should take, with caution such measures as circumstances may suggest

F. M.

5th November 1844. Suggest. No proceeding however can legally take place while the Prisoner is incapable of mental exertion. —

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

/Sent in No 3515/

Read letter dated 6th February 1844 from the Governor's Agent at Kumaon forwarding the Criminal Reports for the Month of January 1844. —

/Move Enter. F. M. No 380/

Report No 1 Case No 17. 1. The prisoner in this case is charged with defrauding a Sepoy of a Lamp valued at 50 Rupees and has by the Assistant been fined under Section XXXII Regulation IX. of 1816 to pay a fine of 4 Rupees.

2. The Assistant observes that the value set on the Lamp was grossly exaggerated and the fine has been duly proportioned. —

3. The Section and Regulation appear

appear quite inapplicable and without further explanation the Court are unable to understand the propriety of the sentence. The particulars of the Act committed must be fully explained as well as the ascertained value of the Sandy.

6. The prisoner in this case has been charged with having falsely accused the Samadar Adjutant of the 29th Regiment N.I. with having used threatening language to him in order to extort money and has been adjudged to pay a fine of 10 Rupees under Section XXXIII Regulation IX of 1816.

Report No. 2
Case No. 2.

5. The Court cannot gather from the charge before whom the false accusation was made. In this instance also the Section quoted is quite inapplicable.

6. If the prisoner was punished for a calumny, sentence should have been awarded under Section XXXII Regulation IX of 1816, and the offence coming within the jurisdiction of the Magistrate

5 November 1844.

Magistrate need not have been included in this Report.

7. The Agent will however furnish further information regarding the case especially specifying before whom the false accusation was made.

8. Three Months imprisonment with hard labor in irons has been awarded under Clause Sixth Section II Regulation XI of 1822 to a Taliary convicted of having broken into a house with an intent to steal.

Case No. 7.

9. The Court of Tongdare would observe that as the prisoner was a village watcher the case should under clause second Section VI Regulation VI of 1822 have been committed. The Agent has further lost sight of Circular Order No. 139 which requires that in every case of house breaking the imprisonment should be in excess of six Months.

Ordered that Extract from these

5th November 1844.- these proceedings be sent to the Agent to the Governor of Fort St. George at Kurnool for his information by precept Returnable in 5 days from and after its receipt.

/Sent following precept No 2516/

Read letter dated the 25th Ultimo from the Acting Sessions Judge of Rajahmundry in reply to this Courts proceedings of the 21st Ultimo.-

/Mrs Inter F.H. No 2919/

1. Adverting to para 2 of the Tongdarra Adalut proceedings abovementioned the Acting Sessions Judge states, that the Prisoner in Case No 10 of 1844 having received goods knowing them to have been stolen property obtained by theft accompanied with one of the aggravating Circumstances enumerated in Clause Second Section II Regulation VII of 1822. is liable to punishment not exceeding 14 years with stripes under Clause Fourth Section II of that Regulation.-

2. With reference to para 3 of the Courts proceedings the Acting Sessions Judge

F.H.

5th November 1844.- Judge reports that he tried the Prisoner "on the charge for the offence to which "he is proved to have been accessary as "he might have failed in proving the "Reception" &c.

3. The Court of Tongdarra Adalut observe that the charge in the Calendar is burglary and theft- and that if the Prisoner was not tried for these offences, the Calendar is wrong.-

4. They direct that the Acting Sessions Judge be required to forward a translation of the arraignment.

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

/Sent following precept No 3517/

End 7th.

5th November 1844.- these proceedings be sent to the Agent to the Governor of Fort St George at Kurnool for his information by precept returnable in 5 days from and after its receipt.

/Sent following precept No 2516/

Read letter dated the 25th Ultimo from the Acting Sessions Judge of Rajahmundry in reply to this Courts proceedings of the 21st Ultimo.—

/Vide entry F.C. No 2919/

1. Adverting to para 2 of the Tonjdaroo Abdulut proceedings abovementioned the Acting Session Judge states, that the Prisoner in Case No 10 of 1844 having received goods knowing them to have been stolen property obtained by theft accompanied with one of the aggravating circumstances enumerated in Clause Second Section II Regulation VII of 1822 is liable to punishment not exceeding 14 years with stripes under Clause Fourth Section II of that Regulation.—

2. With reference to para 3 of the Courts proceedings the Acting Session Judge

F.C.

5th November 1844.- Judge reports that he tried the Prisoner "on the charge for the offence to which "he is proved to have been accessary as "he might have failed in proving the "Reception" &c.

3. The Court of Tonjdaroo Abdulut observe that the charge in the Calendar is burglary and theft and that if the Prisoner was not tried for these offences, the Calendar is wrong.-

4. They direct that the Acting Session Judge be required to forward a translation of the arraignment.

Ordered that Copy of these Proceedings be forwarded to the Acting Session Judge of Rajahmundry for his information and guidance by precept returnable in 5 days from and after its receipt.

/Sent following precept No 2517/

End 7th

Wednesday
6th November 1844.

J. U.

At a Court of the Foujdaree Udalut

Present.

Henry Dickinson Esqre 1st
Malcolm Lewin Esqre Actg 2d } Puisne Judges.
Alexr Maclean Esqre Actg 3d

Read letter dated 9th October 1844 from the Governor's Agent at Kurnool forwarding the Criminal Report for the Month of September last, and explaining the grounds of the punishment awarded in case No. 63.

(Here enter Dft No. 2789)

case No. 50

1 It is stated that the Prisoner in this case was apprehended on the 22d August, and that he left the Talook on the 30th idem. no explanation having been given of the 8 days delay, the Court of Foujdaree Udalut desire that it may now be furnished.

case No. 63.

2 In this case 11 prisoners Horse Keepers are charged with having refused to proceed with the prosecutor tho' they had engaged on leaving Bangalore to go as far as Secundrabad and received 4 Rupees in advance, and were sentenced the 1st to receive 70 Lashes the 2d 3d and 4th to fifteen days

delay in suspensionment the remaining 7 were released.

3 The Agent explains in his letter that he is "not aware under what regulation offences such as the above should be tried, or even whether they ought to be considered as criminal offences" but considering the case one of clear conspiracy to oblige the prosecutor who has a valuable stud of horses with him to accede to their unreasonable terms, and in the absence of all provocation, as well as in consideration of the pistols and ammunitions carried by the prisoners, and the impossibility of spreading eleven fresh hands as Gate Keepers in Burnod, and that to have imprisoned the whole, would have been to detain the General from his journey, putting him to unnecessary expence and inconvenience, and as he found out the four first prisoners as the ringleaders and of them especially complainer of, the first as the instigator of the conspiracy, he thought it advisable to inflict upon him such a punishment, as would have the effect of bringing the others back to their duty.-

4 The Court regret to observe that that the proceedings of the Agent in case N° 63 are wholly unjustifiable and illegal. Mr Scott appears to have overlooked the obligation imposed on him to perform his duties in conformity with the Regulation of Government. He has not only set at naught the clear and explicit directions given in Circular Order 28th January 1828 regarding the manner of proceeding in cases in which the Regulation do not prescribe any specific penalty, but the provisions of the Law which restrict the adjudication of Corporal punishment to certain offences.-

5 Section VII Regulation X of 1816 limits the infliction of stripes to cases of theft, in other cases fine and imprisonment are the punishment to be awarded.-

6 The Agent knew that he had no authority to inflict stripes in such a case as this, and he admits that he doubted whether the act complained of could be considered a Criminal offence. In the face of such doubts to inflict an irremediable punishment

reflects

reflects prejudicially on Mr. Scotts judg-
ment and discretion.-

7 The Court will refrain from
making Mr. Scotts conduct the subject
of grave representation to Government,
in the hope that their doing so will
stimulate him to greater attention and
circumspection; as well as a strict ad-
herence to the provisions of the Regu-
lations enacted for his guidance.-

Ordered that Extract from
these proceedings be sent to the Agent
to the Governor of Fort St George at Pur-
suant for his information and by precept
returnable in 5 days from and after its
receipt.-

/Sent following precept N° 2518/

Read Calendar of case N° 20
on the file of the Sessions Court of
Tinchinopoly, submitted by the Acting
Sessions Judge under date the 29th Ultimo.

/How Enter F.R. N° 2936/

The Prisoner in this case is
charged with having assaulted the Prose-
cutrix in her house and broken the bone
of her left arm by a blow with a cudgel.-

2 The Futwah of the Law Officer
declares

F.R.
6th November 1864.

declares him liable to Retaliation on the
ground that there is strong presump-
tive proof of his guilt- and the Acting
Sessions Judge concurs in the above
finding.-

3. The Prisoner is sentenced by
the Acting Sessions Judge to one years'
imprisonment with hard labor in irons
under Clause Seventh Section II Regu-
lation XV of 1803.-

4 The Court of Foujdaree Ada-
lut are of opinion that the punish-
ment is far too lenient for an Offence
of so aggravated a nature as that
committed by the Prisoner in this
case.-

Ordered that a copy of these proceed-
ings be forwarded to the Acting Sessions
Judge of Tinchinopoly for his informa-
tion and guidance.-

/sent in N° 2579/

Read letter dated the 25th
Ultimo from the Sessions Judge of
Nellore, submitting for the favorable con-
sideration of the Court of Foujdaree
Adalut his opinion that parties
in Criminal Cases should be allowed

6

6 November

to employ Court Pleaders.

/Were Enter 7th Nov. 2601/

1 The Session Judge states that after careful consideration he is unable to discover any thing in the Code of Regulations which forbids the assistance of Counsel both to Prosecutors and Prisoners- and that it would rather seem to be the intention of Government that parties in Criminal cases should be permitted to employ counsel in their own behalf.-

2 He is of opinion, that the prohibition contained in Section XIV Regulation XIV of 1816 to the effect that the Pleaders of Zillah Courts must not officiate as agents in any proceedings, trial or proceeding before Magistrates or their assistants without the previous sanction of the Judges of those Courts, obviously implies that Judges are free to give sanction to the employment of Vakeels whenever they think fit- that up to the date of the above Regulation the pleaders of the Zillah Courts had been free to act as agents on the Criminal side of those Courts- and that Judges are

are not at liberty to refuse their sanction to the Act of Pleaders officiating as Agents in any prosecution trial or proceeding on the Criminal side of the Court.-

3.- And requests that the Court of Foujdaree Udalut, if they see no error in his construction of the Regulations at the point, will be "pleased to authorize "him to endeavour to improve the administration of justice in the Zillah under "his charge by causing all Prosecutors "& Prisoners who come before him in "Court of Session, or before the Principal "Sudr Ameen, to be informed that they "have the option of availing themselves of "the Assistance of the Court Pleaders."-

4 The Court of Foujdaree Udalut observe that it is the practice in every Court to allow a party to have assistance in his defence- but they are satisfied from experience that the Judge if he does his duty, is the best friend a prisoner can have- and that a Prisoner's case would be more safe in the hands of the Judge or of the Law Officer, than if a Pleader were employed to examine Witnesses

witnesses in his behalf.

5 The Proceedings of the Pangdaree Udalut are opposed to the employment of the Court Vakeels and no Regulation sanctions such a practice.-

6 The Court therefore are not disposed to concur with the Sessions Judge in the view taken by him of the above subject.-

Ordered that copy of these Proceedings be forwarded to the Sessions Judge of Nellore for his information and guidance.-

/Sent in R.2530/

Read the Criminal Reports submitted by the Principal Sadr Ameen of Ichapore for the month of August 1846.

/Here Enter R.2450/

N.2 dated 24th Nov.r 1846

The Court observe that under the orders of the Court in its Civil side the Prisoner concerned in this case has been ordered to be restored to the office from which he has been suspended and the prosecution instituted in the case abandoned, as illegal and injudicious. It is accordingly ordered that the prisoner be released from Custody.-

Ordered

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Ichapore by precept returnable in 11 days from and after its receipt.-

/Sent following precept N.2531/

Read letter dated 12th October 1846 from the Sessions Judge of Mangalore, submitting the proceedings in case N.44 of 1846 on the Mangalore Calendar, for the final orders (and

/Here Enter Fla. N.2853./

Read also letter dated 29th October 1846 from the Sessions Judge of Mangalore stating that from a misconstruction of Clause 2d Section III Regulation XI of 1814, he omitted to specify in his former letter of the 12th instant the sentence to which in his opinion the prisoner in case N.44 on the Calendar was liable, and now recommending that a sentence of 5 years imprisonment with hard labor in irons be passed upon him.-

/Here Enter Fla. N.2953/

Fla

6th November 1864

6th Novr

Sir H Dickinson

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

"Lingapachary"

is sufficient to convict him of the crime of forgery, do convict him thereof; and under the provisions of Clause first. Section II Regulation II of 1811, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of five years.

/Sent following letter No 2522/

Read Calendar in case No 28 of 1864 on the file of the Sessions Court at Cuddalore, forwarded by the Sessions Judge under date the 25th Ultimo.

/Here Letter Ths No: 2916/

In this case the 2d 3d 4th 5th & 6th Prisoners are charged with having on the night ——— of the 8th December last, in conjunction with three armed with guns, swords and sticks, forcibly entered the prosecutors house, beaten and ill-used him, and plundered property to the value of Rupees 570-0-0

2 The 1st Prisoner in the case stands charged as an accessory to the robbery and the 7th with having received a part of the stolen property, knowing it to be such—

3 The Futwah of the Law officer convicts the 2d 3d and 6th Prisoners of having robbery by open violence, the 1st prisoner of having been accessory to the same and the 7th Prisoner of receiving a part of the stolen property, knowing it to be such; and declares these prisoners ——— liable to Dookoobut

4 The Futwah acquits the 4th 5th 9th and 10th Prisoners

5 The Sessions Judge concurs in the finding of the Law officer, and sentences the 2d 3d and 6th Prisoners for the crime of robbery by open violence, and the 1st Prisoner as accessory to the same to (14) Fourteen years' imprisonment with hard labor in irons, under Clause third Section

Section II Regulation XV of 1803.

6 The sentences the 7th Prisoner as convicted of having knowingly been a receiver of stolen property to the same term of imprisonment with hard labor in irons under Clause Second Section II Regn. Section II of 1822, and acquits the remaining Prisoners in the case

7 The Court of Tongdaree Udalut are gratified with the care and pains that have been taken in getting up this trial.

8 They would suggest for the consideration of the Sessions Judge whether the fact that the perpetrators of this robbery were discovered in consequence of information obtained by the 1st Witness from the 7th Prisoner may not entitle the 7th Prisoner to a little indulgence in respect of the sentence passed upon him.—

9 As the event of the Sessions Judge taking this view of the conduct of the 7th Prisoner, the Court of Tongdaree Udalut wish be prepared to receive favorably any recommendation for a mitigation of punishment which he may make in his favor.—

Ordered that copy of the proceedings be forwarded to the Sessions Judge of Cuddalore for his information and guidance

/ Sent in Pt. 2523 /

H. N.

F. N.

Thursday, 7th November 1844.

At a Court of the Tongdaree Udalut.

Present—

Henry Dickinson Esqre — 1st Puisne Judge.—

Malcolm Lewin Esqre — Acting 2d Puisne Judge.

Alexander Maclean Esqre — Acting 3d Puisne Judge.

Read letter dated the 27th October 1844 from the Sessions Judge of Madura submitting for the final sentence of the Tongdaree Udalut the record of trial in Case No. 44 on the Calendar of the Sessions Court of Madura for 1844.—

(Regulation XV of 1803)

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

Vetheliyan alias

Girtha Ramasawmy.

is sufficient to convict him of the crime of Robbery by open violence do convict him thereof, and, with reference to the provisions of Clause 3d Section IV Regulation XV of 1803, do sentence him to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned

H. H. Dickinson.

imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.-

(Sent following letter No. 2527)

Read Supplemental Report dated 2nd July 1844 submitted by the late Acting Sessions Judge of Zillah Masulipatam Mr. J. Rohde under the provisions of Section XXXVII Regulation VII of 1802.-

(Vide enter No. 1678)

proceedings 6th March 5th paras.

The remarks communicated to the Magistrate by the Acting Sessions Judge in respect of case No. 2 on the Calendar noted in the margin are unanimously approved by the Sudder Adalut who direct the immediate annulment of the sentence which appears to have been passed by the Magistracy of Masulipatam requiring the production of security in an indefinite amount. It has frequently been ruled by the Sudder Adalut that such requisitions can legally result only from examinations on oath.-

Cal.r of Persons punished from 1st Oct.r to 31st Dec.r 1843.-

para 13. 2. The Magistrate should be called upon to explain for the information of the Sudder Adalut why the cases adverted to in this para of the Acting Sessions Judges proceedings remained undisposed when the Calendar was prepared.-

The

7th November 1844.

Cal.r of persons punished between 1st August and 30th September.

3. The Sudder Adalut also concur in the remarks addressed to the Magistrate respecting Case No. 3 of the Calendar perused in Mr. Thomas' proceedings of the 21st November 1843.-

4. The Court think that Case No. 3 of the same Calendar should have been committed for trial to the Criminal Court under the opinion expressed in this Courts proceedings dated 27th December 1832 para 27 a copy of which is forwarded for transmission to the Magistrate of Masulipatam.

5. In respect of Case No. 6 in the same Calendar in which a person has been punished by the Magistrate for refusal to pay a fine imposed on him by a Head of Police, the Court observe that - under Clause second Section V Regulation XIII of 1832, the Head of Police was himself competent to commute to imprisonment the non payment of the fine - and moreover the Court consider that it was not within the powers of the Magistrate to pass sentence in such a case.-

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

(Sent following precept No. 2528)

Read

7th November 1844.

Read letter dated the 2d Instant from the Session Judge of Chittoor submitting for the final sentence of the Foujdary Udalut the record of trial in Case No. 40 on the Calendar of the Session Court of Chittoor for 1844.—

(Here enter No. 2970.)

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

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

Mala Vonnu

is sufficient to convict him of the crime of Highway Robbery do convict him thereof; and do under the provisions of Clause Third Section II Regulation I of 1825, sentence him to be imprisoned and kept to labour suitable to his age without irons for and during the period of (2) two years.—

(Sent following Letter No. 2529/8

Ent 7th.

Friday
8th November 1844.

J. Ato.

Ad. or Court of the Foujdaree Udalut

Present.

Henry Dickinson Esq.— 1st
Malcolm Lewin Esq. Acts 2d
Alexr. Maclean Esq. Acts 3d
— Puisne Judges.

Read letter dated the 24th Ultimo from the Acting Sessions Judge of Rajahmundry forwarding Calendar in Case No. 11 of 1844 on his file.—

(Here Enter J. U. No. 2946.)

1 The 1st Prisoner in this case is charged with having on the night of the 12th July last attacked the Prosecutor and the 5th Witness on the highway, and robbed property belonging to the Prosecutor which the 5th Witness was carrying, to the value of Rupees 6:3-6:; and with having also threatened to beat them.—

2 The 2d and 3d Prisoners are charged with having received and concealed part of the stolen property knowing it to be such.—

3 The Futwah of the Law Officer declares the 1st Prisoner to be liable to

Or Rebut on strong suspicion of being guilty of the crime charged against him- and the 2d. and 3d. Prisoners to be entitled to their release.-

4 The Acting Sessions Judge concurring in the above finding released the 2d. and 3d. Prisoners and sentenced the 1st Prisoner to 14 years' imprisonment "or to such mitigated penalty as the Court of Foujdaree Udalut may direct "under Clauses Second and third- Section "IV Regulation XV of 1803."

5 In the letter which accompanies the Calendar, the Acting Sessions Judge recommends a mitigation of the sentence to 7 years' imprisonment

6 The Court of Foujdaree Udalut are of opinion that as the act of the 1st Prisoner was not attended with any aggravating circumstances, seven years imprisonment would be a sufficiently severe punishment for the offence.-

7 At the same time the Court observe that the Acting Sessions Judge should have stated more fully his reasons for recommending a mitigation of sentence.-

The

8th November 1844

8 The Acting Sessions Judge is informed that the letter which accompanied the Calendar now under review was unnecessary.-

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

(Sent in R. 2530)

Read letter dated 26th Ultimo from the Acting Subordinate Judge of Salem-

(Vide Entered F.U.R. 2927)

1 The Acting Subordinate Judge requests the instructions of the Foujdaree Udalut in regard to the disposal of a lad whose appearance induces the Subordinate Judge to consider him not more than 13 years old and "a most unfit subject for confinement with other felons," but who is concerned as Prisoner in three cases of burglary and theft; Act III of 1844 conferring no power on the Courts, the Acting Subordinate Judge states he is not aware of any Regulation or Circular Order vesting them with discretionary

discretionary power in such cases.

2 The prisoner must be punished for the burglary and theft under the general Regulations. The first two trifling offences merging in the last, which, also, would appear to be trifling. Under the provisions of Clause VI Section II Regulation VI of 1822, the Civil Judge is authorized to adjudge stripes and imprisonment; if he adjudge stripes he may see that they are administered with moderation. If he adjudge imprisonment he may see that the Prisoners morals are looked after as far as can be.

3 The Court do not think that it would be right to allow the prisoner to go unpunished.

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

(Sent in N° 2531)

Read Calendar of Cases N° 74 on the Cuddapah Calendar for 1844.

(Here Enter Ft N° 2698)

1 In this case the 3d prisoner is

is charged with instigating the 1st and 2d to commit a high way robbery and stealing property to the amount of Rupees 375-9.

2 The 4th prisoner is charged with having received the stolen property knowing it to be stolen.

3 In his first finding the Law officer acquitted the Prisoners but on a second question being put under the provisions of Section VIII Regulation I of 1825 and Clause first Section II Regulation VI of 1829, he declared that the 1st and 2d Prisoners were "convicted of Goorma Gharrut gherry - Bazumnah banlit or strong suspicion against them" and were liable to Ookoobut and that the 3d and 4th prisoners were entitled to their release.

4 In his remarks in the Calendar the Sessions Judge has stated that the evidence against the 1st and 2d Prisoners is sufficient to convict them as it clearly proves that they had in their possession part of the property stolen from the prosecutor.

discretionary power in such cases.

2 The prisoner must be punished for the burglary and theft under the general Regulations. The first two trifling offences merging in the last, which, also, would appear to be trifling. Under the provisions of Clause VII Section II Regulation VII of 1822, the Civil Judge is authorized to adjudge stripes and imprisonment; if he adjudge stripes he may see that they are administered with moderation. If he adjudge imprisonment he may see that the Prisoner's morals are looked after as far as can be.

3 The Court do not think that it would be right to allow the prisoner to go unpunished.

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

(Sent in R: 2531)

Read Calendar of Case No. 74 on the Cuddapah Calendar for 1844.

(Here Enter F.H.R: 2698)

1 In this Case the 3d prisoner is

is charged with instigating the 1st and 2d to commit a highway robbery and stealing property to the amount of Rupees 375-9-.

2 The 4th prisoner is charged with having received the stolen property knowing it to be stolen.

3 In his first futwa the Law officer acquitted the Prisoners but on a second question being put under the provisions of Section VIII Regulation I of 1825 and Clause first Section II Regulation VII of 1829, he declared that "the 1st and 2d Prisoners were "convicted of Zoor-e-Ghurry - Bazumnah Gunbit or strong suspicion against them" and were liable to Dookoobut and that the 3d and 4th prisoners were entitled to their release.

4 In his remarks in the Calendar the Sessions Judge has stated that the evidence against the 1st and 2d Prisoners is sufficient to convict them as it clearly proves that they had in their possession part of the property stolen from the prosecutor.

prosecutors, well Knowing that it had
been stolen, but as the value of the
property is small and there are
no aggravating circumstances in the
case they may be recommended for a
mitigated sentence - Accordingly
the Sessions Judge concurred with
the futwah of the Law Officer
convicting the 1st and 2d Prisoners in answer
to a second question of strong suspicion
of Highway Robbery, and declaring
them liable to ta'zeer, and acquitting
the 3d and 4th prisoners, and he recommend
that the punishment prescribed by Clause
first Section III Regulation XII of 1803 be
mitigated one half agreeably to Clause
third Section III Regulation I of 1825, and
that the 1st and 2d Prisoners be sentenced
to 7 years imprisonment with hard
labor in irons.

5 It would appear from
the terms used in the futwah, that
the futwah against the 1st and 2d prisoners
-ers only amounted to suspicion, not presump-
-tive proof, of the crime of Highway
robbery. Mr Lavie however has stated
that the Law Officer convicts of strong

suspicion

8th November 1844.

suspicion". If the latter exposition of the
Futwah be the correct one, and the prisoners
in question are only liable in the opinion
of the Law Officer to strong suspicion,
they cannot be sentenced by the Sessions
Court, but the trial must be referred
under the provisions of Section XXII
Regulation VII of 1802. The Sessions
Judge will accordingly be pleased to
explain the foregoing discrepancies

6 As regards the 3d prisoner
it is observed, that the Sessions
Judge says there is no Evidence
to show the existence of those facts
which would give rise to suspicion,
and then he orders him to find securities
on "strong suspicion"

7 The Court accordingly resolve
to instruct Mr Lavie that if on due
consideration of the record reasonable
grounds of suspicion, appear to
him to exist, that if the conver-
-sation the 3d Prisoner held with the
prosecutor, was of such a nature, (taken
in connexion with his previous character)
as to justify the suspicion he has
deduced from it, then the demand

J

Saturday
9th November 1844. At a Court of the Foujdaree Udalut.

Present;

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

Read letter dated the 30th Ultimo from the Sessions Judge of Calicut, transmitting the Record of the trial in case No. 52 on the Calendar for 1844.

(Here enter F. 46. No. 2994 of 1844.)

Gr. A. Maclean

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

"Velootheedan Karovatil alias Chalookil Kellu"

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

9th November 1844.

of security will be legal, but if the suspicion is vague and rests upon the grounds of previous character alone and the present connexion of the prisoner with a notorious robber, then he must send him to the Magistrate, that the usual measures of security may be taken, if the Magistrate shall think any necessary.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for his information and guidance by precept returnable in 15 days from and after its receipt.

(Sent following Receipt No. 2532)

9th November 1844

Section X. Regulation VIII of 1802, would in this instance, be too severe, the Court, under the provisions of Clause third, Section III Regulation I of 1825, sentenced the prisoner to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and, during the period of his natural life.-

(Sent following letter No. 2540)

Read return dated the 28th Ultimo from the Acting Principal Sudr Ameen of Coimbatore, to the precept of the Fouzdaree Udalut under date the 23d Ultimo, conveying their observations on the criminal report for the month of September 1844.-

(Here enter F. No. 2943 of 1844)

Read return dated the 29th Ultimo from the Sessions Judge of Combaconum to the precept of the Fouzdaree Udalut under date the 19th Ultimo, calling for explanation of

9th November 1844

of the grounds of enhancement of punishment to the prisoner in Case No. 48 of 1844 and of those on which the Sessions Judge has asserted that the 1st Prisoner is a more hardened offender than the 2d Prisoner.-

(Here enter F. No. 2944 of 1844)

Read Calendar in cases Nos. 38 and 39 of 1844 submitted by the Sessions Judge of Chittoor.-

(Here enter F. No. 2947 of 1844)

Read Statement dated the 25th Ultimo from the Sessions Judge of Cuddapah, of Batta paid to Prosecutors and Witnesses attending before the Sessions Court during the 1st half of 1844.-

(Here enter F. No. 2949 of 1844)

Read Calendar in case No. 92 of 1844 submitted by the Civil Judge of Cuddapah.-

(Here enter F. No. 2951 of 1844)

Read return dated the 21st Ultimo from the Acting Subordinate Judge of Rajahmundry to the precept of the Fouzdaree Udalut dated the 11th Ultimo, requiring explanation

9th November 1844

explanation of delay in the transmission by the Police officers to the Subordinate Court of Cases Nos 36 and 38 on the file of that Court.-

(Here enter F.U. No. 2954 of 1844)

Read report dated the 1st Instant from the Sessions Judge of Chingleput, of Cases pending on the 30th September and committed for trial during the months of October 1844

(Here enter F. U. No. 2956 of 1844)

Read Statement dated the 1st Ultimo from the Acting Subordinate Judge of Salem, shewing the amount realized by the labor of the prisoners in the 3d Quarter of 1844.-

(Here enter F.U. No. 2959 of 1844)

Read Statement, dated the 30th Ultimo from the Sessions Judge of Mangalore, of the labor of prisoners, for the 3d Quarter of 1844.-

(Here enter F.U. No. 2961 of 1844)

Entd

F. U.

Monday, 11th November 1844.

At a Court of the Foujdaree Adalut.

Present,

Henry Dickinson Esqre 1st Puisne Judge,
Malcolm Lewin Esqre Ag 2d Puisne Judge,
Alexr Maclean Esqre Ag 3d Puisne Judge,

Read Miscellaneous Petition presented on the 22nd October 1844 by Mookkala Moodelly of the Zillah of Chingleput.

(Here enter F.U.M.P. No 138 of 1844)

1 The Petitioner alleges that during his absence from the Village one Soobramanien Modelly his son and 20 others came to his house assaulted his sons and the females of his family and robbed him of property and that altho' he complained to the Assistant Magistrate and Sessions Judge he is unable to obtain redress.-

2 He accordingly prays the Court to issue a precept to the Lower Court

to

11th November 1844 to enquire into his complaint punish the offending parties and restore to him his stolen property.

3 The Court of Foujdaree Udalut cannot interfere in this case. The information before them is too vague and insufficient to warrant their noticing the Petitioner's prayer.

4 The Petitioner should make his application to the Magistrate — and then to the Session Judge and should he be unable to obtain redress from them the Court of Foujdaree Udalut with the orders of the Subordinate Authorities before them, will be prepared to give the Petitioners case due consideration.

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

Read petition presented on the 22nd ultimo by Soobaroya Odiam of the zillah of Cuddalore.

/Here Inter F.U. In P No. 137/

1 The Petitioner states, that certain

11th November 1844 certain inhabitants whom he names of the Village of Valavanullour in the Zillah of Cuddalore murdered his elder brother on the 27th June last. That he reported the circumstances of the murder to the Village Moonsiff but that that Officer and the Tahsildar of the District received bribes from the murderers and dismissed the case without proper investigation. That he thereupon presented two petitions dated the 17th and 28th July last respectively to the Session Judge of Cuddalore who referred him to the Magistrate and that the Magistrate through the misrepresentation of his servants, refused to listen to his petition. That he again petitioned the Session Judge but that as no order has been passed by that authority on his petition he Appeals to the Court of Foujdaree Udalut.

2. He prays the Court of Foujdaree Udalut to direct that certain eye witnesses to the murder may be examined, and that the murderers may be

be furnished.—

3. Before disposing of this petition, the Court of Fougdaree Adalut resolve to call upon the Session Judge of Cuddalore, to report for their information any proceedings held by him in Petitioner's case,—

Ordered that Copy of these Proceedings be forwarded to the Session Judge of Cuddalore for his information and guidance by Precept returnable in x days and that copy be furnished to Petitioner on his application.—

(Sent following Precept No 3542)

Read Miscellaneous Petition presented on the 7th Ultimo by Bawany Sing late Duffadar in the Talook of Chittoor.

(Here enter F. U. No 127 of 1844)

The Petitioner appeals from the proceedings of the late Acting Magistrate of Chittoor dismissing him and some

some of his relations from their situations inconsequence of one Latchmana Sing having preferred a false complaint accusing them of having committed a Burglary.—

2 The Court of Fougdaree Adalut have no authority to hear appeals against the dismissal of the revenue servants of Government and decline therefore, to interfere in the Petitioners behalf.

Ordered accordingly that this Petition be rejected, and that Extract from those proceedings be granted to the Petitioner on his application.—

Read return dated the 31st ultimo from the Session Judge of Chittoor to the precept of the Fougdaree Adalut of the 25th ultimo directing him to look into Cases Nos 123 and 133 on the file of the Subordinate Criminal Judge and to pass such orders thereon as he might think proper.

(Here enter F U No 2971)

Read also return dated the 2nd November from the Subordinate Criminal Judge of Chittoor to this Courts precept

of the 25th ultimo on review of the Criminal Reports for the Month of September 1844

(Rec'd under F.U. Rec 2972)

1 With reference to case Rec 133 above alluded to, the Sessions Judge reports his opinion that the 1st 2nd and 3rd Prisoners should have been committed for trial before the Sessions Court, the crime charged against them being that of Burglary and Theft and consequently not within the jurisdiction of the Pundit Sudr Ameen.

2 He states that the 6th Prisoner in the case was illegally sentenced under clause eighth Section XI Regulation I of 1820, and that the fine imposed upon him should be remitted - and adds that this 6th Prisoner should have been forwarded to the Magistracy to be dealt with according to regulation.

3 The Court of Foujdaree Udalut observe that the criminal Jurisdiction of the Sudr Ameen is the same in respect of powers of punishment as that of the Subordinate Judge and that

that the Sudr Ameen had authority to dispose of the case, unless previous conviction of the Prisoner and his notorious bad character made it committable.

4 The circumstances of the Prisoner's bad character and previous convictions ought to have been detailed in the Calendar.

5 The Court of Foujdaree Udalut resolve to direct that the 6th Prisoner be released, but that he be sent to the Magistrate that his conduct may fall under the surveillance of the police.

Ordered, that Copy of these Proceedings be forwarded to the Sessions Judge of Chittoor for his information and guidance and for communication of paras 3. 4. and 5 to the Subordinate Judge of Chittoor.

(Sent in No 2543)

Read return dated 28th October 1844 from the Subordinate Judge of Bellary to the precept of the Foujdaree Udalut under date the 21st

October

October 1844 calling on him to explain the remark recorded in the Criminal Reports for the month of June last, viz. that there is nothing whatever against the 2nd Prisoner in case No. 70 of the Criminal file.—

/Here enter F.M. No. 2958./

1. In his letter of the 16th August 1844 the Joint Magistrate is stated that "the grounds on which "the 2d Prisoner was forwarded by the "Police to the Subordinate Court were, "that the Prosecutor stated he was per- "sonally acquainted with the 2d Prisoner "as well as with the 1st that he recog- "nized them both perfectly at the "robbery, named them, and when they "were subsequently apprehended declared "they were the robbers".—

2. In his return the Sub- ordinate Judge explains that "The only circumstance against the 2d Prisoner, according to the Police proceedings, was the bare and unsupported

Statement

F.M.

Statement of the Prosecutor that he recognized the 2nd Prisoner on the night in question by the light of the stars, this Statement the Prose- cutor contradicts before the Court and admits that it was quite dark on the night in question, that he only recognized the 1st Prisoner by the sound of his voice, and that he did not identify the 2nd Prisoner in any way."

"The Prosecutor in his talook statement is said to have named the robbers to the Village authorities, but when this evidence appeared before the Court the wit- nesses denied having heard any thing of the kind from the Prose- cutor, it is also in evidence before the Court that though some of the witnesses were present at the Pros- cutor's house on the night in ques- tion, the Prosecutor did not make

mention

October 1844 calling on him to explain the remark recorded in the Criminal Reports for the month of June last, viz: that there is nothing whatever against the 2nd Prisoner in case No 70 of the Criminal file.—

/Here enter F. M. No 2958./

1. In his letter of the 16th August 1844 the Joint Magistrate states that "the grounds on which "the 2d Prisoner was forwarded by the "Police to the Subordinate Court were, "that the Prosecutor stated he was per-"sonally acquainted with the 2d Prisoner "as well as with the 1st that he recog-"nized them both perfectly at the "robbery, named them, and when they "were subsequently apprehended declared "they were the robbers".—

2. In his return the Subordinate Judge explains that "The only circumstance against the 2d Prisoner, according to the Police proceedings, was the bare and unsupported Statement

Statement of the Prosecutor that he recognized the 2nd Prisoner on the night in question by the light of the stars, this Statement the Prosecutor contradicts before the Court and admits that it was quite dark on the night in question, that he only recognized the 1st Prisoner by the sound of his voice, and that he did not identify the 2nd Prisoner in any way.—"

"The Prosecutor in his Kalook Statement is said to have named the robbers to the Village authorities, but when this evidence appeared before the Court the witnesses denied having heard any thing of the kind from the Prosecutor, it is also in evidence before the Court that though some of the witnesses were present at the Prosecutor's house on the night in question, the Prosecutor did not make

mention

mention of any of the poleures names."

3. Under these circumstances the Court consider that the remark recorded by the Subordinate Judge in the Criminal Report was fully justified and that there was nothing whatever in evidence against the accused prisoner. In order however to obviate as far as possible the necessity of future reference, the Court consider it would be advisable that the Subordinate Judge should succinctly state in the Criminal Report the grounds on which the prisoner was forwarded to the Subordinate Court by the Police.

4. Adverting to the latter part of the Subordinate Judge's return the Court observe that they see nothing objectionable in the language of Mr. Pelly's remarks which was only used argumentatively on the facts and not personally.

5. The Court would again urge on these Officers the necessity of

of cultivating a greater degree of cordiality in the discharge of their Official duties. The waste of time occasioned to the Court in answering this needless reference would have been obviated had the Magistrate and Judicial Officers instead of throwing difficulties in the way of the discharge of each others duties endeavoured mutually to maintain that full and free communication which it is the intention of the Government should exist among the different branches of the public service.

Ordered, that Extract from these Proceedings be sent to the Magistrate and Subordinate Judge of Bellary for their information.

(Sent in Nos. 2544 & 2545)

Read Calendar of Cases Nos. 37 of 1844 on the Chittoor Calendar.

(Were entered Vol. No. 2937)

The

11th November 1844.

1. The 1st prisoner is charged with theft of property amounting to Rupees 587-4-0 belonging to her Mistress.-

2. The 2nd 3rd and 4th prisoners are charged with being accessories after the fact and receiving part of the stolen property knowing it to be stolen.-

3. In his first futwah the Law Officer acquitted all the prisoners on the ground of certain scrupulous exceptions to the evidence for the prosecution under the requirements of the Mahomedan Law.-

4. Upon these being removed by a second futwah the Law Officer declared the 1st prisoner convicted of theft and liable to Ookoobut. Died being barred in consequence of her present denial of the crime and her having been allowed admission to the prosecutrix's House;- and the 2d, 3rd and 4th were also convicted of receiving

11th November 1844.

receiving stolen property knowing it to be stolen and were declared liable to Ookoobut.-

5. The Sessions Judge concurred in this finding and sentenced the 1st prisoner under Clause first, Section V Regulation XV of 1803 to four years with labor and the 2nd, 3rd, and 4th to two years imprisonment with labour under Clause third Section VII Regulation VII of 1822.-

6. The Special exceptions by which sentence for the specific penalty is declared to be barred in the case of the 1st prisoner being manifestly of the nature described in Clause fourth Section II Regulation XV of 1803 the Law Officer should have been required to deliver another futwah and sentence should have been passed accordingly.-

7. The Sessions Judge will now call upon his Law Officer to declare the sentence and to what

specific

11th November 1846

specific punishment the 1st prisoner would have been liable had she not been allowed admittance to the prosecutrix's house and proceed to pass sentence in conformity with the provisions of Section XXI Regulation VII of 1802 submitting a recommendation of mitigation should he deem it necessary.—

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Chittoor by precept, returnable in 2 days from and after its receipt.—

(Sent following precept No. 2546).—

Ed. W.

J. U.

Tuesday
12th November, 1846.

At a Court of the Foujdaree Udalut.

Present.

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

M. L. — Malcolm Lewin Esqre. Act. 2d Puisne Judge,

A. M. — Alexr. Maclean Esqre. — Act. 3d Puisne Judge.

Read letter dated the 29th Ultimo, from the Sessions Judge of Masulipatam, transmitting the Record of the Trial in Case No. 11 on the Calendar for 1846.—

(Here enter J. U. No. 2969 of 1846)

Mr. Lewin

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

"Kullajala Rungama alias Cummul Rungee,"

is sufficient to convict her of the crime of administering poison with intent to kill, for which, according to the Mahomedan Law as declared in futwas of their Law Officers, discretionary

discretionary punishment is awardable, do convict her thereof, and, under the provisions of Clause third Section VII Regulation XV of 1803, Sentence her to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to labor suitable to her Sex, for, and, during the period of her natural life.-

(Sent following letter No. 2550)

Read letter dated the 31st Ultimo from the Principal Sudr Ameen of Nellore, submitting copy of a Memorandum received from the Acting Magistrate of Nellore which shows what has become of Doravoory Venkatasoobbareddy who appears from the evidence of the 1st witness in the case No. 73 of 1844 on the Report No. V to be the cause of the death of the deceased Paupadoo.-

(Here enter F.H. No. 2964 of 1844)

Read Calendar in case No. 15 of 1844 submitted by the Sessions Judge of Chittoor.- (Here enter F.H. No. 2965 of 1844) Read

Read report dated the 1st Instant from the Sessions Judge of Combaconum, of Cases pending on the 30th September and committed for trial during the Months of October 1844.-

(Here enter F.H. No. 2967 of 1844)

Read report dated the 1st Instant from the Sessions Judge of Salem, of Cases pending on the 30th September and committed for trial during the Month of October 1844.-

(Here enter F.H. No. 2976 of 1844)

Read report dated the 31st Ultimo from the Sessions Judge of Nellore, of Cases pending on the 30th September and committed for trial during the Months of October 1844.-

(Here enter F.H. No. 2977 of 1844)

Read report dated the 1st Instant from the Sessions Judge of Guntoor, of Cases pending on the 30th September and committed for trial during the Months of October 1844.-

(Here enter F.H. No. 2979 of 1844)

12th November 1844.

Read report dated the 1st Instant from the Sessions Judge of Coimbatore, of Cases pending on the 30th September and committed Sessions during the month of October 1844.—

(Here enter F.H. No. 2980 of 1844.)

Read Calendar in Case No. 29 of 1844, Submitted by the Sessions Judge of Tinnevelly.—

(Here enter F.H. No. 2981 of 1844.)

Read returns dated the 31st Ultimo from the Principal Sudr Ameen of Tinnevelly, to the precept of the Foujdaree Adalut under date the 24th Ultimo, directing that the record in Case No. 100 may be forwarded to the Sessions Judge, that paras. 8, 9 and 10 of the Extract under return may be communicated to the Magistrate of Tinnevelly, that it may be explained why in a committable case No. 111 a Cadast was sent for 3 witnesses 18 days after the receipt of it, and that the Prisoner in Case No. 112 be Let at Liberty.—

(Here enter F.H. No. 2983 of 1844.)

End. H.

F.H.

Wednesday, 13th November, 1844.

At a Court of the Foujdaree Adalut.

Present,

Henry Dickinson Esqre. 1st.
Malcolm Lewin Esqre. Ag. 2d.
Alexr. Maclean Esqre. Ag. 3d.
} Puisne Judges.

Read letter dated the 9th Instant from the Sessions Judge of Nellore submitting the record of the trial in Case No. 17 on the Calendar of the Sessions Court of Nellore for 1844.—

(Here enter No. 3072.)

Mr. M. Lewin.

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

"Maulabuttoola Kitchadoo"

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of Perjury do acquit him thereof, and direct that he be unconditionally released.—

(Sent following letter No. 2653.)

Read Calendar dated the

28th

28th Ultimo from the Sessions Judge of Chittoor in Case No. 43 of 1844.—

/Here enter F.H. No. 2948/

1. The Prisoner was charged with having on the 12th May 1844 in conjunction with an individual already sentenced to seven years imprisonment with hard labor in irons, entered the house of the Prosecutrix by boring a hole thro' the wall and stolen therefrom property valued at about Rupees 99-4-2.—

2. The Mahomedan Law Officer declared him not convicted in consequence of the evidence of the 1st, 2nd, 5th and 6th Witnesses being inadmissible under the Mahomedan Law, they being Police Peons and thief Takers.—

3. On a 2nd Futwah being demanded in order to remove the scrupulous objections, the Law Officer convicted the Prisoner of Burglary and theft and declared him liable to Ookoobut, concurring in which, the Sessions Judge sentenced the Prisoner to imprisonment with hard labor in irons for (7) Seven years

13th November 1844.

years under Clause first Section V Regulation XV of 1803.—

4. The Court of Sudder Adalut consider the Prisoner has been properly convicted by the Sessions Judge, but they are of opinion that a third question should have been put, as they conceive the objection in answer to the 2nd question, a mere technical exception.—

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

/Sent in No. 2554/

Read Report dated the 5th Instant submitted by the Magistrate of Madura of Casks tried under the provisions of Section LIV Act VII of 1843 during the month of October 1844:—

/Here enter No. 3038./

Adverting to the Circular Order noted marginally, the Court observe that the casks disposed of by the Magistracy do not exhibit the grounds on which sentence has been passed by the Officers trying

10th November 1831 para. 2.

trying them whose designations, moreover, should appear in the first column of the Report.—

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

/Sent in № 2555/

Read letter dated the 4th Instant from the Acting Subordinate Judge of Salem stating that the 4th Prisoner in Case No. 91 in the Report for September 1844 was apprehended on the 17th and not on the 7th September 1844.—

/Here enter № 3014/

Read Calendar dated the 4th Instant from the Session Judge of Guntoor of Case № 18 of 1844.—

/Here enter № 3022/

Read report dated the 1st Instant from the Session Judge of Tinnevelly of Cases pending on the 30th September and committed for trial during the months of October 1844.— /Here enter № 3024/

Ent 7th

F. U.

Thursday 14th November 1844.

At a Court of the Foujdaree Udalut.

Present.

H. Dickinson Esqre 1st Puisne Judge,
M. Lewin Esqre Acts 2d Puisne Judge,
A. Maclean Esqre Acts 3d Puisne Judge,

Read Calendar forwarded under date the 29th Ultimo by the Session Judge of Mangalore, of Case № 53 of 1844 on the file of the Session Court of Mangalore.—

/Here enter F.U. № 2952./

1. The only observation that the Court of Foujdaree Udalut would offer on this trial is, that it was irregular on the part of the Acting Subordinate Judge to swear the witnesses to a Mahazurnamah delivered before the Police.—

2. A Mahazurnamah purports to be the combined deposition of a number of witnesses, but it is the statement of one, or as is more likely it

14th November 1844.

It is a detail drawn up by the Police Officer to which he requires a number of persons to affix their signatures.

3. If it were thought necessary by the Acting Subordinate Judge to examine the persons who signed the document in question, on solemn affirmation, separate depositions should have been taken from them.

Ordered, that Copy of these proceedings be forwarded to the Sessions Judge of Mangalore for his information and guidance, and for communication to the Acting Subordinate Judge of Mangalore.

Sent in No. 2537

Read Report of cases pending on the 30th September and committed for trial during the month of October 1844, submitted by the Sessions Judge of Cuddalore.—

Were entered No. 2975

1. The delay which has occurred in the disposal by the Session Court

14th November 1844.

Court of many of the cases committed to it during the period antecedent to the 3d Ultimo, as shown in the above Return, is considered by the Foujdara Udalut to be most discreditable to the late Acting Sessions Judge, Mr. Lascelles who appears by his dilatory proceedings on the Criminal side of the Officer under his charge, wholly to have disregarded the main object of the arrangement introduced under Act VII of 1843.

2. The accumulation of cases in the Session Court was a result which it was his bounden duty to have avoided, by every possible exertion, and if found to be unavoidable and increasing, notwithstanding daily unremitting attention to the speedy and regular discharge of his Criminal functions, it was incumbent on the late Acting Session Judge to have reported the circumstance to the Foujdaree

Udalut

Udalut in order to the issue of such instructions as might seem best calculated to restore to the Sessions Court its required efficiency—

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Cuddalore for his information, and for communication to the late Acting Sessions Judge Mr. Lavrellee—

/Sent in No. 2558/

Read letter dated the 6th Instant from the Acting Magistrate of Canara requesting permission to offer a conditional pardon to Munjoo a Woman who confesses being present at the murder of a Boy named "Kadir Kareem"—

/Were entered No. 3079/

The Court of Zoujdaree Udalut having maturely considered the circumstances represented in the above letter from the Acting Magistrate of Canara resolve, under the authority

authority vested in them by Section XII Regulation XIII of 1832, to sanction the offer of a pardon to the prisoner Munjoo, on the terms and conditions specified in Section XX Regulation VIII of 1802—

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

/Sent in No. 2559/

Read return dated 22d October 1844 from the Magistrate of Coimbatore to the Precept of the Zoujdaree Udalut dated 16th Ultimo, directing as under the provisions of Section XXXIX Act VII of 1843, the dismissal of D. Soobbarow Head of Police of Carvor—

/Were entered No. 2990./

The Return of the Magistrate declares only that Copies of the proceedings of this Court requiring the dismissal of the Head of Police of Carvor "have been furnished to the

"Joint

"Joint Magistrate" for his information

2. The Court desire the Magistrate will report the full and complete execution of the orders conveyed to him.—

Ordered that Extract from these proceedings be forwarded to the Magistrate of Coimbatore by Precept returnable in X days from and after its receipt.—

(Sent following precept No. 2560)

Read Calendar in Case No. 89 for 1844 submitted by the Sessions Judge of Cuddapah.—

(Here enter No. 3007)

1. The remarks recorded by the Sessions Judge go to show that the offence of Gang robbery with which the Prisoners in the above Calendar were charged, was committed with impunity, owing to the neglect and supineness, and perhaps connivance, of the Village Police in the vicinity of Cuddapah.—

The

2. The Court of Foujdaree Udalut accordingly resolve to direct the Sessions Judge to transmit a copy of the Calendar and his observations thereon to the Acting Magistrate of Cuddapah for his information, and any notice he may think necessary.—

3. Such portions of the Calendar as appear to have been prepared in the Subordinate Criminal Court are transcribed in a style in which, besides being difficult of perusal, do not evince that care necessary in the copying of all reports likely to come under revision by the Superior Authorities.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Cuddapah for his information and communication of para. 3 to the Acting Subordinate Judge by precept returnable in X days from and after its receipt.—

(Sent following precept No. 2561)

End 11th.

"Joint Magistrate" for his information

2. The Court desire the Magistrate will report the full and complete execution of the orders conveyed to him.—

Ordered that Extract from these proceedings be forwarded to the Magistrate of Coimbatore by Precept returnable in X days from and after its receipt.—

(Sent following precept No. 2560)

Read Calendar in Case No. 89 for 1844 submitted by the Sessions Judge of Cuddapah.—

(Here enter No. 3007)

1. The remarks recorded by the Sessions Judge go to show that the offence of Gang robbery with which the Prisoners in the above Calendar were charged, was committed with impunity, owing to the neglect and supineness, and perhaps connivance, of the Village Police in the vicinity of Cuddapah.—

The

2. The Court of Foujdaree Udalut accordingly resolve to direct the Sessions Judge to transmit a copy of the Calendar and his observations thereon to the Acting Magistrate of Cuddapah for his information, and any notice he may think necessary.—

3. Such portions of the Calendar as appear to have been prepared in the Subordinate Criminal Court are transcribed in a style in which, besides being difficult of perusal, do not evince that care necessary in the copying of all reports likely to come under revision by the Superior Authorities.—

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Cuddapah for his information and communication of para. 3 to the Acting Subordinate Judge by precept returnable in X days from and after its receipt.

(Sent following precept No. 2561)—

End

F.M.

Friday 15th November 1844.

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqr 1st Puisne Judge.
Malcolm Lewin Esqr 2d Puisne Judge
Alexr Maclean Esqr 3d Puisne Judge

Read Calendar in Case No 57 of 1844 on the file of the Sessions Court of Mangalore.

(Here enter F.M. No 3057.)

1. The prisoner in the above case was charged with wilful and corrupt Perjury and was convicted; but the Sessions Judge being of opinion that as the prisoner is an old man and the circumstances connected with the Perjury are not of an aggravated character has recommended a mitigation of the prescribed punishment.

2. The Court of Foujdaree Udalut having maturely considered the circumstances of the case represented in the Calendar, sanction under Clause third, Section III Regulation I of 1825 the mitigated punishment

punishment recommended by the Sessions Judge and accordingly direct that the prisonr

Ananta Cumpty.

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.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Mangalore for his information by precpt returnable in V days from and after its receipt.

(Sent following precpt. No 2567)

Read return dated the 6th instant from the Sessions Judge of Chinglepute to this Courts precept of the 5th instant requiring him to pass a new sentence according to Law in case No 18 of 1845 on the Calendar of the Sessions Court of Chinglepute, in which the Prisoner was pronounced by the Law Officer to be liable to the penalty of Hend, and was wrongly sentenced by the Session Judge under the provisions of Clause Second Section III Regulation VII of 1822,

and

and Section XXI Regulation VII of 1802, to 4 Years imprisonment.

(Here enter F.H. No 3031.)

1. In the above return the Sessions Judge of Chinglepute states that a sentence of 7 Years imprisonment has been passed against the Prisonr in the case above alluded to, according to the provisions of Section XXI Regulation VII of 1802, and recommends that in consideration of the case being attended with no aggravating circumstances, the punishment be mitigated under Section IV Regulation I of 1825 to 4 Years imprisonment.

2. Under these circumstances this Court of Foujdaree Adalut resolve to sanction the mitigation proposed by the Sessions Judge of Chinglepute.

Ordered that Copy of these proceedings be forwarded to Sessions Judge of Chinglepute for his information and guidance.

(Sent in No 2568)

Read letter dated the 1st Instant from the Sessions Judge of Tellicherry

reporting

reporting the execution of the Prisoner in Case No 11 of 1844 on his Calendar.

(Here enter F.D. No 3047.)

1. The Sessions Judge states in the above communication that he himself addressed the Crowd assembled at the place of execution.-

2. The Court of Foujdaree Udalut observe that such a proceeding on the part of the Judge is unusual and had better be avoided in future- It is sufficient for the Judge merely to see that the sentence of the Foujdaree Udalut be carried into effect.

Ordered that copy of these Proceedings be forwarded to the Sessions Judge of Tellicherry for his information and guidance.-

Fwd

H.D.M

(Sent in No 2569)-

F.D.

Saturday 16th November 1844.

At a Court of the Foujdaree Udalut.

Present:

Henry Dickinson Esqr 1st Puisne Judge.

Mr Malcolm Lewin Esqr Actg 2d Puisne Judge.

Alex. Maclean Esqr Actg 3d Puisne Judge.

Read letter dated the 28th Ult. from the Sessions Judge of Tinnevelly submitting for the final sentence of the Court of Foujdaree Udalut the record of trial in Case No 28 of 1844.

(Here enter F.A. No 2982.)

The Court of Foujdaree Udalut

Mr Lewin and Mr Maclean.

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

1st "Mandacumar."

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 VIII of 1802, would in this instance, be too severe

severe, the Court under the provisions of Clause third Section III Regulation I of 1825, sentence the prisoner to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public Roads or other public works for and during the period of his natural life.—

Sent following letter № 2573)

Read letter dated 1st November 1844. from the Sessions Judge of Mangalore, referring for the consideration and final sentence of the Foujdaree Adalut an English translation of the record of the trial in Case № 52 of 1844.

(Here enter F.A. № 3010.)

The Court of Foujdaree Adalut

Mr Dickinson & Mr Maclean.

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

1st Venkuppa.

and

2d Annoo.

is sufficient to convict them of the crime of Murder, do convict them thereof, but being of

of opinion under the circumstances of the case that the punishment to which the prisoners are liable under the provisions of Section X Regulation VIII of 1803 would in this instance be too severe; the Court under the provisions of Clause third Section III Regulation I of 1825, sentence the prisoners to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives— The Court of Foujdaree Adalut being further of opinion that the prisoner.

3d Chickoo.

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on her own confession of having been accessary after the fact of the Murder above mentioned, do acquit her accordingly, and direct that she be set at liberty.—

The Court of Foujdaree Adalut have not affirmed the sentence proposed by the Sessions Judge to be passed on the

3d

16th November 1844.

3d Prisoner.-

2. She took no part whatever in the acts which terminated in the death of the deceased, and tho' it appears that she afterwards assisted in removing the body and did aid in concealing the death, yet the Court consider she was acting under fear, and was not a free agent- They have accordingly resolved to acquit her.-

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

(Sent following letter No 2574)

Read again letter dated the 2d September last from the Acting Magistrate of North Arcot reporting certain circumstances connected with Case No 184 of 1844 on the file of the Subordinate Criminal Court of Cuddapah in which two Brms of the District of North Arcot were committed to the Cuddapah Jail for trial on a charge of abuse of authority and extortion,- and acquitted for want of evidence- and complaining that it will be impossible to induce Police Officers to act with efficiency in

2.

F.H.

16th November 1844.

in the Cuddapah District into which it was often necessary to send them, if they are liable to be committed to Jail under such circumstances and on such evidence as was adduced in the above mentioned case.

(Here enter F.H. No 2367.)

Read also return dated the 3d and Supplemental return dated the 29th Ultimo from the Session Judge of Cuddapah to this Court's precept of the 24th September last, requiring him to call for the proceedings held in the above mentioned Case, and to report generally on the matter therein set forth.-

(Here enter F.H. Nos 2694 and 2950.)

1. From the Supplimental return submitted by the Session Judge, it appears, that one Sidda Reddy an inhabitant in the Pungaroor Sunsthanum attached to the Cuddapah District was apprehended on the 15th August 1843 on a charge of having been concerned in plundering the house of an inhabitant of Calloor in the North Arcot district of property to the value of Rupees 1322-11-9; and that many

many months after, on the 20th February 1846, and not until then, he preferred the charge of Bribery and Extortion, against the Prisoners in the case referred to above, who were Peons attached to the District of North Arcot.-

2. It is stated in this return that Sidda Reddy confessed before the Head of Police of the Pennuary Talook in the North Arcot District, that in consequence of the trouble he had suffered, "by being apprehended and "imprisoned on the charge of being concerned "in the robbery at Calor, he had then falsely preferred the charge of Bribery" - in a subsequent part however of the same return, it is recorded that the said Sidda Reddy declared before the Subordinate Court in Cuddapah that the above confession was extorted from him by the severe illtreatment which the Pennuary Tashildar caused to be inflicted upon him: and depositions are reported to have been taken from the Father and Brother of the Prisoner Sidda Reddy in support of this latter statement.

3. It is much to be regretted, the Court of Foujdaree Udalut observe that the late Magistrate

Magistrate of Cuddapah did not deem the subject of sufficient importance to make a personal enquiry - Had he disposed of the case himself the needless trouble to which the Foujdaree Udalut have been put, would have been spared, and the police it may be supposed would not have been called upon to answer a charge which seems to have originated in a spirit of revenge.-

4. From the papers at present before them, the Court of Foujdaree Udalut are unable satisfactorily to understand the merits of the case.-

5. As it would not be legal to apprehend Sidda Reddy on the charge on which he has been acquitted, by the Sessions Judge, the Judges direct that the Magistrate of North Arcot will make enquiry into his General Character as represented in Mr. Babington's letter, and adopt such measures in respect of this individual as the circumstances may seem to him to demand.

Ordered that Copy of these Proceedings

Proceedings be forwarded to the Sessions Judge of Cuddapah for his information and guidance, and for communication to the Magistrate of North Arcot, by precept returnable in 10 days from and after its receipt.-

(Sent following precept No 2575)

Read letter dated the 31st Ultimo. from the Acting Agent to the Governor of Fort Saint George in Ganjam, reporting the escape of two Prisoners under trial in cases Nos 13 and 14 of 1844 on a charge of Housebreaking.-

(Here enter F.U. No 3042.)

1. The Court of Foujdarry Udalut direct that the attention of the Acting Agent be drawn to Foujdarry Udalut Circular Orders of the 28th March 1832. and 19th November 1832 B and that he be required in obedience to the instructions therein laid down, to submit a circumstantial report of the escape of the two Prisoners "Sammutee Poorshottum" and "Modoo Rathoi", together with translations of any depositions that may have been taken on the subject.

subject, with as little delay as practicable.-

Ordered that Copy of these Proceedings be forwarded to the Acting Agent to the Governor of Fort Saint George in Ganjam for his information and guidance, by precept returnable in 10 days from and after its receipt.-

(Sent following precept No 2576)

Read report dated the 1st instant submitted by the Sessions Judge of Masulipatam, of cases pending on the 30th September and committed for trial during the month of October 1844.

(Here enter F.U. No 3999.)

The Court of Foujdarry Udalut are of opinion that there has been much needless delay in all the cases in the above Report.

Ordered that Copy of these Proceedings be forwarded to the Sessions Judge of Masulipatam for his information and guidance.-

(Sent in No 2577)

Read.

Read letter dated 11th November 1846 from the Sessions Judge of Chingleput, submitting for the consideration and final sentence of this Foujdaree Udalut, the record of the trial in case No. 17 of 1844. on the Chingleput Calendar.

(Here enter F.H. No 3098.)

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

Mr Lewin and Mr Maclean

1st Serpin
2d Ravanum
3d Narasimmoolo
and
4th Chennian.

is sufficient to convict them of the crime of Murder, do convict them thereof; but being of opinion under the circumstances of the case, that the punishment to which the prisoners are liable under the provisions of Section X Regulation VIII of 1802 would in this instance be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825 sentence the prisoners to be transported

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

L.S.

Certificate of Pardon
to
Valen
and
Yandegan.

Whereas under date the 13th September 1846 the Court of Foujdaree Udalut were pleased to authorize the Magistrate of Chingleput to tender an offer of pardon to

Valen.

and

Yandegan.

on condition of their making a full disclosure of every circumstance within their knowledge relative to the murder of the younger brother of the Prosecutor Londum on the night

of

16th November 1834

of the 15th August 1834 in the Paddy field of the Tope in the Hamlet of Vadaxemmunjary in the Zillah of Chinglepat.

And whereas the Court of Foujdarry Udalut are of opinion that the conditions of the said grant of pardon have been sufficiently fulfilled.-

Now these are to Certify and declare that in consideration thereof, the Court of Foujdarry Udalut have been pleased under the provisions of Section XX Regulation VIII of 1802 to confirm the pardon conditionally tendered as aforesaid to the said

Valen.

and

Yandegan

as regards the Acts herein referred to.

And the Court do hereby confirm the said Pardon accordingly.-

Given under my hand and the Seal of the Court this 16th day of November in the Year of our Lord 1834.-

Signed H. D. Phillips.
Registrar.

The

F.C.
16th November 1834.

1. The Court of Foujdarry Udalut concur with the Sessions Judge in the conviction of the prisoners and the punishment to be awarded.-

2. They are sorry however to be obliged to notice that the proceedings of the trial are marked with irregularities so great as almost to vitiate the trial and lead to the acquittal of the prisoners.

3. The interrogation of the prisoners to the main points is in direct opposition to the course laid down for Criminal trials and at variance with the system which prevades all English Courts of not leading a prisoner into self crimmination.

4. The Circular Order of the 18th July 1834, requires a committing Officer to explain to a prisoner the points on which defence is required - but the duty of a Session Judge is of a different character.-

5. If there are points of a case, unexplained, it is the Session Judge's duty to obtain evidence before the close of the Prosecution.

No

No witness except for the defence can be legally examined after the close of the prosecution.-

6. No order has been observed in this trial, and the only extenuation of the errors committed by the Session Judge, which can be found is that which arises from the manifest desire on the part of the Judge to get at the truth, and the pains he has taken to accomplish that end.

7. The Court further observes that the 2d question put to the Law Officer was irregular and unnecessary.-

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

(Sent following letter No 2578)

Read Calendar in case No 57 for 1844, submitted by the Session Judge of Calicut.-

(Here enter F. R. No 3004.)

The Prisoner who is reported by the Session Judge to be blind, was charged with assault and wounding with a toddy knife and

and under the circumstances of the case, exhibiting on the part of the accused, features of determined ferocity, the Session Judge has sentenced him to imprisonment with hard labor for a period of two Years, and to receive corporal punishment to the extent of 150 lashes.

2. The Foujdaree Udalut consider the period of incarceration awarded by the Session Judge to be inadequate; but they fail on a perusal of the Session Judge's statement of the facts and circumstances of the assault charged, to recognize the necessity for corporal punishment, which they regard as a very unsuitable punishment, and accordingly resolve to remit.

Ordered, that Extract from these proceedings be forwarded to the Session Judge of Calicut for his information by Precept returnable in VI days from and after its receipt.-

(Sent following precept No 2579)

Read letter dated the 25th September 1844 from the Magistrate of Tinnevelly, submitting

submitting explanation of the irregular proceeding of the Deputy Senadar.-

(Here enter F.U. No. 2704.)

Read letter dated the 10th Ult. from the Acting Session Judge of Trichinopoly, forwarding statement of the actual produce of the labor of prisoners in the Jail at Trichinopoly, for the 3d Quarter of 1844.

(Here enter F.U. No 2804.)

Read Report dated the 10th Ultimo submitted by the Acting Session Judge of Trichinopoly, of Prisoners tried and whose cases have been referred to the Foujdaree Udalut, but on whom the sentence of that Court has not been received.

(Here enter F.U. No 2805.)

Read estimate dated the 10th Ultimo submitted by the Acting Session Judge of Trichinopoly, of the value of the produce of labor of prisoners, and convicts labor Report for the month of September 1844.

(Here enter F.U. No 2806.)

F.U.

Monday 18th November 1844.

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqr. 1st Puisne Judge.
Malcolm Lewin Esqr. Actg 2d Puisne Judge
Herr. Maclean Esqr. Actg 3d Puisne Judge

Read Miscellaneous Petition presented on the 22d Ultimo by Porjary, Brother-in-law to the Prisoner in case No 1 of the 3d Calendar of Trichinopoly for 1844.

(Here enter Miscellaneous Petition No 136 of 1844.)

1. The Petitioner represents that the Acting Session Judge of Trichinopoly tried the Prisoner, maliciously charged in the above case with robbery and ordered his release on the production of two Securities on 50 Rupees each; that the Petitioner accordingly tendered the surety required, which the Session Judge refused to accept with reference to certain observations submitted by the Magistrate - The Petitioner now prays that the Session Judge may be directed to release the prisoner after admitting the

16th

the sureties tendered.—

2. Before finally disposing of this Petition the Court of Foujdaree Adalut resolve to call upon the Sessions Judge of Trichinopoly to state upon what grounds he refused to receive the bail tendered by the Petitioner.

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

(Sent following precept № 2584)

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

Read letter dated the 4th Instant from the Magistrate of North Arcot, informing that during the month of October last the Magistracy of the District did not exercise the powers vested in them by Section LIV of Act VIII of 1843.

(Here enter F.M. № 2993.)

Read

Read communication dated the 31st Ultimo from the Sessions Judge of Mangalore informing that the Report № 9 prescribed by Regulation X of 1816 of Prisoners tried and whose Cases were referred in the Month of September 1844, is not furnished, as there is no information to be offered.

(Here enter F.M. № 2995.)

Read report № 9 dated the 1st Instant submitted by the Sessions Judge of Mangalore, of Prisoners tried, and whose Cases have been referred to the Foujdaree Adalut, but on whom the sentence of that Court has not been received in the month of October 1844.

(Here enter F.M. № 2996.)

Read report dated the 1st Instant, submitted by the Sessions Judge of Bellary of Cases pending on the 30th September and committed for trial during the Month of October 1844.

(Here enter F.M. № 2997.)

Read report dated the 1st Instant submitted by the Acting Sessions Judge of Rajahmundry of Cases pending on the 30th September and committed for trial during the month

of

15th November 1844.

of October 1844.

(Here enter F.U. № 2998)

Read report dated the 1st Instant submitted by the Session Judge of Mangalore, of Cases pending on the 30th September and committed for trial during the month of October 1844.

(Here enter F.U. № 3000)

Read Calendar dated the 2d Instant submitted by the Session Judge of Tanjore in Case № 19 of 1844.

(Here enter F.U. № 3003)

Read Calendar dated the 1st Instant submitted by the Session Judge of Calicut in Case № LVIII. of 1844.

(Here enter F.U. № 3005)

Read Calendar dated the 2d Instant submitted by the Session Judge of Cuddapah in Case № 87 of 1844.

(Here enter F.U. № 3006)

Read Calendar dated the 2d Instant submitted by the Session Judge of Trichinopoly in Case № 21 of 1844.

(Here enter F.U. № 3008)

Read Miscellaneous Petition presented on the 22d Ultimo by Ghoolam Ruzah

Ca Rul

F.U.

18th November 1844.

Vakeel on behalf of Salvador Soares and 3 others of Tillah Canara.

(Here enter M.P. № 131.)

1. The Petitioners appeal against an order passed by the Session Judge of Mangalor dated 20th September last confirmatory of the proceedings of the Assistant Magistrate in that District which declare that one Padre Barracho shall not be disturbed in his possession of a church at Pejawar by Petitioners and intimating to them that their alleged right to the church should be settled by a Civil enquiry in a Court of Justice.

2. The Court of Foujdarry Udalut consider that the order of the Session Judge which has been appealed against is perfectly right and meets every point of the case. If one party desires to disturb the other in possession, it must be done thro' a Civil Suit.

Ordered accordingly that this Petition be dismissed and that Extract from these proceedings be granted to Petitioners's Vakeel on application.

Tuesday 16th November, 1844.

At a Court of the Conjeeree Adawlut.

Present.

Henry Dickinson Esqre — 1st Puisne Judge,

Malcolm Lewin Esqre — Acting 2d Puisne Judge,

Alexander Maclean Esqre — Acting 3d Puisne Judge,

Read communication dated 24th October 1844 from the Sessions Judge of Combaconum submitting his explanations and those of the Subordinate Judge in reference to the remarks contained in the Proceedings of this Court held in review of the trial in Case No. 38 on the Combaconum Calendar.—

(Here enter Cl. No. 2908)

1. In their proceedings the Court of Conjeeree Adawlut adverting to the examination and record of the evidence of a child who had been examined by the Sessions Judge without oath observed that "the proceedings in the trial had "been radically vitiated by the Sessions Judge" They also pointed the attention of the Sessions Judge to one of the acknowledged principles of the rules of evidence that all persons to be examined in Criminal Cases must be examined on

Tuesday 16th November, 1858.

At a Court of the Conjeeveram Colatat.

Present.

Henry Dickinson Esqre — 1st Puisne Judge,

Malcolm Lewin Esqre — Acting 2d Puisne Judge,

Alexander Maclean Esqre — Acting 3d Puisne Judge,

Read communication dated 24th October 1858 from the Sessions Judge of Combaconum submitting his explanations and those of the Subordinate Judge in reference to the remarks contained in the Proceedings of this Court held in review of the trial in Case No 38 on the Combaconum Calendar.—

(Here enter Dft. No 2908)

1. In their proceedings the Court of Conjeeveram Colatat adverting to the examination and record of the evidence of a child who had been examined by the Sessions Judge without oath observed that "the proceedings in the trial had "been radically vitiated by the Sessions Judge" They also pointed the attention of the Sessions Judge to one of the acknowledged principles of the rules of evidence that all persons examined in Criminal Cases must be examined on

on oaths, and to the Circular Orders of the 16th April 1819 and 12th July 1825 which contain instruc=tions regarding the course to be adopted in cases of witnesses of tender age.—

2. The Sessions Judge in his explanation merely remarks that "he considered he was bound "to examine the child in question and to record by "a note what came from his mouth, but that "the administering of an oath to him was absolutely "impossible from his tender age and both his "Parents being Prisoners in the Trial, and the Session "Judge thought that if the Loyd area Adalut "were not satisfied with such a corroborative state=="=ment, they might accept it or reject it as they "pleased and pass sentence on the rest of the "evidence, which the Session Judge considered of "more importance than the childs'".—

3. The Court see nothing in this explana=tion which leads them to modify their censure as recorded in the proceedings of 6th October 1844.—

4. If the Session Judge was not aware of the universal principle declared above, nothing can justify his ignorance of or his inattention to the provisions of the regulations which he is bound to observe and to the Circular Orders of the

the Loyd area Adalut. If the child was ignorant of the nature of an oath the Session Judge should have had him instructed in it, and altho the parents were prisoners the Court do not think any difficulty would have been experienced in finding persons competent to impart the necessary instruction.—

5. It is needless to observe that what could not be legally received as evidence could not be legally recorded, much less ought it to have been placed before the Law officer and to permitted to base a futwah upon it.—

6. It is [illegible] that the Loyd area Adalut might if they were not satisfied with such a corroborative statement, as that of the child's "accept it or reject it as they pleased", but even were they disposed so to act, it is questionable whether the Court could so easily relieve their minds from the impression which might have been made on it by statements illegally and therefore improperly allowed to form part of the record, nothing could authorize them silently sanctioning a glaring departure from the laws.

7. The Court of Loyd area Adalut deem it unnecessary to enter at length on the arguments

arguments used by Mr. Beauchamp; they will observe that when a case of doubt should arise it will be time enough to record their opinion on the case which may be laid before them - in the interim the Court of Conjeeveram do not record their opinion, that it is incompetent to a Subordinate Judge to hold any enquiry (in a case committed to him) involving the guilt or innocence of a party accused of any crime except with the observance of the forms which are prescribed by law.

8. In conclusion the Court would again draw the Session Judge's attention to the Circular Orders 16th April 1816, and 12th July 1825 and direct his in future observing the directions therein contained -

Ordered, that Extract from these Proceedings be sent to the Session Judge of Combaconum for his information and for communication to the Subordinate Judge of Combaconum -

(Sent in No. 2386)

Read Report forwarded by the Magistrate of Chingleput, under date the 7th instant, of cases tried by the Magistracy under the

S.H.

19th November 1844.

the provisions of Section IV Act VII of 1843 for the month of October 1844 -

(Here enter S.No. N. 3062)

Case No 5. 1. The Prisoner in this case is charged with stealing a Silver hunting Watch valued at Rupees 100 - - - and is sentenced by the Extra Assistant Magistrate of Chingleput to 6 Months hard labour in the Zillah Jail and 3 dozen Lashes with a cat o nine tails under Section VII Regulation X of 1816 extended to Magistrates by Section IV Act VII of 1843 -

2. The Judges of the Conjeeveram Adawlut observe that the Magistrate had no authority in this case which was punishable only by the Criminal Judge under the provisions of Clause Fourth Section III Regulation VI of 1822 -

3. They therefore direct that the sentence passed upon the Prisoner "Ponnappen" alias Pootoorey by the Extra Assistant Magistrate be annulled and that the Prisoner be committed for trial before the Sessions Court in Chingleput -

Ordered, that copy of these Proceedings

arguments used by Mr. Beauchamp; they will observe that when a case of doubt should arise it will be time enough to record their opinion on the case which may be laid before them - in the interim the Court of Conjeveram do not record their opinion, that it is incompetent to a Subordinate Judge to hold any inquiry (in a case committed to him) involving the guilt or innocence of a party accused of any crime except with the observance of the forms which are prescribed by Law.

8. In conclusion the Court would again draw the Sessions Judge's attention to the Circular Orders 16th April 1819, and 12th July 1825 and direct his in future observing the directions therein contained —

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for his information and for communication to the Subordinate Judge of Combaconum. —

(Sent in No. 2386)

Read Report forwarded by the Magistrate of Chingleput, under date the 7th instant, of cases tried by the Magistracy under the

S.H.

19th November 1844.

the provisions of Section 6 IV Act VII of 1843 for the Months of October 1844 —

(Here enter S.H. No. 2062)

Case No. 5. 1. The Prisoner in this case is charged with stealing a Silver Hunting Watch valued at Rupees 100 — — and is sentenced by the Extra Assistant Magistrate of Chingleput to 6 Months Hard Labour in the Zillah Jail and 3 dozen Rattans with a cat o nine tails under Section VII Regulation X of 1816 extended to Magistrates by Section 6 IV Act VII of 1843 —

2. The Judges of the Conjeveram Adawlut observe that the Magistrate had no authority in this case which was punishable only by the Criminal Judge under the provisions of Clause Fourth Section III Regulation VII of 1822 —

3. They therefore direct that the sentence passed upon the Prisoner "Ponnappen" alias Muttoosamy by the Extra Assistant Magistrate be annulled and that the Prisoner be committed for trial before the Sessions Court in Chingleput —

Ordered, that copy of these Proceedings

Novemr

19th November 1844.

proceedings be forwarded to the Magistrate of Chingleput for his information and guidance.

Extract in No 2587

Thursday
21st November
1844.

S. U.

At a Court of the Sonjdaree Udalut.

Present,

Henry Dickinson Esqre 1st,
Malcolm Lewin Esqre 2d.
Alexr Maclean Esqre 3d,
} Puisne Judges

Read letter dated the 5th November 1844 from the Sessions Judge of Salem. submitting the Record of Trial in Case No 22 on the Calendar of the Sessions Court of Salem for 1844.

(Here enter No 3142)

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

Mr H. Dickinson.

Cora Eroolun

is sufficient to convict him of the crime of assault and wounding for which, according to the Mahomedan Law, as declared in futwas of their Law Officers, discretionary punishment

21st November 1846. punishment is awardable to convict him there-
of and with reference to the provisions of clause
third Section VII Regulation XI of 1803, do sen-
tence him to be imprisoned and kept to hard
labor in irons, on the public roads or other
public works for and during the period of
five years.—

/Sent following letter No. 2590/

Read Criminal Reports for
the month of October 1846 submitted by the
Sessions Judge of Chicacole under date the
7th Instant.—

/Here enter J. R. No. 3115 of 1846./

From the Statement appended
to these Reports, it appears that 22 Jail
Prons were employed at Chicacole during
the Month of October 1846, as only 84 Prisoners
were worked outside the Jail, and the autho-
rized guard for this number of Convicts is
only 21 Prons, the Sessions Judge is required
to explain the reason of 1 Pron being em-
ployed in excess of the prescribed complement.

Ordered that Extract from
these proceedings be forwarded to the Sessions
Judge

J. R.

21st November 1846. Judge of Chicacole for his information
and guidance by precept returnable in 3 days
from and after its receipt.

/Sent following precept No. 2591/

Read Calendar in case No. 34
of 1846 submitted by the Sessions Judge of Chicacole
under date the 29th Ultimo.—

/Here enter J. R. No. 3052./

1. The 1st 2d and 3d Prisoners in
this case are charged with having on the
night of the 25th September last entered the
house of the Prosecutrix by making an
opening in the roof, and with having forced
the lock of an inner room door and broken
open boxes and stolen therefrom gold orna-
ments to the value of Rupees 1072-4-4.—

2. The 4th Prisoner stands charged
with having received and concealed certain
articles of the stolen property, knowing
them to be such.—

3. The Tahsildar of the Law
Officer convicted the 1st and 2d Prisoners
on their own admissions before the Sessions Court of the crime
laid to their charge and declared them
liable

21st November 1844. liable to Mud; but acquitted the 3rd and 4th Prisoners on the ground that the evidence for the prosecution was in their case inadmissible according to Mahomedan Law.—

4. Upon a second question being proposed to Remove the Scrupulous objections to the evidence, the Mahomedan Law officer Convicted the 3d Prisoner of Burglary and theft and declared him liable to Ookubut.

5. The Sessions Judge concurred in the second finding and Sentenced the 1st and 2nd Prisoners to 7 years imprisonment with hard labor in irons, under Section XXI Regulation VII of 1802 with the addition to the 1st Prisoner as being an old offender, of 195 Lashes.—

6. He Sentenced the 3d Prisoner to the same term of imprisonment as the two former Prisoners in the case but under Clause First Section V Regulation XV of 1803.—

7. The 4th Prisoner was acquitted and released.—

The

J.M.

21st November 1844.

8. The Court of Foujdaree Adalut observe that the 3d Prisoner was punishable under the same Regulation as that under which Sentence had been adjudged to the 1st and 2d Prisoners but that a 3d question should have been put to Remove the technical objection raised by the Law officer.—

Ordered that Copy of these Proceedings be forwarded to the Sessions Judge of Chittoor for his information and guidance.—

(Sent in No 2592)

Read letter dated the 18th instant from the Sessions Judge of Chittoor forwarding the Record of the trial in case No 42 on the Calendar of the Sessions Court of Chittoor for 1844.—

(Have Enter No 3186)

The Court of Foujdaree Adalut

Mr. D. Maclean,

on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the Prisoner

"Chinna Venkata Reddy"

is

21st November 1844. is not convicted on presumptive proof or on the evidence of credible witnesses, or on his own confession of the crime of Highway Robbery, do acquit him thereof, and direct that he be unconditionally released.—

The Court of Foujdaree Adalut are unable to concur, with the Sessions Judge in the view of the charge which he has taken and under which he has recommended that a Sentence of fourteen years imprisonment should be passed.

They consider the view of the case adopted by the Mahomedan Law officer as stated in the Futwah and with reference further to certain inconsistencies on the testimony recorded they resolve to release the Prisoner.—

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

(Sent following letter No. 2593)

Read Report of cases disposed of by the Magistracy of Trichinopoly under the provisions of Section LIV Act VII of 1843 during

F.H.

21st November 1844. during the Month of October last.—

(Now enter F.H. No. 3043)

1. The Court of Foujdaree Adalut are of opinion that while the value of these Reports consists in their brevity and conciseness, they should at the same time contain a lucid and clear account of the principal features of the case.—

Circular Order 16th November 1831 para 2.— 2. The present Report is too much wanting in detail—it is impossible to gather from it the extent of the injuries sustained by the Prosecutor the origin and motives of the offence and the nature of the evidence by which the prisoners were found guilty.—

3. The Magistrate will be pleased to have the defects above pointed out remedied to enable the Court to review the Reports.—

Ordered that Extract from these proceedings be sent to the Magistrate of Trichinopoly for his information by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 2594)

21st November 1846.

Read the Criminal Reports for the Month of October 1846 Submitted by the Acting Principal Sudr Ameen of Coimbatoor under date the 7th instant.

/Were enter F.D. No 3086/

Report No V Case No 104.- 1. It is Reported that the prisoner in this case was apprehended on the 12th Ultimo, but that the Prosecutor and Witnesses reached the Andeyore Head of Police only on the 18th Ultimo.-

2. The case is one of assault, and the delay therefore of 6 days in procuring the evidence appears to be inexcusable.-

3. Explanation is required for the information of the Foujdaree Adalut from the Magistrate direct as to when the Prosecutor and witnesses were from the 12th Ultimo the date of the Prisoners apprehension to the 18th October 1846 on which date they appeared before the Head of Police.-

Ordered that a Copy of these proceedings be forwarded to the Acting Principal Sudr Ameen of Coimbatoor for his

F.D.

21st November 1846.- his information and guidance.- and for communication to the Magistrate by precept returnable in X days from and after its receipt.-

/Sent following precept No 2595/

Read the Criminal Reports Submitted by the Principal Sudr Ameen of Guntoor for the Month of October 1846.

/Were Enter No 3112.-/

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

Ordered that Extracts from these proceedings be forwarded to the Principal Sudr Ameen of Guntoor for his information.-

/Sent in No 2596/

Read the Criminal Reports for the Month of October 1846 forwarded by the Acting Subordinate Judge of Rajahmundry under date the 1st instant.

/Were Enter F.D. No 3073/

Report No V Case No 53.- 1. The Prisoner in this Case is charged

21st 21st November 1844 - Charged with having, while armed on the night of the 25th August last, assaulted the Prosecutor, beaten him severely on the head and robbed from him property to the value of Rupees 5 - - - -

Resp. Case

2. In the Column of explanation on this case it is remarked that the Pittapoor Tahsildar after examining with the Case referred it to the Magistrate with a proposition that a fine of Rupees 10-8. should be imposed upon the Prisoner. -

3. The Acting Subordinate Judge of Rajahmundry is required to instruct the Pittapoor Head of Police that the punishment recommended by him was altogether inappropriate and inadequate to the crime committed by the Prisoner. -

Ordered that Copy of these Proceedings be forwarded to the Acting Subordinate Judge of Rajahmundry for his information and guidance. -

(Sent in No 2597)

Read.

F. R.

21st November 1844 -

Read letter dated 5th November 1844 from the Agent to the Governor at Kurnool, submitting his opinion as to the punishment to be imposed on a prisoner charged with Swindling and tried before him. -

(Here enter F. R. No 3064)

The Court of Foujdaree Adalut having maturely considered the Summary of the evidence taken in this case the Statement of the grounds for the conviction and the Agents opinion as to the punishment to be imposed on the prisoner, resolve to confirm the sentence of 12 Months imprisonment with hard labor in irons on the prisoner

"Mahomed Ali."

Ordered that Extract from these proceedings be sent to the Agent to the Governor of Fort St. George in the Kurnool District for his information and guidance. -

(Sent in No 2598)

Read

2. 21st November 1846.— Read Calendar of Case No 91 of 1846 on the Cuddapah Calendar submitted by the Sessions Judge under date the 7th November 1846.—

/Here enter S.R. No 3058 of 1846/

Before disposing of this Calendar the Court of Sowdaree Adalut desire to be informed of the Number and value of the several base coins produced in Court.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Cuddapah for his information by precept returnable in 48 hours.—

/Sent following precept No 2399/

Read Calendar of the trial held in Case No 22 of 1846 of the file of the Sessions Court of Chingleput.

/Here enter S.R. No 3097/

The Court of Sowdaree Adalut fully concur in the mitigation recommended by the Sessions Judge and accordingly under the provisions of Section III Regulation

4.

S.R.

21st November 1846.— Regulation I of 1825 sentence the prisoner

1st Aroonachellum.—

to be imprisoned and kept to hard labor in irons on the public Roads or other public works for and during the period of four years.—

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

/Sent in No 2600/

Read letter dated the 6th instant from the Acting Sessions Judge of Trichinopoly requesting the opinion of the Sowdaree Adalut whether the examination into a charge brought against a Jail Duffadar accusing him of having received for improper purposes money and jewels from the relatives of parties committed to Jail for trial before the Sessions Court, constitutes a Judicial proceeding such as should subject to trial for perjury a party giving intentionally and deliberately before the Sessions Court

21st to 21st November 1846 — Courts false deposition on oath on a point material to the issue of the said investigations. —

/Mrs Entry No. 3016/

1.

So far as appears from the Acting Sessions Judge's communication the Tongdars Walut are of opinion that the enquiry which he has held into the act imputed to the Sail Duffadar, has been so held in contravention of the provisions of Section VIII Regulation X of 1816 and consequently that no charge of perjury can legally arise out of it.

2.

It was the duty of the Acting Sessions Judge simply to satisfy himself that the charge brought against the Duffadar rested on a good foundation and to have then referred the parties to the Magistracy to be dealt with under the Regulations — a Sessions Judge having no original jurisdiction on a matter of the nature adverted to. —

Ordered that Extract from this

J. R.

21st November 1846 — These proceedings be sent to the Acting Sessions Judge for his information —

Entered No. 2601/

Read letter dated the 9th Instant from the Sessions Judge of Cuddalore, recommending with reference to para 8 of the proceedings of the Tongdarees Walut dated the 6th Instant, that the term of imprisonment awarded to the 7th prisoner in Case No. 38 of 1846, be reduced from that to 10 years. —

/Mrs. Entry No. 3092/

The Court of Tongdarees Walut with reference to the provisions of clause third Section III Regulation I of 1825 sanction the mitigated punishment recommended by the Sessions Judge and accordingly direct that the prisoner

Caroomara Dutchay

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of / not ten years. —

Ordered

21st November 1844.

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

/Sent in No 2602/

Read letter dated 4th Instant from the Sessions Judge of Calicut requesting the opinion of the Tondiarce Vedalut whether an appeal lies to a Magistrate in cases disposed of by his European Subordinates under the provisions of Section LIV. Act VII of 1843.

/Vide letter No 3076 of 1843./

1. In Reply to a reference on the above point submitted by the Magistrate of Malabar, the Sessions Judge has stated that it does not appear to him that an appeal lies to, but that the Magistrate has the power of correcting any sentence passed by a Subordinate which may be contrary to law.

2. The Tondiarce Vedalut do not agree in the view of the law taken by the

21st November 1844. the Sessions Judge being of opinion on Reference to the provisions of Regulation II of 1827 which are explanatory of the powers of a Subordinate Collector in his Magisterial capacity and which a fortiori are applicable to those of Assistant Magistrates that it has been the intention of the legislature to constitute in each District one paramount Magistrate.

3. They think therefore that at the present time a Magistrate possesses all the power of control over the proceedings of his Assistants which are enumerated in Circular Order dated 8th April 1830, but they also think that great discreation should be observed in the exercise of that power.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Calicut for his information and for communication to the Magistrate of Malabar.

/Sent in No 2603/

Read Return dated the 5th Instant from

21st November 1844. from the Magistrate of Tanjore to the receipt of the Tandarees Abstract of the 1st Instant explaining the cause of delay and irregularity in the disposal of certain cases on the Criminal Reports due for August last.

Here enter No. 3152.

Read Calendars dated the 13th Instant, submitted by the Sessions Judge of Tinnevelly of Cases No. 30 and 31 of 1844.

/Here enter No. 3154 and 3155/

Read Calendar dated the 12th Instant submitted by the Sessions Judge of Chittoor of Cases No. 47 and 48 of 1844.

/Here enter No. 3156/

Read Calendar dated the 15th Instant submitted by the Sessions Judge of Bellary in case No. 41 of 1844.

/Here enter No. 3157/

Read Calendars dated the 15th Instant submitted by the Sessions Judge of Mangalore in Cases No. 48 and 49 of 1844.

/Here enter No. 3160 and 3161/

Read return dated the 15th Instant, from the Sessions Judge of Madura to the precept of the Tandaree Abstract of the 1st idem, directing him to state the

21st November 1844. the grounds upon which he has commuted the Sentence in case No. 38 of the Calendar for 1844 and to what parts of the Prisoner's Statements are proved to be untrue.-

/Here enter No. 3163/

Read letter dated the 16th Instant from the Magistrate of Tinnevelly Reporting that no cases were investigated under Section LIV Act VII of 1843 during October 1844.-

/Here enter No. 3207/

Read Calendar dated 8th Instant submitted by the Sessions Judge of Cuddalore in Case No. 37 of 1844.-

/Here enter No. 3214./

Read Report dated the 10th October 1844. from the Sessions Judge of Masulipatam. Reporting of Casualties and of Prisoners released. together the Labor of Convicts for the Month of September 1844.-

(Here enter No. 2839.)

Read letter dated the 14th

21st November 1844.—

15 October 1844, from the Magistrate of Coimbatore reporting that the Powers vested in the Magistrates by Section LIII Act No. VII were not exercised in September 1844.—

(Here enter No. 2845)—

F. 16.

Friday 22d November 1844.—

At a Court of the Tanjore Udalut.

Present,

Henry Dickinson Esqre. 1st.
Malcolm Lewin Esqre. Ag 2d
Alexr. Maclean Esqre. Ag 3d
} Puisne Judges.

Read Statement submitted under date the 1st. Instant by the Acting Session Judge of Trichinopoly shewing the instances in which the powers of punishment created by Regulation X of 1832 have been exercised during the month of October 1844.—

(Here enter F. 11. No. 3138.)

1. The legality of the punishment inflicted on the Prisoner "Coottee Shatooram" is doubtful as it was not entirely in support of jail discipline but in consequence of a quarrel between 2 Prisoners.—

2. The Judges of the Tanjore Udalut consider the sentence passed by the Acting Session Judge to be excessive and very cruel and are of opinion that a little solitary confinement would have been a

a proper and sufficient punishment for the offence committed.—

Ordered, that copy of these proceedings be forwarded to the Acting Session Judge of Trichinopoly for his information and guidance.—

/Sent in No. 2608/

Read letter dated the 30th Ultimo from the Acting Session Judge of Trichinopoly forwarding with reference to the 2d para: of the Proceedings of the Foujdaree Adalut dated 25th Ultimo copy of an Extract from the Proceedings of the Sessions Court of Trichinopoly dated 6th September 1844 held on the conduct of the Convict Venataramanyen previous to the award of the sentence of 100 lashes.—

/Here enter No. 2986/

Read letter dated the 31st Ultimo from the Magistrate of Bellary submitting explanations of the delays which occurred in the transmission of Cases No. 104 and 107 to the Subordinate Court.—

/Here enter No. 2987/

Read letter dated the 31st Ultimo from

from the Magistrate of Malabar enclosing copy of a memorandum from the Head Assistant Mr. Cook with reference to the 2d and 3d paras: of the Extract from the Proceedings of the Foujdaree Adalut dated 23d August last explaining the cause of the delay in the Talook of the Case No. 111.—

/Here enter No. 2991/

Read letter dated the 4th Instant from the Principal Sudr Ameen of Trichinopoly stating with reference to the observations of the Foujdaree Adalut on No. 83 of the Criminal Reports for the month of September 1844 that the sentence passed thereon was 9 months imprisonment Vz. and not 6 months as entered in the Report which is a clerical error.—

/Here enter No. 3018/

Read return dated the 1st Instant from the Principal Sudr Ameen of Vizagapatam to the precept of the Foujdaree Adalut dated 23d Ultimo conveying their observations on the Criminal Reports submitted by the Principal Sudr Ameen for the month of September 1844.—

/Here enter No. 3019/ Read

22nd November 1844.

Read Calendar dated the 14th Instant from the Sessions Judge of Combaconum of Cases Nos. 60, 61, 62 and 63 of 1844.—

/Here enter No. 3023./

Read report dated the 1st Instant from the Agent to the Governor of Fort St. George at Vizagapatam of Cases pending on the 30th September and committed for trial during the month of October 1844.—

/Here enter No. 3025./

Read letter dated the 3rd Instant from the Sessions Judge of Cuddapah reporting the execution of the Prisoner Juckoola Gungoloo, in Case No. 43 of the Calendar for 1844.—

/Here enter No. 3029/

Read the Criminal Reports dated the 31st Ultimo from the Sessions Judge of Chingleput for the month of October 1844.—

/Here enter No. 3030/

Read Calendar dated the 6th Instant from the Acting Sessions Judge of Tinnevelly of Case No. 19 of 1844.—

/Here enter No. 3036./

DD

Ent'd

X

Fort St. George

Saturday 23d November 1844 } At a Court of the Foujdaree Adalut

Present:—

Henry Dickinson Esqr — 1st
Malcolm Lewin Esqr Act 2d — Puisne Judges
Alexander Maclean Esqr Act 3d

Read returns dated 2d November 1844 from the Sessions Judge of Tinnevelly & the precept of the Foujdaree Adalut of the 24th Ultimo requiring them to review the proceedings of the Principal Sudr Ameen in Case No. 100 of 1844 in the Tinnevelly Criminal Reports.

/Here enter Fd. No. 3103/

1 Adverting to the opinion expressed by the Sessions Judge in the 4th parah of the foregoing return that the marks on the person of the prisoner are the result of ill treatment The Court of Foujdaree Adalut resolve to direct that Copies of parahs 3, 4, 5 & 6 of the return be forwarded to the Magistrate

23d November 1844

Magistrate of Tinnevelly for his information and for the adoption of such measures as he may deem proper

2 The Magistrate will report to the Foujdaree Adalut the measures adopted by him.

Ordered that Extract from these Proceedings be sent to the Magistrate of Tinnevelly for his information and guidance by Precept returnable in 15 days from and after its receipt.

(Sent following precept. No 2609)

Read the Criminal Reports submitted by the Principal Sudr Ameen of Cuddalore for the Month of October 1844

(Here Enter No 3132)

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

Ordered therefore that Extract from these Proceedings be forwarded to the Principal Sudr Ameen of Cuddalore for his information

(Sent in No 2610)

23d November 1844

Read Calendar of Cases No 10 of 1844 on the file of the Sessions Judge of Masulipatam.

(Here Enter Rec. No 3083)

1 The Court of Foujdaree Adalut do not consider that the remarks of the Sessions Judge regarding the committal of the Case were at all called for

2 If the Sessions Judge considered the case within the jurisdiction of the Principal Sudr Ameen he should have remanded it back without entering upon the trial of it.

3 But the Court of Foujdaree Adalut do not agree with the Sessions Judge in condemning the Principal Sudr Ameen for committing the Case The powers of punishment entrusted to this Officer were inadequate to the offence proved against the 1st and 2d Prisoners and in this view the Sessions Judge appears to have concurred as he thought it necessary to sentence them to

to one year's imprisonment the longest period of imprisonment which the Principal Sudr Ameen is authorized to inflict under Section VII Regulation X of 1816 by Six Months.

The Session Judge will be pleased to communicate these remarks to the Principal Sudr Ameen.

Ordered that Extract from these proceedings be furnished to the Session Judge of Masulipatam for his information.

/Sent pro. № 2611/

Read letter dated the 15th November 1844 from the Session Judge of Chingleput submitting the Proceedings in the case of a rape in № 20 on the Calendar for 1844.

/Here Enter Fle № 3148/

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

1st Ponnen

2d November 1844 is sufficient to convict him of the crime of rape for which, in the absence of the requisite conditions of Mud. discretionary punishment is awardable under the Mahomedan law, as declared in futwas of their law Officers do convict him thereof and with reference to the provisions of Clause third Section VII Regulation XV of 1803 do sentence him to receive 195 lashes with a cat of nine tails, and to be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of Six fourteen years.

/Sent following letter № 2612/

Read Calendar of Cases № 27 of 1844 submitted by the Acting Session Judge of Salem under date the 5th Instant.

/Here Enter Fle № 3164 of 1844/

Read Criminal Report dated 14 Instant submitted by the Session Judge of Cuddalore for the Month of October 1844.

/Here Enter Fle № 3167 of 1844/

Read Communication dated the 13th

13th Instant from the Acting Subordinate Judge of Madura replying to the Proceedings of the Foujdaree Adalut dated 29th Ultimo on the perusal of the Criminal Reports for the Month of September 1844.-

(Here Enter Fl. No. 3169 of 1844)

Read Report dated 15th Instant submitted by the Acting Magistrate of Cuddapah of Cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843. during the Month of October 1844

(Here Enter Fl. No. 3170 of 1844)

Read letter dated the 15th Instant from the Acting Magistrate of Nellore, stating that no cases cognizable under Section LIV Act VII of 1843 were disposed of by the Magistrate or his Assistant during the Month of October last.

(Here Enter Fl. No. 3171 of 1844)

Read letter dated the 12th Instant from the Acting Magistrate of Canara informing that no cases were disposed of by the Magistracy under Section LIV Act VII of 1843. for October 1844.-

(Here Enter Fl. No. 3172 of 1844)

Read Calendar in Case No. 35 of 1844 submitted by the Sessions Judge of Combatore under

date the 1st Instant.-

(Here Enter Fl. No. 3175 of 1844)

Read Calendar in Case No. 36 of 1844 submitted by the Sessions Judge of Combatore above under date the 4th Instant.-

(Here Enter Fl. No. 3176 of 1844)

Read Calendar in Case No. 23 of 1844 submitted by the Sessions Judge of Salem.-

(Here Enter Fl. No. 3177 of 1844)

Read letter dated 16th Instant from the Sessions Judge of Bellary, reporting that no ministerial officers has been suspended or dismissed from Office, in the Establishment of the Zillah and Subordinate Courts during the Quarter ending the 30th September 1844.-

(Here Enter Fl. No. 3188 of 1844)

Read letter dated the 15th Instant from the Magistrate of Salem, stating that no sentences were passed by the Magistracy of Salem under the powers vested by Section LIV Act VII of 1843.

(Here Enter Fl. No. 3191 of 1843)

Read Calendar in Case No. 39 of 1844

23d November 1844

1844 submitted by the Sessions Judge of Trangalore under date the 16th Instant.

(Vide Order No. 3196 of 1844)

Read return dated the 18th Instant from the Sessions Judge of Cuddapah, to the Precept of the Foujdaree Adalut under date the 14th Idem directing to transmit a copy of the Calendar in Case No 89 of 1844 with observations thereon; and paras of their proceedings to the Acting Subordinate Judge regarding the preparation of the Calendar.

(Here Enter Rr. No. 3202 of 1844)

Read Calendar in Cases No. 25 of 1844 submitted by the Sessions Judge of Nellore.

(Here Enter Rr No. 3206 of 1844-1-5

Monday
25th November 1844

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre. 1st Puisne Judge
Malcolm Lewin Esqre. Offg. 2d Puisne Judge
Alexander Maclean Esqre. Offg. 3d Puisne Judge

Read return dated 4th November 1844 from the Acting Subordinate Judge of Salem to the Precept of the Foujdaree Adalut of the 3d Ultimo communicating their orders in respect to an insane prisoner confined in the Jail at Salem.

(Here enter Rr. No. 3013.)

In reply to the orders of the Foujdaree Adalut conveyed in the foregoing proceedings of the 3d Ultimo the Subordinate Judge submits copy of a communication from the Magistrate of Salem reporting that the individual in question has no relatives or friends in Salem and that no person appears willing to be bound

25th. November 1844.

bound for him.-

2. Under these circumstances the Court of Foujdaree Udalut do not consider they would be justified in permitting him to be at large and they direct that he be confined in the Hospital attached to the Jail and that a periodical report at the expiration of every six months regarding the state of his mind be forwarded to this Court.-

Ordered that Extract from these Proceedings be sent to the Acting Subordinate Judge of Salem for his information.-

(Sent in No. 2615)

Read Criminal Report submitted by the Principal Sudr Ameen of Chingleput for the month of October 1844.-

(Here enter No. 3128.)

Case No. 55.-

The Court of Foujdaree Udalut seeing reason to doubt the correctness of the release of the 1st Prisoner in this case, resolve to direct the

25th. November 1844.

the Sessions Judge to look into the case, and to pass such orders thereon as he may consider necessary, reporting the result for their information.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chingleput for his information by Precept, returnable in X days from and after its receipt.-

(Sent following Precept No. 2616)

Ordered also that Extract from these Proceedings be forwarded to the Principal Sudr. Ameen of Chingleput for his information.-

(Sent in No. 2617)

Read communication dated 2nd. November 1844 from the Sessions Judge of Combaconum submitting additional grounds of objections against the removal of the place of execution of condemned convicts to the front of the Jail.-

(Here enter F. No. No. 3070)

1. Adverting to the "long

long experience and local knowledge of the Session Judge and in consideration of the very strong remonstrance made by him against the place recommended by the Subordinate Judge and adopted by the Foujdaree Udalut in their proceedings of the 26th Ultimo. the Court of Foujdaree Udalut deem it inexpedient to enforce their order regarding the change of the usual place of execution.

2. With reference to the 4th para of the communication now under consideration the Court deem it hardly necessary to observe that unseemly behaviour at executions in more civilized countries cannot reclaimate much less justify similar improprieties here, and they trust that every fitting precaution will be used to prevent the reoccurrence of the scenes so justly and properly noticed in the Subordinate Judge's letter of the 9th Ultimo.

Ordered that Extract from these Proceedings be sent to the Session

S. No.

25th November 1864. Sessions Judge of Combaconum for his information.

(Sent in No. 2618)

Read the October Criminal Reports forwarded by the Acting Subordinate Judge of Mangalore under date the 1st Instant.

(Here enter F.H. Rs. 3105.)

Report Dy. N. Case Rs. 176. From the report on this case it appears that the Prisoner was apprehended on the 4th October last, and that the Mangalore Police Ameen only received the details report on the 7th Ultimo. The Court of Foujdaree Udalut require to be informed why the apprehension of the Prisoner was not made known to the Police Ameen until 3 days after it had taken place.

Case No. 184. 2. The offence for which punishment has been awarded by the Sudr Ameen to the Prisoner in this Case differs from that entered in the abstract of the charge.

The

25th November 1844-

3. The Sudr Ameen has neglected to enter a note of this circumstance in the column exhibiting the punishmunt- and the Court of Fouzdaree Udalut require that he be instructed to attend in future to the directions set forth in Fouzdaree Udalut Circular Order of the 5th August 1829-

Case No. 186-

4 The Prisoner in this case as appears from the Report was apprehended on the 15th October last did not appear before the Barcoor Tahsildar until the 22nd Ultimo-

5. The Court of Fouzdaree Udalut infer that had the Magistrate duly enforced attention to the provisions of Clause first Section V Regulation XI of 1816, such delay on the part of the Village Police would not have occurred-

6. They require that information be called for and submitted to them direct by the Magistrate of Malabar as to when the Prisoners in this Case was from the 15th October the date of his apprehension until the 22d October on which day he reached

25th November 1844-

reached the Barcoor Tahsildar-

Ordered that copy of these Proceedings be forwarded to the Acting Subordinate Judge of Mangalore for his information and guidance, and for communication of paras: 4, 5 and 6 to the Magistrate of Malabar by precept, returnable in X days from and after its receipt-

(Sent following Precepts No. 2619)

End 784-

T. U.

Tuesday 26th. November, 1844.

At a Court of the Toojdaree Udalut.

Present

Henry Dickinson Esqre. 1st.
Malcolm Lewin Esqre. Ag. 2d. } Puisne Judges.
Alexr. Maclean Esqre. Ag. 3d.

Read again Miscellaneous petition presented on the 17th. September last by Kistnasawmy Pandayatchee praying for the release of his Brother Ramasawmy Pandayatchee the 6th. Prisoner in Case No. 24 on the Calendar of the Sessions Court of Combaconum for 1844 who was sentenced to 2 Years' imprisonment for aiding and abetting the 1st. and 2d. Prisoners in the case in extorting money from the Prosecutor.—

(Here enter T. M. P. No. 119)

Read also return dated the 14th. Instant from the Sessions Judge of Combaconum to this Court's precept of the 22nd. Ultimo directing him to report on the several allegations contained in the above petition.—

(Here enter T. M. No. 3166)

In

1. In the above return the Sessions Judge states that the 6th Prisoner in the case abovementioned was sentenced on full proof of his guilt in having been one of the gang that extorted money from the Prosecutor, and that the several allegations set forth in the petition of the 6th Prisoner's Brother have no foundation in truth and are unworthy of notice.—

2. The Court of Foujdaree Udalut see no reason to interfere with the sentence passed upon the 6th Prisoner in Case No. 24 of 1844 on the Combaconum Calendar, and direct that the foregoing petition be dismissed.—

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

Read Miscellaneous petition presented on the 4th Instant by Lutchmana Row again urging the Court of Foujdaree Udalut to order the release of his younger Brother a Prisoner in Cases Nos. 12 and 13 on the Combaconum Sessions Court Calendar for

for 1844.-

/Here enter F. M. P. No. 142/

The Petitioner is referred to the orders already passed by the Court of Foujdaree Udalut on the subject of this petition - and is instructed that those orders are final.—

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

Read Miscellaneous Petition presented on the 11th Instant by Sundaghery of the Zillah of Salem.—

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

1. The Petitioner is the elder brother of the Prisoner "Lingan" in Case No. 18 of 1844 on the Calendar of the Sessions Court of Salem, who was sentenced by the Court of Foujdaree Udalut under date the 1st Ultimo to transportation for the crime of Rape.—

2. The Petitioner complains of the injustice of the sentence passed upon his Brother, and prays the Court of

Foujdaree

but recommends a mitigation of punish-
-ment as he considers that the penalty
to which she is liable under the Law would
be too severe as there were no aggravating
circumstances attending the theft - and further
that he is of opinion 4 Years imprisonment
with suitable labor, to which she was
originally sentenced, would be sufficient
punishment to answer the demands of
Justice.—

2. The Court of Tinjavore Vakeel
having maturely considered the circumstances
of the case represented in the foregoing
return, sanction under Clause third, Section
III Regulation I of 1825, the mitigated
punishment recommended by the Sessions
Judge and accordingly direct that the prisoner,

"Sabaly,"

be imprisoned and kept to labor suitable to
her sex for and during the period of /4/
four years.—

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

by

by precept returnable in 5 days from and
after its receipt.—

/Sent following precept No. 2523/

Read Calendar in Case No 27
of 1844 on the file of the Sessions Court
of Bangalore.—

/Here enter No. 3158/

1. The prisoners in the above case
were charged with Forgery and were convicted,
but the Sessions Judge being of opinion that
the 3d prisoner acted only as a Servant or
Agent of the 1st prisoner and had no
interest in the forgery, has recommended
a mitigation of the prescribed punishment.—

2. The Court of Tinjavore Vakeel
having maturely considered the circumstances
of the case represented in the Calendar,
sanction under Clause third Section III
Regulation I of 1825 the mitigated punish-
-ment recommended by the Sessions Judge
and accordingly direct that the prisoner,

3d Doomga,

be imprisoned and kept to hard labor
in irons on the public roads or other

public

public works for and during the period of
/2/ two years.—

Ordered, that Extract from
these proceedings be forwarded to the Sessions
Judge of Mangalore for his information by
precept returnable in V days from and
after its receipt.—

/Sent following precept No. 2624/

Read Calendar in Case No. 50
of 1844 on the file of the Sessions Court of
Mangalore.—

/Were Entered No. 3159/

1. The prisoners in the above trial
were charged with Forgery and were convicted;
but the Sessions Judge being of opinion under
circumstances stated that the case was one
of as "little heinous a nature as one of Forgery
"can be, and the parties being relations" has
recommended the case of the 1st 2d and 4th
Prisoners for a mitigation of the prescribed
punishment.—

2. The Court of Tanjore Vakeel
having maturely considered the circumstances
of the case represented in the Calendar,

sanction

sanction, under Clause third Section III
Regulation I of 1825, the mitigated punish-
ment recommended by the Sessions Judge
and accordingly direct that the prisoners

1st Lutchmuna Doy

and

4th Churdeppa Bhundary

be imprisoned and kept to hard labor in
irons on the public roads or other public
works for and during the period of /18/
Eighteen months, and that the prisoner

2nd Runga Doy

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.—

Ordered, that Extract from
these proceedings be forwarded to the
Sessions Judge of Mangalore for his in-
formation by precept returnable in 5
days from and after its receipt.—

/Sent following precept No. 2625/

Read Miscellaneous Petition
presented on the 28th Ultimo with one
Enclosure

Enclosure by Vannyan of the Tillah of Combaconum.—

/Here enter F. R. P. No. 139/

1. The Petitioner is the wife of the 7th Prisoner in Case No. 7 of 1843 on the file of the Sessions Court of Combaconum who was sentenced by the late Acting Sessions Judge Mr. Prendergast, to 10 years' imprisonment with hard labor in irons for being in possession of stolen property knowing it to be such.—

2. She complains of the injustice of the sentence and prays the Court of Foujdaree Udalut to order that her Husband be set at liberty.—

3. In consideration of the guilt of the 7th Prisoner in the abovementioned Case being of a less heinous nature than that of the 3d 5th and 6th Prisoners a mitigation of whose sentence was recommended by the late Acting Sessions Judge and sanctioned by the Foujdaree Udalut under date the 4th December 1843. the Court of Foujdaree Udalut are induced to comply so far with the prayer of the Petitioner as to direct that

that the sentence of her Husband the 7th Prisoner be reduced to 4 Years' imprisonment.—

Ordered, that copy of these proceedings be forwarded to the Sessions Judge of Combaconum for his information and guidance by Precept returnable in X days, and that copy be furnished to the Petitioner on her application.—

/Sent following precept No. 2626/

Read letter dated the 16th Instant from the Sessions Judge of Salem, transmitting the Record of the Trial in Case No. 61 on the Calendar for 1844.—

/Here enter No. 3203/

Mr. Lewin and Mr. Maclean.

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

"Tiyan Kalom alladil Prachin,"

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

VIII

VIII of 1802 sentence him to suffer death, by being hanged at the usual time and place of execution.—

The recommendation made by the Sessions Judge that the extreme penalty of the law should be carried into effect at the spot where the murder was committed is approved by the Court of Foujdaree Udalut who are pleased to order accordingly.—

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

/Sent following letter No. 2627/

Read again Calendar in Case No. 74 of 1844 on the file of the Sessions Court of Cuddapah forwarded by the Sessions Judge under date the 3rd Ultimo.—

/Here enter F.H. No. 2698/

Read also return dated the 12th Instant to this Courts precept of the 8th, requiring explanation regarding the Fatwah of the Law Officer, and regarding the sentence passed upon the Prisoners in the case above recorded.—

/Here enter F.H. No. 3144/ In

1. In the above return the Sessions Judge states that "the mistake regarding "the strong suspicion against the 1st & 2d "Prisoners was owing to the Translator and "that the literal translation of the Mahomedan Law Officers' Futwah leaves no "room for doubt or suspicion as to the "guilt of the 1st and 2d Prisoners."—

2. With regard to the 3d Prisoner he reports that he was fully of opinion that this Prisoner had originated, and aided in committing the robbery and that there were ample grounds for the requisition of security demanded from him.—

3. The Court of Foujdaree Udalut having maturely considered the proceedings held in this case as detailed in the Calendar can discover no grounds on which they could consent to the mitigated sentences proposed by the Sessions Judge to be passed on the 1st and 2d Prisoners.—

4. The Court therefore sentence the Prisoners

1st Bestia Lingadoo
and
2nd Maula Poollegaudoo

Under

under the Provisions of Section IV Regulation XV of 1803 to be imprisoned with hard labor in irons for the period of 14 Years, and the Prisoner

3rd Jungatoor Goorooppah,

to be required under Clause Sixth Section II Regulation XV of 1803 to find two Sureties in 100/ One hundred Rupees each for his good behaviour and appearance when required within three Years, or in default thereof, that he be detained in confinement for the same period.—

Ordered, that a copy of these proceedings be forwarded to the Sessions Judge of Cuddapah for his information and guidance.—

/Sent in No. 2628/

Read the Criminal Reports for the month of October 1844 submitted by the Principal Sudr Ameen of Masulipatam under date the 11th Instant.—

/Here Enter F.H. No. 3113./

Report No. V Case No. 36. 1. The Court of Sujdaree Adalut observe that the regulation under which the

the Pr. Prisoner in this case has been sentenced is wholly inapplicable.—

2. The Prisoner is an old offender although the Principal Sudr Ameen has erroneously omitted to specify the nature of the former offence as required by Sujdaree Adalut Circular Order 6th September 1821 A and as the crime charged against him in the present case is clearly Burglary his punishment should for this reason also have been in excess of the months as shown in Sujdaree Adalut Circular Order 13th May 1841 No. 139.—

Case No. 37. 3. The Regulation under which the Prisoner in this case has been sentenced by the Principal Sudr Ameen is inapplicable to the offence charged and proved against him, which is "Housebreaking" and not "Theft."—

Case No. 40. 4. The Court of Sujdaree Adalut do not consider the explanation offered for the delay of nearly two months in the transmission of this case to the Principal Sudr Ameens' Court to be at all satisfactory.

They

They are of opinion that the delay could only have been created by gross mismanagement on the part of the Village Police authorities.—

Ordered that copy of these proceedings be forwarded to the Principal Sudr Ameen of Masulipatam for his information and guidance and communication of para 4 to the Magistrate for his information and for such notice as he may deem proper.—

/Sent in No. 2629/

Read the Criminal Reports for the month of October 1844 forwarded by the Acting Subordinate Judge of Cuddapah under date the 9th Instant.—

/Here enter F.H. No. 3104/

Suppl. Report Case No. 219. 1. The Court of Foujdaree Adalut direct that the 1st Prisoner in this case be committed for trial before the Court of Session.—

Report No. V. Case No. 252. 2. The delay of 16 days in forwarding the Prisoner in this case to the Head of Police is reported to have been caused by

by "the Village Monadiff taking him about "to different Villages in quest of other offenders "and bringing him up to his Cutcherry "while on Circuit".—

3. The Acting Subordinate Judge of Cuddapah will be pleased to bring this circumstance to the notice of the Magistrate who is required to take such notice of the Village Monadiffs conduct as he may deem necessary.—

4. At the same time the Court of Foujdaree Adalut would call upon the Acting Magistrate of Cuddapah the great importance of enforcing obedience to the provisions of Clause First Section V Regulation XI of 1816.—

Case No. 261. 5. The attention of the Sudr Ameen has repeatedly been directed to Foujdaree Adalut Circular Order of the 13th May 1841 No. 139 by which it is ruled that "every offender sentenced under Section VI "Regulation VII of 1822 should be sentenced "to a severer punishment than 6 months' "imprisonment." The Acting Subordinate

Judge

Judge is directed to warn the Sudr Ameen that a continued disregard to the instructions of the Faujdaree Udalut will meet with severe censure from the Court.—

6. The Session Judge of Cuddapah will be pleased to call for and to perusal the record of the trial in this Case, and pass such order thereon as he may think proper, reporting the result for the information of the Faujdaree Udalut.—

Ordered, that copy of these Proceedings be forwarded to the Acting Subordinate Judge of Cuddapah for his information and guidance, and for communication of paras 2, 3 and 4 to the Acting Magistrate.—

/Sent in No. 2630/

Ordered also, that Extract from these proceedings be forwarded to the Sessions Judge of Cuddapah by Precept returnable in 10 days from and after its receipt.—

/Sent following precept No. 2631/

Read Miscellaneous Petition presented on the 4th Instant by Swaggoroonada Pillay

Pillay on behalf of the Prisoners in Case No. 19 of the Tinnevelly Calendar for 1844.—

/Here enter Ft. No. 2. No. 141 of 1844/

1. With reference to the proceedings of the Faujdaree Udalut dated 7th October last, refusing to disturb the decision of the Sessions Judge of Tinnevelly which sentenced the Prisoners in the above case to imprisonment and hard labor in irons on a charge of Robbery the Petitioner represents that some of the witnesses for the prosecution are relations to the Prosecutor's master Nullay Pillay and others his servants; and that ill feeling existed between the Prisoners and prosecutor consequent on the latter having procured the dismissal from service of the 1st Prisoners' brother.—

2. The Petitioner further remarks on the evidence of the witnesses for the prosecution and states circumstances calculated to shew that the charge against the Prisoners was wilfully false and malicious.—

The

3. The Petitioner concludes by praying that the sentence of the Sessions Judge may be overruled.—

4. Before passing final orders on this Petition the Court of Sunjdaree Udalut resolve to forward copy of it to the Sessions Judge of Tinnevelly and to call upon that Officer to submit such explanation regarding the several points touched in it, as he may consider necessary.—

x to be returned

Ordered, that Extract from those proceedings be sent to the Sessions Judge of Tinnevelly for his information by Precept returnable in 15 days from and after its receipt.—

(Sent following precept No. 2632)

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

Read petition presented on the 4th Instant with one Enclosure by Shen Karachurry the 1st Prisoner in Case No. 33 of 1844 on the file of the Subordinate Court of Huddapah.—

(Here enter F. H. No. 1844)

The

The Petitioner states that he was falsely charged by the Prosecutor in the abovementioned case with having in company with others beaten and robbed him of property to the amount of Rupees 50 and complains that he was unjustly committed by the Muddempully Tahsildar for trial before the Subordinate Court of Huddapah and imprisoned pending the trial.—

2. He prays the Court of Sunjdaree Udalut to call for the whole record of the case in question and to punish the Prosecutor and the Muddempully Tahsildar as they deserve.—

3. The proceedings of the Muddempully Tahsildar in the case above recorded, appear to the Court of Sunjdaree Udalut to have been irregular and improper nor is the precise nature of the offence of which the Prisoners were found guilty by the Acting Subordinate Judge of Huddapah specified in the report on the case submitted with the

Tahsildar

2nd November 1844.—

Calendar for the month of March last.—

*to be returned

4. The Court resolve to forward a* copy of this petition to the Session Judge of Cuddapah—and to direct that Officer to call for and revise the proceedings held by the Subordinate Court in the case referred to, and to report the result for the information of the Tondiaree Adalut.—

Ordered, that Extract from these proceedings be forwarded to the Session Judge of Cuddapah by precept returnable in 10 days from and after its receipt.—

(Next following precept No. 2633)

Ordered also, that Extract from these proceedings be furnished to the Petitioner on his application.—

Ent. D.A.

J. No. 16.

Wednesday, 27th November 1844.

At a Court of the Tondiaree Adalut.—

Present:

Henry Dickinson Esqre.—Acting Puisne Judge.
Malcolm Lewin Esqre.—Acting 2d. Puisne Judge.
Alexander Maclean Esqre.—Acting 3d. Puisne Judge.

Read letter dated the 11th Instant from the Sessions Judge of Bellary submitting the record of the trial in Case No. 40 on the Calendar of the Sessions Court of Bellary for 1844.

(Here enter No. 3187)

W.H. Dickinson. and A.A. Maclean.

The Court of Tondiaree 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,

Pr. Nagadoo,

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

1. It is observed that the Pr. Prisoner confessed the murder before the Police and Subordinate Court, but denied it before the Sessions Court

27th November 1844.

Court. He was seen by several witnesses in Company with the 2nd Prisoner, and the deceased, during the day of the Murder, near to the spot where the body was found, and D. he delivered the jewels worn by the deceased, to his sister, the 4th Witness.— He has been convicted, and should be sentenced to suffer death.—

2.

The 2d Prisoner confessed before the Police that he was present with the 1st Prisoner at the time of the Murder, aiding and abetting, though he denied that he actually committed it. The 1st Witness swore that he saw him and the 1st Prisoner near to the spot where the body was found and that he informed the 2d Witness. This the 2d Witness confirms, but neither of them mentioned the circumstance for some days afterwards. The 3d Witness also saw them altogether at the time and informed the 5th Witness of it that very Evening. The 2d Prisoner was acquitted by both the Law Officer and Sessions Judge and released. If the case had been referred regarding him also, the Court of Foujdaree Udalut would have sentenced him to be transported for life.—

Ordered that Extract from these proceedings

27th November 1844.

proceedings be forwarded to the Sessions Judge of Bellary for his information.—

(Sent following letter No. 2687)

Read letter dated the 12th Instant from the Sessions Judge of Masulipatam submitting for the final sentence of the Foujdary Court the record of trial in Case No. 9 on the Calendar of the Sessions Court of Masulipatam for 1844.—

(Here enter No. 3204.)

The Court of Foujdaree Udalut on

Mr. A. Maclean.

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

Galoory Thammudoo.

is sufficient to convict him of the crime of Wounding and Robbery, for which according to the Mahomedan Law as declared in fatwas of their Law Officers, discretionary punishment is awardable, do convict him thereof; and, under the provisions of Clause third Section VII Regulation XV of 1803, sentence him to receive (100.) one hundred lashes with a Cat of nine tails, to be imprisoned for (14.) fourteen years, and to be banished during the period of his sentence from the District in which his place

of

27th November 1844.

of above is situated, and to be kept with hard labor in irons on the public roads or other public works in the jail of Zillah Salem.-

(Sent following letter No. 2638)

Read letter dated the 18th Instant from the Session Judge of Cuddalore, transmitting the record of the Trial in Case No. 36 on the Calendar for 1844.-

(Here enter No. 3212.)

Mr. H. Dickinson.

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

"Vellia Gounden,"

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

1. The Court of Foujdaree Udalut are of opinion that, there can be no doubt but that the two depositions which the prisoner is proved to have given, are completely contrary to each other.-

2. The Court, however, agree with the Sessions Judge in thinking that it is very doubtful whether the Prisoner intended to swear falsely.- It is shewn that the questions put to the Prisoner by the District Moonsiff were not so clearly and distinctly worded as to leave no doubt of the intent of the answer given to them.-

3. There being room to question it having been the intention of the Prisoner to commit deliberate Perjury, the Court think he is entitled to the benefit of that doubt, and they therefore acquit him and direct his release.-

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

(Sent following letter No. 2639)

Read letter dated the 20th Instant from the Acting Sessions Judge of Tinnevelly submitting for the final sentence of the Foujdaree Udalut the record of trial in Case No. 18 on the Calendar of the Sessions Court of Tinnevelly for 1844.- (Here enter No. 3236.)

Mr. A. Maclean.

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

4th Simmantondaman,

is sufficient to convict him of the crime of Gang Robbery, do convict him thereof; and, with reference to the provisions of Clause third Section IV Regulation XV of 1803, sentence him to be imprisoned and kept to hard labour in irons on the public roads or other public works, for, and, during the period of (14) fourteen years.—

(Sent following letter No. 2640)

Thursday
28th November 1844. F. W.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre. 1st. Puisne Judge
Malcolm Lewin Esqre. Offg. 2d. Puisne Judge
Alex. Maclean Esqre. Offg. 3d. Puisne Judge

Read the Criminal Returns for the month of October 1844 from the Acting Sessions Judge of Honore dated the 5th Instant.—

(Here enter F. W. No. 3136)

The Court observe that the first column in the above Returns is deficient inasmuch as it fails to designate the Officer by whom each case has been disposed of.—

2 From the statement appended to these Reports, it appears, that 29 Jail Peons were employed at Honore during the month of October 1844; as only 105 Prisoners were worked

worked outside the Jail, and the
authorised guard for this number
of Convicts is only 26 Peons, the
Acting Sessions Judge is required
to explain the reason of 1 Peon
being employed in excess of the
prescribed complement.—

Ordered that Extract
from these Proceedings be for-
warded to the Sessions Judge of
Honore for his information and
guidance by first return mail
in 5 days from and after its re-
ceipt.—

Sent following Precept No. 2641)

Read communication dated
the 13th Instant from the Acting Ses-
sion Judge of Tiechinopoly.—
Herewith No. 3165.

In the above communica-
tion the Acting Session Judge on a
reference from the Principal Sudr
Ameen requests instructions for the
disposal of a case in which a Head
of

of Police is charged with having let at
liberty a runaway Convict when ap-
prehended and brought before him
which case has been forwarded
by the Magistrate to the Court of the
Principal Sudr Ameen under in-
structions from the Foujdaree Adalut
those instructions, however, not
specifying the regulation under which
the offence is cognizable and Section
XI Regulation XIII of 1832 bring ex-
pressly limited to Police Peons &c.

2. The offence with which
the Head of Police is charged being
punishable under the Mahomedan
law, the case should be tried by
the Session Judge if sufficient
evidence is adduced to afford
a reasonable probability of the
conviction of the Prisoner, whose
connivance may be presumed.—

Ordered that Extract
from these Proceedings be forwarded
to

28th November 1844.

to the Acting Sessions Judge of Tr.
Chinopoly for his information.—

(Sent in No. 2642)

End 11th.

DM

Read report dated 11th. ultimo from the Sessions Judge of Cuddapah of Prisoners tried and whose cases have been referred to the Zoujdaree Udalut.—

(Here enter F. U. No 2848)

Read Calendar in Case No 33 of 1844 submitted by the Sessions Judge of Coimbatore.—

(Here enter F. U. No 2851)

Read Calendar in Case No 26 of 1844 submitted by the Sessions Judge of Madura.—

(Here enter F U No. 2852)

Read letter dated 11th. ultimo from the Magistrate of Vizagapatam furnishing Explanation of the delay of 17 days in a case sent up by the Head of Police of Sumaxiddy.—

(Here enter F. U No 2854)

J

F. U.

Friday, 29th November, 1844

At a Court of the Zoujdaree Udalut.

Present,

Henry Dickinson Esqre 1st Puisne Judge,
Malcolm Lewin Esqre Actg 2d Puisne Judge,
Alexr Maclean Esqre Actg. 5th Puisne Judge,

Read the Criminal Reports for the month of October 1844 forwarded by the Acting Subordinate Judge of Madura under date the 12th instant.

(Here enter F. U No. 3150).

Supplemental to Report case No 136.—

The Sessions Judge of Madura is required to call for and review the proceedings held in this case and to pass such orders thereon as he may deem proper, reporting the result for the information of the Court of Zoujdaree Udalut.—

2. Should the Sessions Judge be of opinion that the apportionment made by the Sudr Ameen Pundith relative

29th November 1844

relative to the originating cause of the complaint against the Prisoners in this case, is founded on fact, he will be pleased to bring the circumstance to the notice of the Magistrate who is desired to report direct for the information of the Foujdaree Adalut what steps he may have thought proper to take in the matter.—

Ordered that a copy of these Proceedings be forwarded to the Acting Subordinate Judge of Madura for his information and guidance

(Sent in No. 2654)

Ordered also that Extract from these Proceedings be sent to the Sessions Judge of Madura by Precept returnable in 10 days from and after it's receipt.—

(Sent following Precept No. 2655)

Read the Criminal Reports submitted by the Agent to the Governor at Kurnool for the month of October 1844.—

Here

29th November 1844. (Here enter No. 3085)

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

Ordered therefore that Extract from these Proceedings be forwarded to the Agent to the Governor at Kurnool for his information.—

(Sent in. No. 2656)

Read letter dated the 21st Instant from the Magistrate of Chingleput stating with reference to this Court's proceedings of the 19th Instant that the value of the Watch which formed the subject of the charge in Case No. 5 of the Report of Cases tried and disposed of by the Magistracy under Section LIV Act VII of 1843 during the month of October last, was incorrectly entered at 100 Rupees instead of 50 Rupees.—

(Here enter No. 3217) Under

2 29th November 1844

Under the explanation afforded in the foregoing letter the Court of Fouzdaree Udalut do not deem it necessary to disturb the Sentence passed by the Extra Assistant which will now be permitted to take its course.—

Ordered that Extract from these Proceedings be sent to the Magistrate of Chingleput for his information.

(Sent on Pc. 2657)

End. H.

Read Calendar in Case No. 36 of 1844 submitted by the Sessions Judge of Madura.—

(Here enter F. U No. 2891)

Read Statement dated 25th October 1844 from the Subordinate Judge of Combaconum. showing the amount realized by the labor of the Prisoners in the 3d Quarter of 1844.

(Here enter F. U No. 2912)

F. U.

At a Court of the Fouzdaree Udalut.

Present,

Henry Dickinson Esqre. 1st Puisne Judge

Malcolm Lewin Esqre. Officiating 2d Puisne Judge

Alexr. Maclean Esqre. Officiating 3d Puisne Judge

Madura
F.U. No. 2891 of 1844

Read the Criminal Reports for the month of October 1844 submitted by the Subordinate Judge of Tinnevelly under date the 13th instant.—

(Here enter F. U. No. 2939)

Supplemental Report Case No. 36

1 The Subordinate Judge remarks that this and other cases were forwarded to him without any accompanying witness or any previous inquiry whatever regarding the guilt of the Prisoners, by the Heroovalum Tahsildar.—

2 The Magistrate is required to take such notice of the Tahsildar's Conduct as it deserves, and to report direct to the Court of Fouzdaree Udalut what he may have done in the matter.—

Case No. 36. 3 In this case it is reported that

30th November 1844

that certain witnesses deposed to having seen the 3rd and 4th Prisoners while they were going away from under a Pandal in front of Prosecutor's house - but the instructions of para 2 of the Circular Order 15th May 1822 - Foujdaree Udalut directing that when a deponent identify a Prisoner on trial, he be questioned as to whether, at what place and at what period he was acquainted with the person of the said Prisoner previous to the occurrence of the offence with which he may stand charged, appear to have been lost sight of by the Moofty Sudr Ameen

4. The Court are of opinion moreover that the punishment awarded to the Prisoners was unreasonably leniant, and that all five of them ought to have been sentenced to 2 Years imprisonment.—

Case No. 140 5 The manner in which the entry into the house of the Prosecutrix was effected by the Prisoners should have been specified in the charge in this

30th November 1844. Case.

Case No. 140. 6. The term of imprisonment to which the 1st Prisoner in this case would be liable in the event of his failing to pay the fine imposed upon him, — should the Court observe, at once have been fixed and specified in the Report.

Case No. 157. 7. The Court are at a loss to conjecture why this case was not Reported in the last months Criminal Reports, if as stated in the record it reached the Subordinate Court on the 22nd September 1844.—

8. The Subordinate Judge will be pleased to submit explanation on this point for the information of the Foujdaree Udalut.—

9. From the statement appended to these Reports, it appears, that 57 Jail Peons were employed at Chittoor during the month of October 1844; as only 217 Prisoners were worked outside the Jail, and the authorized guard for this number of Convicts is only 56 Peons, 2 Duffadars and 2 Naigues

the

30th November 1844. the Sessions Judge is required to explain the reason of 1 Peon 1 Cuffaudan, and 1 Naigue being employed in excess of the prescribed complement.—

Ordered that copy of these Proceedings be forwarded to the Subordinate Judge of Chittoor for his information and guidance, and for communication of paras 1 and 2 to the Magistrate of Chittoor by precept returnable in V days from and after its receipt.

(Sent following Precept No. 2660)

Read the Criminal Report for the month of October 1844 forwarded under date the 9th instant by the Subordinate Judge of Calicut.

(Here enter F. U. No. 3129)

Report No. 5 — 1. The Court of Foujdaree Udalut observe that the Talook delay of 18 days observable in this case is most irregular and unjustifiable.—

Case No. 162. 2 The Magistrate is required to notice the inadequacy of the reason assigned for the detention of the Prisoners in

30th November 1844. in the Talook, and to instruct the Police that the non appearance of one witness in a case cannot in ordinary cases be admitted as a valid ground for the infringement of the provision contained in Clause Fourth Section XVII Regulation XI of 1816. but that in such case the Prisoner should be forwarded with the evidence obtained, and the deficiencies supplied as soon as possible.—

Case No. 164. 3. The Court desire to be informed why the two Prisoners in this Case who are charged with separate and distinct offences, were not separately tried

Cases No. 169. 170 and 171. 4 The same Prisoner being concerned in the three cases of Burglary noted in the Margin, should have been committed under Clause Second Section II Regulation VII of 1822. or at all events should have sentenced to more severe punishment than 9 months imprisonment.—

The

30th November 1844

Case No. 173. 5

The detention of the Pri-
soners in this case in the Talook
is not satisfactorily explained.—

6. The Court of Foujdaree
Udalut would impress upon the Ma-
gistrate the importance of taking mea-
sures to enforce due observance of
the law enacted for the guidance of
the District Police in forwarding
Prisoners for trial and of visiting.
Each instance of neglect with adequate
punishment.—

Ordered that copy of these
Proceedings be forwarded to the Sub-
ordinate Judge of Salem for his in-
formation and guidance and for
communication of paras 1. 2. 5 and 6
to the Magistrate of Malabar by
Precept returnable in 5 days from
and after its receipt.—

(Sent following Precepts No. 3661

Read

30th November 1844

Read Calendar in Case
No. 24 of 1844 forwarded by the Sessions
Judge of Salem under date the 12th In-
stant.—

(Here enter F. C. No. 3205)

The Sessions Judge of Salem
is required to state for the information
of the Court of Foujdaree Udalut in
what respect Clause seventh Section II
Regulation XV. of 1803 is applicable to
this case which seems more in the nature
of a Theft than embezzlement.—

Ordered that copy of
these Proceedings be forwarded to the
Sessions Judge of Salem for his in-
formation and guidance by precept
returnable in 5 days from and after
its receipt.—

(Sent following Precept No. 2662)

Read letter dated 21st
Ultimo from the Sessions Judge of
Cuddapah reporting the execution
of the Prisoner Cumsala Nagadoo

30th November 1846

re Case No. 78 of the Calendar for 1846

(Here enter F. U No 2918)

Read return dated 26th October 1846 from the Principal Sudr Ameen of Bellare to the Precept of the Court of Tongadaree Udalut dated 23d October 1846 directing the Principal Sudr Ameen to furnish them with information whether the Case No 13 on the Supplemental Report for March 1846 was decided by him on a perusal of the Record sent up with it, from the Head Police Officer, or whether in conformity with Regulations an investigation of the parties was held by him.—

(Here enter F. U No 2921)

Read letter dated 28th ultimo from the Magistrate of South Arcot. Referring to the Courts proceedings of the 21st October 1846 and informing the dismissal of the Head of Police of Vallaporam.

(Here enter F. U No 2938)

F. U.

Monday 2nd December 1846.

At a Court of the Tongadaree Udalut.

Present

Henry Dickinson Esqre — 1st Puisne Judge.

Malcolm Lewin Esqre — Acting 2d Puisne Judge.

Alexander Maclean Esqre — Acting 3d Puisne Judge.

Read again petition presented on the 22nd October by Soobaroya Oodian of the Zillah of Cuddalore complaining that neither the Magistrate nor Sessions Judge would investigate properly the circumstances connected with the murder of his elder brother, and praying the Court of Tongadaree Udalut to order the examination of certain eye witnesses to the murder - and the punishment of the murderers.—

(Here enter F. Gn. P. No 137)

Read also return dated the 21st November from the Sessions Judge of Cuddalore to this Courts precept of the 11th November calling for a report of the proceedings relative to the complaint set forth in the foregoing petition.—

(Here enter F. U. No 3230)

1. From the papers submitted with the above return it appears that twenty witnesses were

were examined, and no proof whatever obtained of the truth of the Petitioners complaint.—

2. The Court of Foujdaree Udalut are of opinion that the proceedings of the Magistrate and Sessions Judge of Cuddalore were correct, and direct that the petition of Soobaraya Oodian be dismissed.—

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

Read petition presented on the 11th November 1844 by Annamalamah of the Zillah of Cuddalore.—

(Here enter F. Gn. P. No. 159.)

1. The object of this petition is to induce the Court of Foujdaree Udalut to direct the release of her husband whom she asserts to have been unjustly sentenced by the Sessions Judge of Cuddalore to 14 years' imprisonment.—

2. The person in behalf of whom this petition is presented is the 1st Prisoner in Case No. 38 of 1844 of the Cuddalore Calendar in which he was convicted of having been accessary to an extensive Gang Robbery, having assisted the Robbers and having subsequently received a portion of the property

property plundered.—

The Court of Foujdary Udalut

3. having maturely considered the detail of evidence in the trial as given in the Calendar submitted by the Sessions Judge, are of opinion, that the convic-tion of the Prisoner in question, and the sentence passed upon him are both just.—

The Court therefore refuse to

4. interfere in the matter, and direct that the petition be dismissed.—

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

Read petition presented on the 12th November by Sunghely Moopen of the Zillah of Tinnevelly.—

(Here enter F. Gn. P. No. 160.)

The Petitioner represents himself

1. to be the brotherinlaw of the 4th Prisoner in Case No. 19 of 1844 on the Calendar of the Sessions Court of Tinnevelly who has been sentenced to 3 years' imprisonment for the crime of Gang Robbery.—

The Petitioner complains that

2. his brotherinlaw has been punished without due consideration, and he prays the Court of Foujdaree Udalut

Udalut to order his release.-

3. The Court of Foujdaree Udalut are of opinion that the proceedings of the Sessions Judge of Tinnevelly are clear and decisive as to the guilt of the 4th Prisoner, and they see no grounds for interfering in the sentence awarded to him.-

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

Read Miscellaneous Petition presented by Cundappa Reddy on behalf of his brother Coreevaree pulley Vuentareddy Prisoner in Case No. 42 on the Calendar of the Session Court at Chittoor.

(Here enter M. P. No. 152.)

The trial in the above case having been referred for the final sentence of the Foujdaree Udalut who have directed the release of the Prisoner Coreevaree Pulley Vuentareddy, no order seems now to be called for on the above address, which accordingly is rejected.-

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

Read Miscellaneous petition presented on the 18th November by Dawanderam of the Zillah Tinnevelly

Tinnevelly.-

(Here enter F. H. P. No. 154.)

1. The Petitioner complains of the injustice of the sentence passed upon his cousin the 3d Prisoner in Case 19 of 1844 on the file of the Session Court of Tinnevelly, and prays the Court of Foujdaree Udalut to call for and examine the record of the case and direct that his cousin be set at liberty.-

2. The Court of Foujdaree Udalut observe that the proceedings of the Session Judge of Tinnevelly are clear and decisive as to the guilt of the 3d Prisoner in the case abovementioned.-

3. They are of opinion that a reference to the record of the trial would be of no advantage to the Petitioner and resolve to direct that his petition be dismissed.-

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

Read Criminal Reports for the Month of October 1846 submitted by the Subordinate Judge of Bellary.-

(Here enter F. H. No. 3151 of 1846.)

Report No. V. Cases Nos. 140 and 159.-

1. No explanation having been offered of the delay which occurred in the transmission of these

these cases by the Head Police of Boreabud guilty to the Subordinate Court, as required by the note appended to Clause fourth Section XXVII Regulation XI of 1816; the Magistrate will be required to point the attention of the Police Officer in question to that provision, and will also now submit the necessary explanation in the cases noted in the margin.-

Case Nos 1143.- 2. A delay of 7 days in this case is explained by stating that the case was referred to the Joint Magistrate.-

3. The nature of this reference has not been shewn as required by Circular Order No. 62.- The attention of the Joint Magistrate must be recalled to Circular Order No. 22 and he should be enjoined to prohibit as far as practicable needless references. If a Police Officer is not fit to exercise his own discretion in judging of the propriety of forwarding cases to the Criminal Court he is not fit for this situation.-

Case Nos 148.- 5 Three prisoners are charged with having intercepted the Prosecutor, in a jungle, beaten him with sticks inflicted a slight wound on his nose, and robbed from his person 14 Rupees.-

6 The Subordinate Judge has no doubt that the 1st Prisoners Statement before the Police, viz. that

that the 3d Prisoner asked the Prosecutor for some of the grain he was carrying and was sixbo only refused his request but was grossly abused whereupon he beat the Prosecutor is the real version of the affair. He adds that there is scarcely a sign of a wound on the Prosecutor's face altho' only a few days have elapsed since the assault occurred. the Zillah Surgeon reports that the Prosecutor appears to have received a slight contusion. the 3d Prisoner admits he struck the Prosecutor a blow it is proved that the blow was sufficient to draw blood from the Prosecutors nose. the 3d Prisoner had been 4 days in confinement he was accordingly sentenced by the Subordinate Judge to a further imprisonment of ten days under Section XXXII Regulation IX of 1816. The 1st and 2d Prisoners have been released.-

7. The Court observe that the sentence should have been passed under Section VIII Regulation X of 1816. The Regulation quoted is only applicable to Magistrates and not to Criminal Courts.

8. The Court presume that the particulars of this case were in accordance with the instructions contained in Circular Order 31st December 1828 brought to the notice of the Magistracy.-

Case No. 151 9. In this case the Prisoner is charged

charged with having entered the Prosecutor's house with intent to steal. The manner in which he effected the entry should have been stated in the Report.

Case Nº 157. 10. The Prisoners in this case were apprehended on the 21st September and in consequence of references to the Magistrate were detained in the Talook till the 24th October. The necessity of the references are not at all apparent and the conduct of the Head of Police appears deserving of severe reproof. The Magistrate will be pleased to call for the proceedings and take such notice of the conduct of the Head of Police as he may deem proper reporting the result for the information of the Foujdaree Adalut.

Case Nº 158. 11. A similar order applies to the delay in the transmission to the Criminal Court of the prisoners in Case Nº 158.

12. According to the Report the 1st and 3d prisoners were detained by the 2d and 4th 20 days in the Talook and the recorded reasons of the detention are far from satisfactory.

13. The Court observe that under their instructions conveyed in a Circular letter dated 17th January 1844 the transmission of a letter with the

the Reports was unnecessary. All the information contained in the letter might with facility have been comprised into a minute at the close of the Reports.

Ordered that Extract from these proceedings be sent to the Subordinate Judge of Bellary for his information and for communication of paras 1. 2. 3. 4. 10. 11 and 12. to the Magistrate.

(Sent in Nº 2665)

Read the Criminal Reports for the month of October forwarded by the Principal Sudr Ameen of Nellore under date the 12th Instant.

(Hindoostanee File Nº 3133)

Suppl. Report Case Nº 85. 1. Under the circumstances described in the report on this case, the Court of Foujdaree Adalut see no ground for punishing the Prisoner for escape (it seems clear that he was not in actual custody) and resolve to direct that the sentence awarded to him be annulled.

Report Nº V Case Nº 89. 2. The Principal Sudr Ameen is instructed to call upon the Moosty Sudr Ameen to explain for the information of the Foujdaree Adalut whether enquiry was made regarding the Prisoner's assertion that he was subject

subject to insanity. In the mean time the sentence passed upon the Prisoner must be suspended.-

Case Nos 91 and 92.- 3. From the statement of these cases as set forth in the Report, the Court of Foujdary Adalut see no grounds for a requisition of security from the Prisoners; and they direct that they be forthwith released therefrom.-

Case No 93. 4. The Court see reason to believe that the Prosecutrix was a willing party to the offence charged against the Prisoner in this case, and they direct that the security demanded be annulled.-

5. The reference made to the Magistrate in this case was unnecessary.-

6. The Court desire to be informed how, if as stated in the Report, the Prisoner in this case was apprehended on the 8th Ultimo a reference could have been made by the Pannoor Tahsildar to the Magistrate on the 7th Ultimo regarding the case.-

Case No 99 7. No satisfactory reason is assigned for the great delay observable in this case. explanation must be submitted regarding the substance and date of the Urzee said to have been addressed by the Tada Tahsildar to the Magistrate of Nellore.

Nellore for the information of the Foujdaree Adalut.-

Case No 100. 8. The attention of the Acting Magistrate of Nellore is directed to para: 4 of Foujdary Adalut Circular Order 28th November 1834 No 22 which prohibits useless references for orders by the Heads of Police.-

Case No 102. 9. It is required that explanation be submitted for the information of the Foujdary Adalut as to where the Prisoner in this case was from the 9th October the date of his apprehension to the 4th Ultimo on which day he came before the Pawoor Head of Police.-

Case No 103. 10. The notice of the Acting Magistrate of Nellore is also drawn to this case in which an unnecessary reference has been made to the Head Assistant Magistrate by the Pawoor Head of Police.-

Ordered that copy of these proceedings be forwarded to the Principal Sudr Ameen of Nellore for his information and guidance and for communication of paras: 5, 7, 8, and 10. for the information of the Acting Magistrate of Nellore by precept returnable in V days from and after its receipt.-

(Sent following precept No 2666)

End 7th

2d December 1846.—

Read return dated the 11th October last from the Acting Subordinate Judge of Mangalore to the precept of the Foujdary Adalut of the 2d Idem. on review of the Criminal Reports for the months of August last, remarking on the sentences passed by the Sudr Ameen Pundit in cases Nos. 146, 147 and 155, desiring to be informed of the notice taken by the Magistrate of the remarks in case No. 146 furnished him by the Acting Subordinate Judge, and requiring that the Acting Subordinate Judge do enjoin on the Sudr Ameen Pundit greater attention to the Regulations and Circular Orders.—

(Here enter No. 2925.)

Read Report submitted by the Magistrate of Salem, under date the 24th October last, of cases tried by the Magistracy under the provisions of Section LIV. Act VII of 1843, during the month of September 1846.—

(Here enter No. 2928.)

Read Calendar dated the 24th October last submitted by the Sessions Judge of Calicut of Case No. LVI of 1846.—

(Here enter No. 2929.)

Read Calendar of Case No. 77 of 1846 submitted by the Sessions Judge of Cuddapah

F. Vo.

2d December 1846.—

Cuddapah under date the 28th October last.—

(Here enter No. 2931.)

Read letter dated the 26th October last from the Magistrate of Masulipatam stating that no Cases of the description alluded to in Section LIV Act VII of 1843 have come under his cognizance for the month of September 1846.—

(Here enter No. 2934.)

Read letter dated the 26th October last from the Magistrate of Tinnevelly reporting upon the nature of the Proceedings of the Tahsildar in Case No. 23 of the Criminal report for August 1846.—

(Here enter No. 2935.)

Read return dated the 11th October last from the Acting Subordinate Judge of Mangalore to the precept of the Foujdary Adalut of the 2d Idem. on review of the Criminal Reports for the months of August last, remarking on the sentences passed by the Sudr Ameen Pundit in cases Nos. 146, 147 and 155, desiring to be informed of the notice taken by the Magistrate of the remarks in case No. 144 furnished him by the Acting Subordinate Judge, and requiring that the Acting Subordinate Judge do enjoin on the Sudr Ameen Pundit greater attention to the Regulations and Circular Orders.—

(Here enter No. 2925)

Read Report submitted by the Magistrate of Salem, under date the 24th October last, of cases tried by the Magistracy under the provisions of Section LIV, Act VII of 1843, during the month of September 1846.—

(Here enter No. 2928.)

Read Calendar dated the 24th October last submitted by the Sessions Judge of Calicut of Case No. LVI of 1846.—

(Here enter No. 2929.)

Read Calendar of Case No. 77 of 1846 submitted by the Sessions Judge of Cuddapah

Cuddapah under date the 28th October last.—

(Here enter No. 2931)

Read letter dated the 26th October last from the Magistrate of Masulipatam stating that no cases of the description alluded to in Section LIV Act VII of 1843 have come under his cognizance for the months of September 1846.—

(Here enter No. 2934.)

Read letter dated the 26th October last from the Magistrate of Tinnevelly reporting upon the nature of the Proceedings of the Tahsildars in cases noticed in the Criminal report for August 1846.—

(Here enter No. 2935.)

S. U.

Tuesday, 3rd December 1844

At a Court of the Zillah Judges

Present

Henry Dickinson Esqre — 1st Puisne Judge

Malcolm Lewin Esqre — Acting 2d Puisne Judge

Alexander Maclean Esqre — Acting 3d Puisne Judge

Read letter dated the 23d Ultimo from the Sessions Judge of Cuddapah forwarding the record of the trial in case No. 86 on the Calendar of the Sessions Court of Cuddapah for 1844.

(Here enter No. 3245 of 1844.)

Wm. H. Dickinson
Mr. M. Lewin
and
Mr. A. Maclean

The Court of Zillah Judges on a deliberate consideration of all the circumstances of the case in evidence before them, bring of opinion that the proof against the prisoners

1st Chee Rotee Moodelegaundoo.

2d Cumsala Soobbadoo.

and

3d Coommara Basawegaundoo.

is sufficient to convict them of the crime of Gang Robbery attended with Murder, do convict them thereof; and under the provisions of Clause third Section IV. Regulation XV of 1803 Clause third Section II. Regulation II of 1825 and Regulation VIII

VIII of 1828, Sentence them severally to receive 195 lashes with a cat o'nine tails and to be transported to such place or places beyond Sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of their natural lives.—

In this case the Tonjoary Udalut have resolved to enhance the punishment recommended by the Session Judge to the extent of 195 stripes with the cat of nine tails, having serious doubts whether any punishment short of death would meet the case. Peddakah was killed by the perpetrators of the robbery and three prisoners were joined in it. tho' it is not proved that they inflicted the wounds which led to the death of Peddakah. the case is one of great atrocity, not only as respects the female who died from the burning but as respects the other inmates of the house plundered. it is to be hoped that an example may be made hereafter of those most actively concerned in the worst parts of the case.—

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

Cuddapah for his information.—

(Sent following letter No. 2669)

Read Calendar in cases Nos. 48. 49. 50. 51. 52. 53. 54. and 55. on the Cuddalore file for 1844 forwarded by the Sessions Judge of Cuddalore under date the 15th Ultimo.—

(Here enter F.H. No. 3195.)

The Sessions Judge of Cuddalore is directed to furnish the Magistrate of South Arcot with a copy of his remarks on the above cases—and to inform that Functionary that he is required to submit direct for the information of the Tonjoary Udalut such explanation as he may please to offer regarding the gross misconduct of the Principal Head of Police—in order that the Court of Tonjoary Udalut may decide on the expediency of exercising the power vested in them by Section XXXIX Act VIII of 1843, and of ordering the dismissal of the said Head of Police from his Office.—

Ordered that copy of these proceedings be forwarded to the Sessions Judge of Cuddalore for his information and guidance.—

(Sent in No. 2670)

Read report of cases tried by the Magistracy

Magistracy in the District of Tanjore under the provisions of Section LIV Act VII of 1843 during the months of October last, forwarded by the Magistrate of Tanjore under date the 22d instant.—

(Here enter F. D. No. 3240.)

Case No. 2.

1. The Prisoner in this case is charged with having on the night of the 3d July last, assaulted the Prosecutor and seized a handkerchief containing 7 Rupees.—

2. The charge is stated to be satisfactorily proved, and the Prisoner is sentenced under Section VII Regulation X of 1816 to pay a fine of 20 Rupees or to be imprisoned for one month.—

3. The Court of Foujdary Udalut observe that if more than the assault were proved against the Prisoner, he ought to have been committed for trial before the Sessions Court.—

4. They therefore desire to be informed whether the meaning of the Magistrate of Tanjore in his report is that the assault alone was satisfactorily proved against the Prisoner.—

Ordered that copy of these proceedings be forwarded to the Magistrate of Tanjore for his information and guidance by

precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 2671

Read letter dated the 22d Ultimo from the Magistrate of Tanjore recommending, under circumstances stated, the remission of the corporal punishment awarded in Case No. 6 of 1838 to Prisoner Abbamanen.—

(Here enter No. 3241)

The Foujdary Udalut concur with the Magistrate in deeming it just and proper to remit the corporal punishment originally awarded to the Prisoner asserted to and sanction accordingly.

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

(Sent in No. 2672)

Read Calendars Nos. LIX and LX for 1844 submitted by the Sessions Judge of Calicut under date the 21st Ultimo.—

(Here enter F. D. No. 3246.)

Calendar No. LX.

The Sessions Judge is required to state for the information of the Court of Foujdary Udalut in what respect Clause Seventh Section II Regulation

proceedings of the 25th Instant, as to the circumstances under which the wounds were inflicted by the Prisoners in Cases Nos 130 and 131 of the Supplemental Report and No 143 of the Report No V for the month of September 1844, and as to the name of one prisoner alone being entered in Case No 132 of the Supplemental Report for the said month.—

(Here enter No 3011.)

Read report dated the 1st Ultimo submitted by the acting Sessions Judge of Cannore of Cases pending on 30th September and committed for trial during the month of October 1844.—

(Here enter No 3059.)

Read the Criminal Reports dated the 6th Ultimo submitted by the Sessions of Guntoor for the month of October 1844.—

(Here enter No 3060.)

Read Report dated the 1st Ultimo submitted by the Sessions Judge of Chicacole of Cases pending on the 30th September and committed for trial during the month of October 1844.—

(Here enter No 3084.)

Friday 6th December 1844

No 6

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre 1st
Malcolm Lewin Esqre Ag 2d
Alexr Maclean Esqre Ag 3d
} Puisne Judges

Read letter dated the 26th Ultimo from the Sessions Judge of Calicut submitting for the final sentence of the Foujdaree Adalut the record of trial in Case No 65 on the Calendar of the Sessions Court of Calicut for 1844.—

(Here enter No 3284)

Mr Dickinson and Mr Maclean

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

1st Cherman Wadatoom poonattil Nullan

is sufficient to convict him of the crime of Murder and that against the prisoner

2nd Moottoran

to convict him of the crime of Wounding, do convict them severally thereof, and with

reference

3: D

3d December 1844.

Regulation XV of 1803 is applicable to this case which judging from the record, appears to be one of robbery by open violence by a single armed person and punishable under another Regulation.—

Case c

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

(Sent following precept No. 2673)

End W

F. W.

Wednesday 4th December 1844.

At a Court of the Foujdary Adalut.

Present.

Henry Dickinson Esqre — 1st Puisne Judge.

Malcolm Lewin Esqre — Acting 2d Puisne Judge

Alexander Macbean Esqre — Acting 3d Puisne Judge.

Read return dated 13th November 1844 from the Agent to the Governor at Kurnool to the precept of the Foujdary Adalut of the 5th Idem, conveying their remarks and orders on the Criminal Reports for the Months of January last.

(Here enter F.H. No. 3257.)

Adverting to the explanation afforded by the Agent in case No. 17 Report of the Court of Foujdary Adalut resolve to direct that the fine be returned to the Prisoner and that the Prosecutor be referred to a Civil action for the recovery of any sum which he may consider due to him from the prisoner for having procured and delivered the Sanad.—

Ordered that Extract from these proceedings be sent to the Agent to the Governor at Kurnool for his information by precept returnable

3. December 3. December 1844.

Regulation XV of 1803 is applicable to this case which judging from the record, appears to be one of robbery by open violence by a single armed person and punishable under another Regulation.—

Case No. 2.

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

End 1th

(Sent following precept No. 2673)

F. 16.

Wednesday, 4th December 1844.

At a Court of the Foujdary Udalut.

Present:

Henry Dickinson Esqre. — 1st Puisne Judge.

Malcolm Lewis Esqre. — Acting 2d. Puisne Judge

Alexander Maclean Esqre. — Acting 3d Puisne Judge.

Read return dated 13th November 1844 from the Agent to the Governor at Kurnool to the precept of the Foujdaree Udalut of the 5th Idem conveying their remarks and orders on the Criminal Reports for the month of January last.

(Here enter F. 11. No. 3257.)

Adverting to the explanation afforded by the Agent in case No. 17 Report the Court of Foujdary Udalut resolve to direct that the fine be returned to the Prisoner and that the Prosecutor be referred to a Civil action for the recovery of any sum which he may consider due to him from the prisoner for having procured and delivered the Sanad.—

Ordered that Extract from these proceedings be sent to the Agent to the Governor at Kurnool for his information by precept returnable

4th December 1844.—

returnable in 5 days from and after its receipt.—

(Sent following precept No. 2675)

Read letter dated the 28th Ultimo from the Session Judge of Guntoor submitting for the final orders of the Foujdary Udalut the record of trial in Case No. 20 on the Calendar of the Session Court of Guntoor for 1844.—

(Here enter No. 3283.)

The Court of Foujdary Udalut

Mr. Wm. Lewin.

and

Mr. A. Maclean.

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

"Ganday Ramoodoo"

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

(Sent following Letter No. 2676)

Read Calendar in Case No. 61. of 1844 submitted by the Sessions Judge of Cuddalore.—

(Here enter No. 3284.)

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

Ordered

4th December 1844.—

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Cuddalore.—

(Sent in No. 2677)

Read again Calendar of Case No. 91 of 1844 submitted by the Sessions Judge of Cuddapah.—

(Here enter No. 3055 of 1844)

Read also return dated 23d. November 1844 from the Sessions Judge of Cuddapah to the precept of the Foujdary Udalut under date the 21st Nov. 1844, directing to report the number and value of the several base Coins in Case No. 91 of the Calendar for 1844.—

(Here enter No. 3248.)

No further orders being required in the above Calendar.

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

(Sent in No. 2678)

Read letter dated the 30th October last from the Subordinate Judge of Cabeut submitting explanations called for in the Court's proceedings

proceedings of the 25th Instant, as to the circumstances under which the wounds were inflicted by the Prisoners in Cases Nos. 130 and 131 of the Supplemental Report and No. 143 of the Report No. V for the month of September 1844, and as to the name of one prisoner alone being entered in Case No. 132 of the Supplemental Report for the said months.—

(Here enter No. 3011.)

Read report dated the 1st ultimo submitted by the Session Judge of Cannore stating Cases pending on 30th September and committed for trial during the month of October 1844.—

(Here enter No. 3059.)

Read the Criminal Reports dated the 6th Ultimo submitted by the Session of Guntoor for the month of October 1844.—

(Here enter No. 3060.)

Read Report dated the 1st Ultimo submitted by the Session Judge of Chicacole of Cases pending on the 30th September and committed for trial during the month of October 1844.—

(Here enter No. 3084.)

J. No.

Friday 6th December 1844.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre. 1st.
Malcolm Lewin Esqre. Ag. 2d.
Alexr. Maclean Esqre. Ag. 3d.
} Puisne Judges

Read letter dated the 26th Ultimo from the Sessions Judge of Calicut submitting for the final Sentence of the Foujdaree Adalut the record of trial in Case No. 65 on the Calendar of the Sessions Court of Calicut for 1844.—

(Here enter No. 3284.)

Mr. Dickinson and Mr. Maclean

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

1st. Cherman Wadakoom pomattil Nullan

is sufficient to convict him of the crime of Murder and that against the prisoner

2nd. Moottoran

to convict him of the crime of Wounding, do convict them severally thereof, and with

reference

reference to the provisions of Section X Regulation VIII of 1802 sentence the prisoner 1st Cherman Wadakoom poonattil Nullan to suffer death by being hanged at the usual time and place of execution; and under the provisions of Clause third Section VII Regulation XV of 1803 sentence the prisoner

2nd Moottoran

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

1.

The Prisoners in this case are both clearly convicted of the crimes with which they are charged, the 1st with having stabbed the Prosecutors brother Periam-ponata Kundan in the neck with a knife, of which wound he immediately died, and the 2d with having stabbed the 2d Prosecutor in the back with the same Knife.-

2.

The Court of Sudder Adalut cannot agree with the Sessions Judge that there

there are circumstances connected with the case which palliate the crime of the 1st Prisoner.-

3. The 1st Prisoner had deeply injured the deceased Kundan by having criminal intercourse with his concubine.-

4. Kundan complained of the injury to the caste people, who fined the Prisoner a silver fanam which was expended in the purchase of Toddy and Arrack to be drank by the caste people and the parties. The rest having drank, it remained for the 1st Prisoner and the deceased to empty a cocoanut shell full of toddy in token of reconciliation, when the deceased refused to give the pledge, saying that he would have no intercourse with one who embraced his sister, alluding to the connexion between them, the sister of the Prisoner being married to the elder Brother of the deceased.-

5. It is quite true that these words may have offended the Prisoner, and that he was irritated at the sentence

pass

passed by the caste people. He had however grievously injured the deceased, whose re=
=sentment to be reconciled to him found no justification for the violent assault made by him on his person.—

6. The Court do not doubt that it was the intention of the Prisoner to kill the deceased. A person who on a slight provocation deliberately draws a knife from his waist and plunges it into the body of another is liable to all the penalties attached to that act even though he did not previously contemplate the death of that person.—

7. The Court would sentence the 1st Prisoner to suffer death.—

8. The crime of the 2d Prisoner is even less defensible than that of the 1st. Not the slightest provocation had been offered to him, and therefore his act had no Excuse.—

9. That the wounds inflicted on the 2d Prosecutor have healed is a fortunate circumstance for the Prisoner; for the Court

Court do not doubt that it was his in=
=tention to inflict on the Prosecutor all the harm in his power.—

10. The Court of Tanjore do not think this Prisoner should be sentenced to not less than 8 years imprisonment with hard labour in irons.—

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

(Sent following letter No. 2692)

Read Calendar dated the 28th Ultimo submitted by the Sessions Judge of Cuddapah in Case No. 98 of 1844.—

(Here enter No. 3280.)

Read Calendar dated the 28th Ultimo submitted by the Sessions Judge of Honore in Case No. 28 of 1844.—

(Here enter No. 3323)

Read Calendar dated the 20th Ultimo submitted by the Sessions Judge of Calicut in Case No. 64 of 1844.—

(Here enter No. 3324)

Read Calendar dated the 29th

29th Ultimo submitted by the Acting Sessions Judge of Rajahmundry in Case No. 12 of 1844.—

/Here Enter No. 3325/

Read report dated the 2d. Instant submitted by the Sessions Judge of Masulipatam, of Cases pending on the 31st October and committed for trial during the month of November 1844.—

/Here Enter No. 3333/

Read report dated the 2d. Instant submitted by the Sessions Judge of Bellary, of Cases pending on the 31st October and committed for trial during the month of November 1844.—

/Here Enter No. 3334/

Read Calendar dated the 15th October 1844 submitted by the Sessions Judge of Cuddapah in Case No. 90 of 1844.—

End 11th.

/Here Enter No. 3337/

Read letter dated the 5th Ultimo from the Magistrate of South Arcot stating that the powers vested in them by Section 4 IV Act VII of 1843 were not exercised in the

the month of October 1844.—

/Here Enter No. 3034/

Read letter dated the 4th Ultimo from the Magistrate of Coimbatore forwarding copy of a letter from the Joint Magistrate submitting explanation regarding the notice taken of the irregular conduct of the Manigar who detained the Prisoner in Case No. 95.—

/Here Enter No. 3040/

Read letter dated the 7th Ultimo from the Magistrate of South Arcot forwarding copy of a letter from the late Jailor of the Zillah Court of Cuddalore respecting the escape of a Convict.—

/Here Enter No. 3063/

Read return dated the 5th Ultimo from the Sessions Judge of Madura to the Precept of the Tonjdaree Adalut dated the 22d October last directing the immediate release of the Prisoner Appavoo Goodelly in Case No. 6 of the Calendar for 1844 on the file of that Court.—

/Here Enter No. 3066/

Read return dated the 7th Ultimo from the Acting Subordinate Judge of Cuddapah to the Precept of the Tonjdaree Adalut

Udalut dated 1st Ultimo conveying their observations and orders upon the Criminal Reports for September last.—

(Here enter No. 3068)

Read return dated the 5th Ultimo from the Acting Sessions Judge of Rajahmundry to the Precept of the Fouj. Daree Udalut dated the 16th October last directing him to forward to the Magistrate of Rajahmundry copy of Kalendar in Case No. 9 of 1844, and to instruct that Officer to use all diligence to bring to justice the perpetrators of the Murder of D. Ven. Cunnah and report the progress from time to time to the Foujdaree Udalut.—

(Here enter No. 3069)

Read letter dated the 6th Ultimo from the Magistrate of Coimbatore stating that the powers vested in them by Section 6 IV Act VII of 1843 were not exercised in the Month of October 1844.—

(Here enter No. 3078)5

Saturday 7th December 1844.

F. C.

At a Court of the Foujdaree Udalut.

Present.

Henry Dickinson Esquire 1st Puisne Judge.
Malcolm Lewin Esquire 2d Puisne Judge.
Alex. Maclean Esquire 3d Puisne Judge.

Read the Criminal Reports for October, forwarded by the Acting Subordinate Judge of Salem under date the 31st October 1844.

(Here enter F. C. No. 3194.)

Report 1st V. Case No. 93.

1. The Magistrate of Salem will be pleased to call upon "Brama Row" the Sub Police Officer to explain why the Prisoners in this Case who are stated to have appeared before him on the 20th September last, were not forwarded from the Taloork until the 1st October and to take such notice as he may deem fit of this great delay.

Case No. 104.

2. In this Case too there appears to the Court of Foujdaree Udalut to have been very unjustifiable delay on the part of the Deputy Head of Police.—

The

Udalut dated 1st Ultimo conveying their observations and orders upon the Criminal Reports for September last.—

(Here enter No. 3068)

Read return dated the 5th Ultimo from the Acting Sessions Judge of Rajahmundry to the Precept of the Fouj. Daree Udalut dated the 16th October last directing him to forward to the Magistrate of Rajahmundry copy of Calendar in Case No. 9 of 1844, and to instruct that Officer to use all diligence to bring to justice the perpetrators of the Murder of D. Ven. Cunnah and report the progress from time to time to the Foujdaree Udalut.—

(Here enter No. 3069)

Read letter dated the 6th Ultimo from the Magistrate of Coimbatore stating that the powers vested in them by Section LIV Act VII of 1843 were not Exercised in the Month of October 1844.—

(Here enter No. 3078) 5

Saturday
7th December 1844.

F. C.

At a Court of the Foujdaree Udalut.

Present.

Henry Dickinson Esquire 1st Puisne Judge.
Malcolm Lewin Esquire 2nd Puisne Judge.
Alex. Maclean Esquire 3rd Puisne Judge.

Read the Criminal Reports for October, forwarded by the Acting Subordinate Judge of Salem under date the 31st October 1844.

(Here enter F. C. No. 3194.)

Report 1st V. Case No. 93.

1. The Magistrate of Salem will be pleased to call upon "Brema Row" the Sub Police Officer to explain why the Prisoners in this Case who are stated to have appeared before him on the 20th September last, were not forwarded from the Taloork until the 1st October and to take such notice as he may deem fit of this great delay.

Case No. 104.

2. In this Case too there appears to the Court of Foujdaree Udalut to have been very unjustifiable delay on the part of the Deputy Head of Police.—

The

3. The circumstances giving rise to the strong suspicion against the 2d Prisoner in this case should be stated in the report.

Case No. 109.

4 In this Case, the delay of 14 days is not explained.

Case No. 112.

5. The Magistrate of Salem is required to notice as it deserves the great inattention and indifference manifested by "Burma Row" the Sub Police Officer, to existing orders regarding the transmission of Prisoners to the Criminal Courts with as little delay as possible.-

Ordered, that Copy of these Proceedings be forwarded to the Acting Subordinate Judge of Salem for his information and guidance, and for communication of para 1, 2, 4 and 5, to the Magistrate of Salem.-

(Sent in No. 2696)

Read letter dated the 16th Ultimo from the Agent to the Governor at Kurnool, submitting a summary of the evidence taken in a case of House breaking and recommending the 1st, 2d, 3d, 4th and 6th Prisoners to 4 years imprisonment in irons, the 7th to 2 years imprisonment, the 5th being called on to find 2 securities of 15 Rupees each per 1 year, or imprisonment for that time in default; and requesting the Court's instructions regarding the 4th Prisoner's wife and sister.

(Here enter F. A. No. 3209.)

Before passing judgment the Foujdaree Adalut resolve to call upon the Government Agent to state, under what regulation he proposes to award punishment.

Ordered that Extract from these proceedings be forwarded to the Agent to the Governor at Kurnool, for his information by Precept returnable in V days from and after its receipt.

(Sent following precept No. 2697)

Read Calendar in Case No. 24 of 1844, submitted by the Sessions Judge of Honore.-

(Here enter No. 3276.)

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

Ordered.

7th December 1844.

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

(Sent in № 2698)

Read the Criminal Reports for the month of October 1844, submitted by the Principal Sudr Amun of Trichinopoly under date the 13th Ultimo.

(Here enter M. № 3237)

Report № 1

Case № 89.

1. The manner in which the door of the Prosecutor's house was opened by the Prisonr in this Case must be specified in the Charge, as upon it depends, the Court observe, the applicability of the Regulation quoted in the sentence of the Prisonr.

Case № 90.

2. It is not clear to the Foujdarr Udalut whether the Evidence adduced in this Case was sufficient for a conviction. The Acting Session Judge is therefore required to look into the Case, and to pass such Orders thereon as he may think proper, reporting the result for the information of the Foujdarr Udalut.

Case № 91.

3. The Prisonr in this Case is

F. W.

7th December 1844.

is charged with having killed an Ass belonging to the Prosecutor - but from the report it appears that he did not intentionally cause the animal's death.

4. As there can be no crime where there is no intent to its commission, positive or inferrible, the Court of Foujdarr Udalut are of opinion that the Prisonr should be acquitted, and they accordingly direct that he be set at liberty.

Case № 95.

5. The Acting Session Judge is directed to call for and peruse the Proceedings of the Principal Sudr Amun in this Case, in view to the commitment of the Prisonrs, should there appear to be reasonable grounds to believe that the evidence will be sufficient for his conviction.

Case № 104.

6. The assault with which the Prisonrs in this Case stand charged, being of an aggravated character, the punishment awarded to them by the Moofty Sudr Amun, appears to the Court of Foujdarr Udalut to be very insufficient.

Ordered

Ordered, that Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Trichinopoly for his information and guidance.-

(Sent in No. 3699)

Ordered also, that Extract from these Proceedings (paras. 2 and 5) be forwarded to the Acting Sessions Judge of Trichinopoly by precept returnable in X days from and after its receipt.

(Sent following precept - No. 3700)

Read the Criminal Reports for the Month of October 1844, submitted by the Principal Sudr. Ameen of Cochin under date the 31st October 1844.

(Here enter F.R. No. 3270)

Report No. V.
Case No. 35.

1. The Prisoner in this Case is charged with having forged and filed a document for 20,000 Chuckrams with a view of defrauding the Plaintiff in Original Suit No. 27 of 1844 on the Principal Sudr. Ameen's file.-

2. It is stated in the report that as there is no proof beyond suspicion of guilt against

against the Prisoner the Case is dismissed.-

3. The Court of Foujdarry Adalut observe that if there were ground of suspicion, security should have been demanded from the Prisoner.-

4. There is reason to suppose that this Case originated with the Principal Sudr. Ameen himself, and the Court desire that he be called upon fully to explain for their information how he came to commit the Prisoner without having proof of some kind against him.-

5. The above remarks are applicable to these several Cases also.-

Cases No. 36, 37, 38 and 39.-

6. The Court of Foujdarry Adalut would caution the Principal Sudr. Ameen of Cochin not to commit parties to Custody on charges of forgery and perjury without having reasonable grounds to believe that the evidence forthcoming will be found sufficient for their conviction.-

7. The Principal Sudr. Ameen erred, the Court observe, in not committing the Prisoner in this Case for trial before the Court of Session, he being shewn to be an incorrigible

Case No. 40.

incorrigible offender.

Ordered, that Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Cochin for his information and guidance by precept returnable in V days from and after its receipt.

(Sent following precept No 2701)

Read Supplemental Report dated the 20th Ultimo submitted by the Agent to the Governor of Fort St George at Vizagapatam, of Persons apprehended in the separate Tracts of Vizagapatam, and delivered to the Agency and regarding whom no final orders had been passed at the date of the Report ending 30th September 1844.

(Here enter F. U. No 3252.)

Read Report dated the 20th Ultimo submitted by the Agent to the Governor of Fort St George at Vizagapatam, shewing the sentences of the Zoujdaree Udalut received in the month of October 1844.

(Here enter F. U. No 3254.)

F. U.

Monday, 9th December 1844.

At a Court of the Zoujdaree Udalut.

Present.

Henry Dickinson Esqr 1st Puisne Judge.
Malcolm Lewin Esqr Acting 2d Puisne Judge.
Alex. Maclean Esqr Acting 3d Puisne Judge.

Read Miscellaneous Petition presented on the 22d October last, by T. Appiah Vakil on behalf of Bookmany, of the Zillah of Honore.—

(Here enter F. M. P. No 129.)

1. The object of this petition is to induce the Court of Zoujdaree Udalut to order the release of her Husband, the Prisoner in Case No 45 of 1844, on the criminal file of the Sessions Court of Honore, who was sentenced by the Acting Sessions Judge to 5 years imprisonment for the crime of wilful and corrupt perjury.—

2. The Court of Zoujdaree Udalut having referred to the Calendar of the Trial alluded to in this petition, cannot entertain the slightest doubt of the guilt of the Prisoner, or of the correctness of the conviction, and of the judgment

judgment passed upon him.

3. The Court therefore dismiss the Petition

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

Read Miscellaneous Petitions presented on the 22d October, 4th, 11th, and 20th November 1844 respectively, by T. Appiah Vakil on behalf of M. Copanla Krishnanah, of the Zillah of Rajahmundry.

(Here enter T. R. Pr. Nos 130, 140, 147, and 152.)

The Petitioner states, that he had reason to suspect one Ambar Khanah Ramdoss of having robbed him of 500 Pagodas, and accordingly preferred a complaint against him before the Acting Head Assistant Magistrate of Rajahmundry, who after a partial enquiry into the case dismissed it, as not proved. that he thereupon appealed to the Session Court, who issued a precept directing the Acting Head Assistant Magistrate to reinvestigate the complaint, and to examine any further witnesses that he (Petitioner) might wish to call.

The

2. The Petitioner complains that the Acting Head Assistant Magistrate did not even then inquire fully into the matter of his complaint, but again dismissed the case, and required Ambar Khanah Ramdoss to furnish security for his appearance within six months - and that the Session Court confirmed this decision of the Acting Head Assistant Magistrate of Rajahmundry -

3. He prays therefore that the Court of Foujdarry Adalut will be pleased to call for and consider the record of the case and pass a just decision thereon. -

4. The Court of Foujdarry Adalut are of opinion, that the Petitioner has failed to show sufficient grounds for their interference in the subject of the above petitions -

5. The Extract from the Proceedings of the Head Assistant Magistrate of Rajahmundry submitted with petition No 140 shows, that after a patient examination of the Petitioners witnesses, he dismissed his charge as not proved; and that subsequently when by order of the Session Court the Assistant Magistrate

examined

examined further witnesses named by the Petitioner, he came to the same decision, that there were no grounds on which to forward the parties accused to the Subordinate Court.

6. The Extract from the Proceedings of the Sessions Court submitted with Petition № 147 shows, that the Sessions Judge had carefully considered the proceedings of the Head Assistant Magistrate, and that he agreed with him that no grounds existed for placing the accused on their trial.

7. It being thus shown that the charge advanced by the Petitioner has received every proper attention from the local authorities, the Court see no cause for calling the record before them.

8. In the event of the Petitioner discovering further evidence in support of his charge, he will be at liberty to produce it, but so far as the evidence hitherto produced is concerned, the decisions passed by the local authorities appear to the Court of Foujdaree Adalut to be in all respects just and proper.

9. The above petitions are therefore rejected.

In

F. No.
9th December 1844.

10. In respect to the Miscellaneous Petition № 157, the Court observe, that the Extract from the proceedings of the Sessions Judge of Rajahmundry, which accompanied it, bears date nearly a month prior to the last full and comprehensive decision of the Head Assistant Magistrate. The decision shews that the instructions of the Sessions Court received every possible attention from the Assistant Magistrate.

Ordered accordingly, that Extract of these proceedings be granted to the petitioner, on Pakka stamped paper.

Read again petition presented on the 22d October last, by Poojary, complaining that the Acting Sessions Judge of Trichinopoly had in consequence of certain observations submitted by the Magistrate, refused to receive the security tendered by him according to orders for the release of his Brother-in-law the Prisoner in Cause № 1, of the 3d Trichinopoly Calendar, for 1844.

(Here enter F. M. P. № 136.)

Read return dated the 29th Ultimo from the Acting Sessions Judge of Trichinopoly

Tychinopoly, to this Court's precept of the 18th Ultimo, calling upon him to state upon what grounds he refused to receive the bail tendered by the Petitioner Poojary.-

(Herewith F.R. No 3302.)

1. The Acting Sessions Judge reports that the Petitioner's bail was refused by him in consequence of a representation from the Magistrate of Tychinopoly that it would afford no adequate security for the good behaviour of the Petitioner's Brother-in-law, the Prisoner Moottoorallapundecan, who is a notorious gang robber, and for whose apprehension, warrants have been issued by the Magistrates of Salim Tanjore and Coimbatore.-

2. The Court of Foujdaree Udalut are of opinion, that under the circumstances above represented, the Acting Sessions Judge of Tychinopoly acted quite correctly in refusing to accept the Petitioner's proffered security.

3. They direct that the forgoing petition be dismissed.

Ordered accordingly, that copy of these Proceedings be furnished to Petitioner

on

his application.

Read Miscellaneous Petition presented on the 18th Ultimo, by T. Ramachendriah Vakeel on behalf of Joas Shanbogue, 1st Prisoner in Case No 47, of the Mangalore Calendar for 1844.

(Herewith M.P. No 153 of 1844.)

1. The Petitioner complains of the proceedings of the Sessions Judge of Mangalore, held in a case of forgery which resulted in a sentence of 7 years imprisonment with hard labor, in irons being passed on the 1st Prisoner therein charged.

2. He states that certain of the witnesses for the prosecution bore enmity towards him, while others are related to the Prosecutor, and prays therefore that the sentence of the Sessions Judge may be set aside.-

3. When the Calendar of the trial referred to in this Petition, in which the Petitioner was 1st Prisoner, originally came before the Court, the Court duly considered it, and were of opinion that the conviction of the prisoners and the sentences passed upon them were just.

4 The Court have again maturely considered

9th December 1844

considered the Calendar and are confirmed in their original opinion, that the proceedings of the Sessions Judge were proper.-

5. The Court therefor refuse to interfere further in the matter and dismiss this Petition.

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

Read Miscellaneous petition presented on the 26th Ultimo by Ristnamal of Zillah Combaconum.

(Here enter No P. No 160 of 1844.)

The Court of Foujdaree Udalut observe that the case of the Petitioner has been disposed of- no other orders will be passed.-

26th November 1844.

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

Read letter dated the 13th Ultimo from the Sessions Judge of Salem, submitting for the final sentence of the Foujdaree Udalut, the record of trial in case No 20, on the Calendar of the Sessions Court of Salem, for 1844.-

Here-

F. U.

9th December 1844.

(Here enter F. U. No 3262)

Mr Lewin.-

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the prisoners.-

1st Poolly Coundon

2d Athyapa Coundon.

and

3d Rungiah Coundon.

are not convicted on presumptive proofs, or on the evidence of credible witnesses, or on their own confession of the crime of Murder, do acquit them thereof; but considering that strong suspicion, though not amounting to conviction, attaches to them, they direct that they be required, under Clause sixth, Section II Regulation XV of 1803, to find sureties in an Amount to be determined at the discretion of the Sessions Judge, for their good behaviour, and appearance when required, within a period which that Officer will define, or in default thereof, that they be detained for a similar period in confinement

(Sent following letter No 2703.)

Read-

Read return dated the 28th Ultimo from the Session Judge of Cuddapah, to the precept of the Foujdaree Udalut under date the 16th November last, directing him to communicate certain instructions regarding one Siddareddy to the Magistrate of North Arcot.

(Here enter F.U. No 3287.)

Adverting to the observation of the Session Judge that Sidda Reddy's place of residence is Godlavarapully in the Pongaloor Samustanum, attached to the Cuddapah District - the Foujdaree Udalut desire the requisite communication may now be made to the Acting Magistrate of Cuddapah.-

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

(Sent in No 3704)

Read return dated 12th Ultimo from the Acting Session Judge of Rajahmundry, to the precept of the Foujdaree Udalut under date the 5th November last, directing the Acting Session Judge to forward translation of the Indictment against

against the Prisoner in No 10 of 1844.

Herewith F.U. No 3179.

The Acting Session Judge has remarked, in submitting the translation called for, that "had he put the Prisoner on his trial "for receiving only, he should consider the finding "of the Prisoner guilty of robbery, more irregular "than putting him on his trial for the primary "offence, and finding him guilty of the secondary "one; he was in doubts of the propriety of "charging the Prisoner on two Counts, the one "of the robbery, and the other of the receiving or "purchasing as a contradiction is implied, "Consequently he tried the Prisoner for the Burglary "and noted in his finding, as directed by Circular "Order Foujdaree Udalut 5th August 1829 "that he found the Prisoner guilty of receiving."

2. The Foujdaree Udalut consider that the prisoner might have been tried for the burglary as one Count, and for being in possession of stolen goods as a 2d Count. There is no incompatibility in the Court's opinion in the two Charges.-

Ordered, that Extract from these proceedings

9th December 1846.

proceedings be forwarded to the Acting Session Judge of Rajahmundry for his information.-

(Sent in No 3705)

Read letter dated the 4th Ultimo from the Acting Magistrate of Cuddapah, affording further explanation respecting the delay in sending up the case to the Subordinate Criminal Court, in Case No 196 of the Criminal file of 1846.

(Here enter F.R. No 3029.)

Read return dated the 31st October 1846 from the Sessions Judge of Chingleput, to the Precept of the Foujdaree Udalut under date the 22d Idem, on the review of the Criminal Reports for September 1846.

(Here enter F.R. No 3027.)

Read return dated the 5th Ultimo from the Magistrate of South Arcot, to the Precept of the Foujdaree Udalut under date the 25th October 1846, directing him to submit explanation from the Heads of Police in Cases Nos 109, 110, and 111 of the Criminal Report of the Principal Sudr Ameen of Cuddalore.

(Here enter No 3033.) as

WBM
kcg

F.R.

Tuesday
10th December 1846.

At a Court of the Foujdaree Udalut

Present:

Henry Dickinson Esqre 1st
Malcolm Lewin Esqre Act 2d
Alexr Maclean Esqre Act 3d
} Puisne Judges

Read report dated 30th November 1846, of cases committed during that Month and pending trial before the Sessions Judge of Nellore.

(Here enter F.R. No 3319.)

Case No 73.

1 This case is stated to have been committed to the Sessions Court on the 11th September last and still remains under examination.-

2 Such a delay as this would seem wholly unjustifiable in any case, and the Court of Foujdaree Udalut require the Sessions Judge of Nellore to submit for their information a full and detailed explanation of the causes that prevented an earlier disposal of the case.-

Ordered, that a Copy of these Proceedings be forwarded to the Sessions

Sessions Judge of Nellore for his information and guidance by Precept returnable in 7 days from and after its receipt.-

/Sent following precept N:2708/

Read Calendar in Cases N:s 49 and 50 submitted by the Sessions Judge of Chittoor.-

/Here enter N:3321./

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

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor for his information.-

/Sent pr N:2709/

Read report forwarded by the Agent to the Governor of Fort Saint George in Vizagapatam under date the 20th November of persons apprehended in the Separate tracts of Vizagapatam and delivered to the Agency during the month of October 1844.-

/Here Enter 7 & R: 3253./

The

Case N:32 1 The Court of Sonydaree Adalut observe that the insertion of the native date corresponding with that of the Prisoner's offence was not required in a monthly Criminal Report.-

Case N:33 2 There appears to be no reason why the name of the 1st Prisoner in this Case should be written in red ink. He is committed, but the use of red ink would imply that this prisoner was concerned in another Case.-

3 The offence as specified in the charge is not "Burglary" and the Court desire to be informed on what ground the 1st Prisoner is committed.-

Ordered, that Extract of these Proceedings be forwarded to the Agent to the Governor of Fort Saint George in Vizagapatam for his information and guidance by precept returnable in 5 days from and after its receipt.-

/Sent following precept N:2710/

Read letter dated the 26th Ultimo from the Agent to the Governor of Fort Saint George in the Vizagapatam District submitting

a

10th December 1846

a summary of the evidence against a prisoner charged with Culpable Homicide and communicating his opinion as to the punishment to be passed on the prisoner.

(Here Enter No. 3306.)

The Court of Foujdaree Udalut having maturely considered the summary of the evidence taken before the Agent, the statement of the grounds for the conviction, and his opinion as to the punishment to be passed on the prisoner, resolve to confirm the sentence of 6 Months imprisonment with hard labor in irons on the prisoner

"Vitta Ravy Ramajoghy."

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

Ent. W. L.

(Sent in No. 2711.)

F. U.

Wednesday 11th December 1846

At a Court of the Foujdaree Udalut.

Present,

Hon. Henry Dickinson Esqre 1st Puisne Judge
Malcolm Lewin Esqre Acg. 2d Puisne Judge
Alexr. Maclean Esqre Acg 3d Puisne Judge

Read letter dated the 20th Ultimo from the Sessions Judge of Tellicherry requesting the sentiments of the Judges whether the wilful alteration by an interested person of an Answer from an Adhikary to an Official letter written by the Native of a Zillah Court, can, the signature of the Judge not having been affixed, be proceeded against under the regulations by the Sessions Judge, 1st as a contempt of Court, 2ndly as a forgery, or 3rdly as an undue interference with a record with an obviously fraudulent design; the said alteration having been made

17th December 1844.

made whilst the answer in question was in the custody of a Court Peon who was bringing it to the Zillah Court.-

(Here enter F. C. No. 3249)

Under the circumstances explained in the Civil Judges communication, it appears to the Court of Tondaree Udalut that the alteration made by the Appellant referred to, was clearly a fraudulent attempt to show that a man selected as his surety was good security for a larger sum than he could make good- and as this was likely to prove injurious to the party on whose account the security was given- the case in the opinion of the Tondaree Udalutties clearly a forgery.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Tellicherry

for

17th December 1844. for his information.-

(Sentence No. 2714)

Read Calendar in Case No. 22 of 1844 on the file of the Session Court of Honore.-

(Here enter No. 3322.)

1. The 1st prisoner in the above case was charged with House breaking and theft and was convicted on his own confession; but the Sessions Judge on a consideration of the whole circumstances of the case recommends a mitigation of punishment, and agreeably to Section IV. Regulation I of 1825 proposes that a sentence of 14 Years imprisonment with hard labor in irons be passed on the prisoner.-

2. The Court of Tondaree Udalut having maturely considered the circumstances of the case represented in the Calendar sanction under clause third Section III. Regulation I of 1825 the mitigated punishment recommended

by

11th December 1844— by the Sessions Judge and accordingly direct that the prisoner

1st Coosha

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of (4) four years.—

Ordered that Extracts from these Proceedings be forwarded to the Sessions Judge of Honore for his information by precept returnable in V days from and after its receipt.—

(Sent following Precept No. 2715)

Read report dated 2d Instant submitted by the Sessions Judge of Cuddalore of Cases pending on the 31st October and committed for trial during the month of November 1844.—

(Here enter No. 3328)

It is explained in regard to the cases noted marginally that the delay that occurred between the date of commitment and the date of the

Calendar of Sessions Court Nos. 60 and 61 of 1844.—

11th December 1844— the commencement of the trial was occasioned by the record of the case not having been received till the 16th November.

As the cases appear to have been committed on the 11th November, the Principal Sudr Ameen should be required to state why the transmission of the records was deferred for 4 days, it having been declared by the Foujdaree Adalut Circular Letter dated 16th October 1844— that no delay should occur in order to the preparation of the Calendar, which is required for the use of the Foujdaree Adalut.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore by precept returnable in 10 days from and after its receipt.—

(Sent following precept No. 2716)

Read letter dated the 7th Instant from the Sessions Judge of

11th December 1844 of Nellore submitting the records of the trial in Case No. 31 on the Calendar for 1844.—

(Here enter No. 3369)

M. Maclean

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

Nidamanoor Atchee.

is not convicted on presumptive proof or on the evidence of credible witnesses, or on her own confession, of the crime of concealing the birth and deserting her illegitimate child, do acquit her thereof, and direct that she be unconditionally released.—

On a consideration of the entire record of this case the Foujdaree Udalut see reason to consider that the Prisoner should be allowed the full benefits of the objections raised by the Law Officer in his

11th December 1844 his Futwah and accordingly they resolve to direct her release.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Nellore for his information.—

(Sentence No. 2717)

End 7th.

Read return dated 5th ultimo from the acting Sessions Judge of Canara to the precept of the Foujdaree Udalut under date 29th October 1844 directing the immediate release of the Prisoner in Case No. 19 of 1844 on the Calendar of the Sessions Court.—

(Here enter Ful No. 3088)

Read return dated 4th ultimo from the Sessions Judge of Chicacole to the precept of the Foujdaree Udalut under date the 23d October 1844 directing in Para 2 of the Extract of Proceedings which accompanied it, to specify whether the decrees referred to in Para 9 of his report submitted to the Court of Foujdaree Udalut under Section XXXIV Regulation VII of 1802 for the year 1802 for the year 1843 were recorded in the Handwriting of the Officers who passed them and further observing in para 7 with reference to his remarks in

in para 12 of his report that the Provisions of Section II Regulation II of 1822 appears to have escaped his notice.—

(Here enter F. C. No 3090)

Read communication dated 8th Ultimo from the Magistrate of Tanjore informing of the nature of reference by which the Criminal Case No 108 was delayed and apologizing for not replying to the Extract dated 23d August last before the second call from the Court was received on the subject.—

(Here enter F. C. No 3094)

Read return dated 7th Ultimo from the Sessions Judge of Tinnevelly to the Precept of the Fouzdaree Adalut of the 21st Ultimo authorizing him to direct the Principal Sudr Ameen to re-examine fully the Case No 26 of 1844 of the file of his Court.—

(Here enter F. C. No 3102)

Read letter dated 6th Ultimo from the Session Judge of Tellicherry transmitting a Calendar containing Cases Nos 13 and 14 of 1844 and also another Calendar containing Case No 15 of 1844.—

(Here enter F. C. No 3107)

Read

Read Calendar in Case No 54 of 1844 submitted by the Session Judge of Mangalore.—

(Here enter F. C. No 3109)

Read Calendar in Case No 55 of 1844 submitted by the Session Judge of Mangalore.—

(Here enter F. C. No 3110)

Read return dated 7th Ultimo from the Acting Session Judge of Trichinopoly to the Precept of the Fouzdaree Adalut under date the 2d October 1844 directing him to call for the proceedings held in Case No 64 of 1844 on the file of the Principal Sudr Ameens Court at Trichinopoly and pass on them proper orders and reporting the result for the information of the Fouzdaree Adalut.—

(Here enter F. C. No 3118)

Read letter dated 8th Ultimo from the Session Judge of Calicut transmitting the warrant issued for execution of the

Sentence

11th December 1846

Sentence of death passed on the Prisoner in Case No 50 of 1846 on the Calendar of the Sessions Court. with the endorsement of the Subordinate Judge and a copy of his report.—

(Here enter F. 26 No 3120)

Read letter dated 8th ultimo from the Sessions Judge of Tellicherry transmitting a Calendar containing Case No 19 of 1846 and translation of the Sub-

(Here enter F. 26 No 3121)

Thursday 12th December 1844.

At a Court of the Supdarre Udalut

Present

Henry Dickinson Esqre. 1st.
Malcolm Lewin Esqre. Ag. 2d.
Alexr. Maclean Esqre. Ag. 3d.
} Puisne Judges

Read Calendar in Case No. 23 of 1844 submitted by the Acting Sessions Judge of Trichinopoly.—

(Here enter F.H. No. 3336)

1. The Court observe that the charge exhibited in the foregoing case is defective as not showing where the attack occurred of which the Prisoners are accused; whether on the high road, in the street of the village or inside a dwelling house.—

2. The attention of the Acting Sessions Judge should in future cases be directed to the more careful preparation of the indictment of trials which he may dispose of.—

Ordered, that Extract from the

Thursday
12th December
1844.

At a Court of the Fujdaree Adalut

Present

Henry Dickinson Esqre — 1st
Malcolm Lewin Esqre — Ag 2d
Alexr Maclean Esqre — Ag 3d
} Puisne Judges

Read Calendar in Case No 23 of 1844 submitted by the Acting Sessions Judge of Trichinopoly —

(Here enter F.H. No 3336)

1. The Court observe that the charge exhibited in the foregoing case is defective as not showing where the attack occurred of which the Prisoners are accused; whether on the high road, in the street of the village or inside a dwelling house. —

2. The attention of the Acting Sessions Judge should in future cases be directed to the more careful preparation of the indictment of trials which he may dispose of. —

Ordered, that Extract from

these

these proceedings be forwarded to the Acting Sessions Judge of Trichinopoly for his information.—

/Sent in No. 2721/

Read Calendar dated the 27th Ultimo submitted by the Sessions Judge of Chittoor in Case No. 51 of 1844.—

/Here Enter No. 3338/

Read Calendar dated the 26th Ultimo submitted by the Sessions Judge of Coimbatore in Case No. 38 of 1844.—

/Here Enter No. 3341/

Read Calendar dated the 22nd Ultimo submitted by the Sessions Judge of Coimbatore in Case No. 37 of 1844.—

/Here Enter No. 3342/

Read report dated the 2nd Instant submitted by the Sessions Judge of Coimbatore, of Cases pending on the 31st October and committed for trial during the month of November 1844.—

/Here Enter No. 3343/

Read report dated the 1st Instant submitted by the Sessions Judge of Tinnevelly, of Cases pending on the 31st October and committed for trial during the months of November 1844.—

/Here Enter No. 3344/

Read report dated the 2nd Instant submitted by the Agent to the Governor of Fort St. George at Nurnool, of Cases pending on the 31st October and committed for trial during the months of November 1844.—

/Here Enter No. 3345/

Read report dated the 2nd Instant submitted by the Sessions Judge of Mangalore, of Cases pending on the 31st October and committed for trial during the month of November 1844.—

/Here Enter No. 3346/

Read return dated the 2nd Instant from the Sessions Judge of Mangalore to the precept of the Tanjore Vakeel dated the 20th Ultimo on review of the Calendar in Case No. 50 of 1844—

/Here Enter No. 3347/

Read report dated the 1st Instant

Submitted

12th December 1844.

submitted by the Sessions Judge of Cuddapah, of Cases pending on the 31st October and committed for trial during the month of November 1844.—

/Here enter No. 3349./

Read report dated the 2nd Instant submitted by the Sessions Judge of Calicut, of Cases pending on the 31st October and committed for trial in the month of November 1844.—

/Here enter No. 3362/

Read the Criminal Report dated the 7th Instant submitted by the Sessions Judge of Guntoor for the month of November 1844.—

/Here enter No. 3381/

Read Calendar dated the 26th Ultimo submitted by the Sessions Judge of Mangalore in Case No. 61 of 1844.—

/Here enter No. 3384/

End 7 Pt.

F. C.

Friday
13th December 1844.

At a Court of the Foujdaree Adalut.

Present:

Henry Dickinson Esqr. 1st Puisne Judge.
Malcolm Lewin Esqr. Actg 2d Puisne Judge.
Alexr. Maclean Esqr. Actg 3d Puisne Judge.

Read letter dated the 3d Instant from the Sessions Judge of Guntoor submitting for the final sentence of the Foujdaree Adalut the record of trial in Case No. 21 on the Calendar of the Sessions Court of Guntoor for 1844.

(Here enter F. A. No. 3355.)

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,

1st Doodakoola Khausim

is sufficient to convict him of the crime of Arson, for which according to the Mahomedan Law as declared in Fatwas of their Law Officers, discretionary punishment is awardable, do convict him thereof; and with reference to

to the provisions of Clause Seventh Section II Regulation XV of 1803, do sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) seven Years.

(Sent following letter No 2724)

Read letter dated 30th Ultimo from the Session Judge of Masulipatam, reporting self-destruction of the female Prisoner in Case No 11 of 1844, Session Court file.

Here enter No 3312.

Read also letter dated 30th Ultimo from the Session Judge of Masulipatam soliciting the higher Courts opinion whether the usual Inquest by Police Officers extends to the cases of self destructions of Prisoners in Jail.

(Here enter No 3313.)

1. The reference for instructions made by the Session Judge results, it appears, from an application made by the Head Police of Masulipatam to be allowed access to the Jail, in order to his holding the necessary Enquiry regarding the matter of the self destruction of

of the Prisoner above reported.-

2. The Sessions Judge reports that he did not object to the enquiry but thinks it foreign to the particular cases, and Rule, where his presence is enjoined, when sudden, or Violent Death happens, at the hands of others, but not by self murder within any Jail.-

Section XXIII. Regulation XI. of 1816.

3. The Foujdaree Udalut are of opinion that the Officer in charge of the Jail has primary authority, over all matters within the Jail and that it is his duty, and not that of a native police officer, to take cognizance of the matter - the panchayt referred to should be assembled by the Officer in charge of the Jail.-

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

(Sent in No 2725)

Read return dated 11th November 1844, from the Sessions Judge of Chicacole, to the precept of the Foujdaree Udalut of the 29th October

October, requiring him to explain the delay which occurred in the trial of certain cases committed to him by the Principal Sudr Amuns of Ichapore and Vizagapatam.-

[Herewith F.U. No. 3185.]

1. The Court of Foujdary Udalut consider the explanations afforded in the foregoing return far from satisfactory, and they would seriously urge on the Sessions Judge the necessity of enforcing on his Subordinates greater regularity and attention to their duties, and of himself using greater dispatch.- For excessive delays which have been permitted to occur in the cases alluded to in the above returns, and which with common degree of attention and supervision might have been easily avoided, quite frustrate the design of the Government in the late changes of the Judicial System, and render quite abortive all the labours of the legislature.

2. In the 4th para. of their proceedings the Court of Foujdary Udalut adverting to the reprehensible delay which was permitted in Cases Nos. 11 and 13 of 1843, desired it

might be explained why when the cases were committed on the 8th September and 28th October, they were not forwarded to the Session Court by the Principal Sudr Amun of Vizagapatam till the 25th December, and if any, what notice was taken of this extraordinary delay.

3. To this requisition the Session Judge has replied that "as the duties of the said Court were in the first instance conducted by the Acting Principal Sudr Amun and the Principal Sudr Amun having only taken charge of the Court on the 28th October 1843, and as the above Officers were only newly appointed to the said Office the Session Judge was of opinion that the delay in transmitting the Calendars to the Session Court must have arisen from the above cause and therefore did not make any remark- the delay having occurred at the commencement of the new System being brought into operation."-

4. The Court of Foujdarey Udalut observe that it is a matter of regret that while the Supreme Government, the local Government and themselves have with equal anxiety labored

by

October, requiring him to explain the delay which occurred in the trial of certain cases committed to him by the Principal Sudr Ameens of Ichapore and Vizagapatam.-

[Herewith F.U. № 3185.]

1. The Court of Foujdarry Udalut consider the explanations afforded in the foregoing return far from satisfactory, and they would seriously urge on the Sessions Judge the necessity of enforcing on his Subordinates greater regularity, and attention to their duties, and of himself using greater dispatch.- The excessive delays which have been permitted to occur in the cases alluded to in the above returns, and which with common degree of attention and supervision might have been easily avoided, quite frustrate the design of the Government in the late changes of the Judicial System, and render quite abortive all the labours of the legislature.

2. In the 4th paragraph of their proceedings the Court of Foujdarry Udalut after adverting to the reprehensible delay, which was permitted in Cases № 11, and 13 of 1843, desired it

it might be explained "why when the cases were committed on the 8th September and 28th October, "they were not forwarded to the Sessions Court "by the Principal Sudr Ameen of Vizagapatam "till the 25th December, and if any, what notice "was taken of this extraordinary delay."

3. To this requisition the Sessions Judge has replied that "as the duties of the said "Court were in the first instance conducted by "the Acting Principal Sudr Ameen, and the "Principal Sudr Ameen having only taken "charge of the Court on the 28th October 1843, and "as the above Officers were only newly appointed "to the said Office the Sessions Judge was of opinion "that the delay in transmitting the Calendars "to the Session Court must have arisen from "the above cause and therefore did not make "any remark- the delay having occurred at the "commencement of the new System being brought "into operation."

4. The Court of Foujdarry Udalut observe that it is a matter of regret that while the Supreme Government, the local Government and themselves have with equal assiduity labored

by

by a change in the Judicial System to render the administration of Criminal justice more prompt and efficient than it was previous to the enactment of Act VII of 1843- the Session Judge has permitted the introduction of that very System to plead an excuse for a most unprecedented and unnecessary delay of two and three months in the preparation of two small Calendars- The Court were prepared to make some allowances for a few irregularities, but nothing can justify the excessive delays pointed out above, and for which no excuse can be found- and had the Session Judge been fully alive to the responsibilities of his Office he would not have neglected to have required the necessary explanation from the Principal Sudr. Ameen and have submitted it for the information of the Foujdaree Udalut- such a course would have relieved the Court from the painful duty now imposed upon them of censuring the Session Judge's Conduct and have obviated a long and unpleasant correspondence which has withdrawn their time and attention from more important duties-

5.

The Session Judge having omitted to

to submit any reply to the requisition made in paras 3 and 4 of this Court's proceedings he has, it is presumed, overlooked or is unable to explain the irregularities pointed out in them-

6. Regarding the delay which took place between the committal and transmission to the Session Court of Case No 3 of 1843 on the Ishapore file, the Session Judge states that "prior to its being committed by the Principal Sudr. Ameen on the 26th December 1843, "the Principal Sudr. Ameen of Ishapore — "addressed a letter to this Court in which he "stated that he was about committing a case "for trial before the Session Court and requested "to know when the opening of the Sessions would "take place, and when he should forward the case "for trial, upon this the Session Judge sent him "an answer on the 6th January 1844, that he should "forward the case for trial immediately after "it was committed- It having appeared that "the Principal Sudr. Ameen had on the receipt "of the above letter prepared a Calendar and — "applied to the Magistrate for a guard, and after "the guard had been furnished that he had —

dispatched

"dispatched the Prisoners together with the
"Calendar to the Sessions Court, the Session Judge
"did not therefore take any notice of the delay."

The Court do not understand what
is implied in the remark "it having appeared
that the Principal Sudr. Ameen had on the
receipt of the above letter prepared a Calendar" Vs
the reply of the Session Judge to the communication
of the Principal Sudr. Ameen dated 26th December 1843
was it is stated dispatched on the 6th January.
The Court are not aware of the time occupied
in carrying a communication from Chicacole
to Itchapore, but supposing it to be 2 days,
the interval which must have elapsed be-
tween the receipt by the Principal Sudr. Ameen
of the Session Judge's order and the dispatch
of the case was 11 days.

8. The delay both in replying to
the Principal Sudr. Ameen's communication
and that which occurred with the Principal
Sudr. Ameen in forwarding this case ought to
have been avoided. The answer should have
been given immedeately, and the Prisoners
should not have been detained by the Principal Sudr

Ameen

F. N.
13th December 1844.

Ameen longer than 48 hours after the receipt of
the Session Judge's instructions. The delay beyond
this period should have been rigidly inquired into.

"After the arrival of the above case
"as the Session Judge had not only to proceed with
"the trial of Cases committed before him but had to
"do much of the Civil Business also. the delay in
"closing the trial after the reception of the Case "viz
13 days" "and the declaration of the sentence after
"perusing the proceedings and the futwah "viz
5 days" "was thus occasioned."

9. The delay of 2 days in the prepara-
tion and submission of the Futwah is also attributed
to the occupation of the Moofty in Civil Business.

10. The Court of Foujdaree Udalut are
of opinion that no delay should be allowed between
the submission of the futwah and the declaration
of Judgment in any case. If the trial was care-
fully conducted by the Session Judge, and he had
as he undoubtedly ought to have done thoroughly
mastered all the facts and bearings of the Case
as they were elicited on the trial, he
ought to be prepared to declare his judgment
upon the prisoners or issue the order for the

reference

"dispatched the Prisoners together with the
"Calendar to the Sessions Court, the Session Judge
"did not therefore take any notice of the delay."

7. The Court do not understand what is implied in the remark "it having appeared that the Principal Sudr. Ameen had on the receipt of the above letter prepared a Calendar" Vz. the reply of the Session Judge to the communication of the Principal Sudr. Ameen dated 26th December 1843 was it is stated dispatched on the 6th January. The Court are not aware of the time occupied in carrying a communication from Chicacole to Itchapore; but supposing it to be 2 days, the interval which must have elapsed between the receipt by the Principal Sudr. Ameen of the Session Judge's ordr. and the dispatch of the case was 11 days.

8. The delay both in replying to the Principal Sudr. Ameen's communication and that which occurred with the Principal Sudr. Ameen in forwarding the case ought to have been avoided. The answer should have been given immedeately, and the Prisoners should not have been detained by the Principal Sudr

Ameen

Ameen longer than 48 hours after the receipt of the Session Judge's instructions. The delay beyond this period should have been rigidly inquired into.

"After the arrival of the above case
"as the Session Judge had not only to proceed with
"the trial of Cases committed before him but had to
"do much of the Civil Business also the delay in
"closing the trial after the reception of the Case (viz
13 days)" and the declaration of the sentence after
"perusing the proceedings and the futwah" (viz
5 days)" was thus occasioned."

9. The delay of 2 days in the preparation and submission of the Futwah is also attributed to the occupation of the Moofty in Civil Business.

10. The Court of Foujdaree Udalut are of opinion that no delay should be allowed between the submission of the futwah and the declaration of Judgment in any case. If the trial was carefully conducted by the Session Judge and he had as he undoubtedly ought to have done thoroughly mastered all the facts and bearings of the Case as they were elicited on the trial, he ought to be prepared to declare his judgment upon the prisoners or issue the order for the

reference

reference of the trial at the moment the futwah is placed before him.

11. In regard to the heavy Civil duties which so pressed on the Judge and his Law Officer as to prevent their due discharge of the Criminal work, the Court of Foujdaree Adalut observe that in reviewing the Civil Reports for the 1st quarter of 1844 it is recorded in their proceedings of the 17th June last that "Mr. Glass decided 24 suits on their merits, but disposed of only 48 out of 122 Miscellaneous Petitions" and much business in the Session assigned in the Civil Judge's letter for not doing more.

12. In the same proceedings it is found that "the Sudr Ameen only passed 23" (instead of 60) "decrees on their merits, and that he stated that the low state of his file and his being engaged in the business of the Sessions Court prevented him for deciding more cases".

13. The Court therefore desired the Session Judge to state "how many criminal Cases were brought before the Mofussil in the Session Court and the number of days he was occupied in them."-

14. In his reply the Civil Judge reported that "the Sudr Ameen gave his attendance before the Session Court during the 1st Quarter in the trial of 4 Criminal Cases for the space of 18 days." Whereupon the Court, in their proceedings of the 9th August 1844 observed "that the Civil Judge's letter appeared to indicate a very lax mode of doing business the period of 18 days during which the Civil Judge states he was engaged in disposing of 4 Criminal Cases is excessive, unless the cases were unusually heavy ones which is not stated."

15. It appears to the Court that the work - both Civil and Criminal - is excessively light in the Collectorate and its Subordinate Courts, and that the whole cause of the difficulty experienced by the Judge and his Subordinates in efficiently discharging their duties is want of closer application to their duties, and greater method in disposing of it.

16. In reply to the Question propounded by the Session Judge at the close of the 2d para of his return of the 11th November 1844, the Court of Foujdaree Adalut are of opinion

opinion that with proper arrangements while the discharge of his Criminal duties need never interfere with the early disposal of the suits pending before him no delay ought to be experienced in the Criminal trials coming before the Session Court.

17. Adverting to the concluding para of the return under consideration the Court of Fouzdaree Adalut observe that the terms of their Circular Order №75 are explicit and paramptory, "the stripes be not inflicted until the orders of the Fouzdaree Adalut on the Calendar have been received by the Circuit Judge." If the Session Judge entertained any doubts regarding the corporal sentence having escaped the notice of the Fouzdaree Adalut it was his duty to have solicited their instructions respecting it.

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

(Sent in №. 2726)

Read Calendar in Cases Nos. 16, 17 and 18 of 1844 on the Tellicherry Calendar, submitted under date the 6th Ultimo, by the Session Judge of Tellicherry.-

Here

F.H.

13th December 1844.

(Here enter F.H. №3108 of 1844.)

Cases №17 and 18.

1. The Court of Fouzdaree Adalut are of opinion that the trials in these cases must be quashed and the prisoners released, as the trials are irregular.

2. The point of perjury was not material and the indictments are void, it was not material to the issue in the case №16 of 1844, a case of wounding whether a party had dictated or denied having given a certain deposition, but as stated in the indictment itself (№18) whether "the said prisoner did really stab and wound the prosecutor."

3. The point to be proved in trial №16 was whether a certain wound was inflicted. the question in the indictments in these trials is not whether the statement made is true or false in regard to the wounds but rests on the prisoners denial that he gave a deposition.

4. As the Court are of opinion that the indictment does not contain a fact material to the issue, the prisoners do not incur the penalties of perjury and must be immediately set at liberty.-

Edwd

Ordered that Extract from these proceedings be sent to the Session Judge of Tellicherry for his information by precept returnable in X days from and after its receipt.

(Sent following precept No 2727)

Read report of Cases pending on the 30th October and Committed for trial during the Month of November 1844 before the Session Judge of Tuchinopoly.—

(Crepenter S.M. No 3535)

1. The Court are sorry to be obliged again to notice the highly improper delay which has been permitted to take place between the committal of the greater part of the Cases entered in the above statement and the commencement of the trial in them.

2 In case No 22 of 1844 the prisoners were committed on the 30th October, but the case was not received by the Acting Session Judge till the 6th November and the trial was commenced on the 7th idem.

3. In cases Nos 23, 24, and 25, the

the prisoners were committed on the 30th October, but the cases were not received from the Principal Sudr Ameen till the 18th and 26th November.

4. The Session Judge will be pleased to call on the Principal Sudr Ameen to explain the causes of these unjustifiable delays.

5. But adverting to the instructions contained in the Circular letter dated the 16th October last as well as to the remarks recorded in this Courts letter of the 11th November last the Court are of opinion that these delays reflect as much on the arrangement of the Session Court as they do on those of the Principal Sudr Ameens Court, and it is observed that although the Session Judge was struck with the excessive delay which was permitted to occur between the committal and transmission of Cases Nos 24, 25, and 26, and aware as he must have been of the anxiety felt by the Court of Foujdary Adalut to obviate as much as practicable all detention of Criminal trials — yet he appears to

13 15th December 1846

to have taken no steps to ascertain the causes of the delays or to remove the hindrances which prevent the Principal Sudr Amin immediately forwarding to the Session Court all cases committed by him - such supineness is not at all creditable to the Acting Session Judge but the Court trust that he will be more careful in future -

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Trichinopoly for his information by Parcel Post cumnah in V days from and after its receipt.

(Sent following precept No 2728)

Read Report dated the 20th Ult. -tions submitted by the Agent to the Governor of Fort St George at Vizagapatam of Persons tried and whose Cases have been referred to the Foujdaree Udalut but on whom the sanction of that Court has not been received -

(Here enter F.U. No 3255.)

Et. Dit.

F. U.

Saturday 14th December 1844.

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esqr. 1st Puisne Judge
Malcolm Lewin Esqr. 2d Puisne Judge
Alexr. Maclean Esqr. 3d Puisne Judge

Read Letter dated the 26th November 1846 from the Sessions Judge of Tinnevelly requesting to be informed if it is competent to a Sessions Judge in Cases of Homicide to pass sentence of punishment on a Futwah of Tohmut and Do Roobut

(Here enter No 3292.)

1. The Sessions Judge explains that the above reference results from the statement made by the Mahomedan Law Officer of the Sessions Court that the Court of Foujdaree Udalut have explained that Futwahs of Tohmut brought in on Trials for Murder or Homicide formed an exception to the rules and that under a Futwah of the nature quoted above, punishment in a similar case has been awarded -

The

14th December 1844.

2. The Court consider Clause eighth Section II Regulation XV of 1803 to be conclusive against a punishment being founded on Tohmut.

3. The Court do not find that the case which would seem to have been referred to by the Moofty, has been correctly described by that officer.

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

(Sent in No. 2732)

Read Calendar of Cases No. 39 of 1844 submitted by the Sessions Judge of Madura.

(Here enter T.U. No. 3037)

1. In this Case 137 persons of the left hand Caste are charged with having contrary to the Magistrates order and in breach of the peace, committed riotously in a mob of about 300 persons armed with Cudgels &c. and assembled in the open ground in front of the Christian Chapel in the Avany Moolay street in Custe=ba Madura, with the intent to prevent a Cavey

14th December 1844.

Cavey Chetty of the right hand caste from going on an Elephant around the street celebrating the 7th days Avany Moolay festival of the Meenatchee Pagoda at Madura and with having by pelting stones &c. repulsed a large body of Peons assembled to put down the riot.

2. The Sessions Judge concurring with his law officer convicted 81 of the Prisoners under the provisions of Section III Regulation III of 1831. to imprisonment as follows.

67th Malyandy
and
84th Meenatchy Soondrum Auxary.
Five years and (6) six Months.

The Prisoners
15th Nangalingom Auxary
74th Colandavaloo Auxary.
79th Colandavaloo Auxary.
83d Moyaundy Auxary.
87th Ramaswamy Auxary.
and
90th Nunnbooputter
(5) Five years.

The

11th December 1844.

The prisoners

11th Saravany Ouvary
16th Moottan son of Kelavan
17th Vinny son of Vinny
19th Sundy son of Seviaun
20th Sulladyan
21st Chinna Caroopen
22nd Thaullamootten
23rd Aundy son of Servanandy
24th Servanandy
25th Royandy
26th Vinny son of Mootoo Caroopen
27th Verran son of Servanandy
28th Moonyan
29th Vinny son of Sadyandy
31st Verran son of Alagan
32nd Valen
33rd Sundy son of Vengamootten
34th Mootloo Caroopen
35th Chinnamootten
37th Para Coodyan
38th Verran
40th Kelavan
41st Mootloo Caroopen
42nd Kangen
43rd Para Caroopen
44th Caroopen son of Rama Coodoomben

45

S. U.

14th December 1844.

45th Caroopen son of Saren
46th Moroogan
47th Thoppoolan
48th Valen
49th Singarly
50th Nanyagan
53rd Alagen son of Paryapial
54th Sundy
55th Nullatomby
56th Moottan
58th Verran
59th Sinnyan, alias Pitchacarin
60th Sundy
69th Vengan
75th Udyachy
77th Palanyandy
78th Caroopen
95th Paryanan
99th Sundy
103rd Caroopen
104th Nanyamootten
105th Mootloo Caroopen
106th Chinnen
107th Vellyan
108th Moottan
110th Mootloo Caroopen
111th Palanyanndy

112th

112th Sundy son of Chinna Mooten
116th Sundy son of Palamy Coodoomben
117th Perryannan
118th Paladyan
119th Carroopa Coodoomben
121st Carroopen
126th Valen
127th Sundy son of Moorgaundy
129th Auroomoogum
130th Paryannan son of Coospah Coodoomben
131st Caroopen son of Carroopa Coodoomben
132nd Alagun
135th Crooben
and
136th Caroopen son of Caroopen
to (4) four years.
and the Prisoners
52nd Iyanan
57th Vullen
80th Coopsamootto Ausary
86th Palamyaundy Ausary
92nd Ramasaumy son of Peryanan Ausary
and
128th Thethan son of Verran
to (3) three years - and being of opinion that from the circumstances of their having been apprehended on the mob - strong suspicion attaches to 52 of the 56 prisoners acquitted by

by the Law Officer. He has called on the following Prisoners;

9th Canauchee Ausary
12th Narasingom Ausary
66th Perrya Poolyen
68th Vaisaven Noyi
70th Chinna Poolyen
71st Maroothyreen
72nd Mootheu
73rd Verraun
89th Seerungum Ausary
91st Unguipen Ausary
115th Mootteo Carroopan
120th Edoomben

to furnish security for their good behaviour and appearance when required each in two sureties of 35 Rupees each for (2) two years or in default thereof, to be imprisoned for that period.-

And the Prisoners
1st Soondra Rajah Ausary
2nd Ramasawmy
3rd Soobroya pathen
4th Naugalingom Ausary
7th Naugalingom
8th Vinay Ausary
10th Goovonanden Ausary

14th December 1844.

13th Alagattre
14th Mangalingom Auxary
18th Nullen
30th Chittren
36th Alagun son of Soobramoongun
39th Servano
51st Sangaralingum
61st Cholundan
62d Alagun son of Ranken
63d Ruckun son of Pitchen
64th Ruckun son of Cooroken
65th Ruckun son of Caroopen
76th Thirthan Auxary
81st Mooply
82d Ramasamy son of Moottalaing
85th Coomaravaloo
88th Verrasagoo Auxary
94th Vathy Valoo Auxary
96th Ramasamy
98th Sunkaralingum Auxary
100 Verren son of Verren
101st Palaniyandy
102d Allagiappen
109th Alagum
113th Aroothavary Auxary
114th Valen
122d Arumpen
123d Perriya Poolien

124

F U.

14th December 1844.

124th Alagapen
125th Valala Thaven
133d Ruckun son of Pullenden
134th Cooroongun
137th Soobaroyen

to furnish security for their good behaviour and appearance when prquired - each in 2 surties of 20 Rupees each for (1) one year or in default thereof, to be imprisoned for that period

The remaining (4) four prisoners viz.t.

5th Raman
6th Caumantchee son of Chinna Carroo Auxary
93d Meenatchee Soondran

and

97th Sinnoogom Auxary

are ordered to be released unconditionally.

3. The Court of Fouidarra Adalut entirely concur in the view of the guilt of the prisoners taken by the Sessions Judge; but they consider the sentences unnecessarily severe and they resolve to authorize the Session Judge to submit a recommendation of mitigated punishments to be awarded to 9 of the 81 prisoners convicted by

by him - if however the Sessions Judge is unable to recommend any mitigation of the sentences awarded - the Court resolve under the authority vested in them by the provisions of Section XXIV Act VII of 1843. to direct that the punishments be reduced severally as follows viz.

the prisoners.

15th Kangalingom Aseavy
74th Colandavaloo Aseavy
79th Colandavaloo Aseavy
83d Moyaundy Aseavy
87th Ramakaunny Aseavy

and

90th Numboputtan

to imprisonment with hard labor in irons for (1) one year and (6) six months of the Prisoners

11th Saravany Aseavy
16th Moottan son of Kalaven
17th Vunny son of Vunny
19th Aundy son of Seraum
20th Nallaydeyan
21st Chinna Caroopen
22d Thandamootten
23d Aundy son of Sivanandy
24th Sivanaundy.

25th Moyundy
26th Vunny son of Mootoo Caroopen
27th Veeran son of Sivanundy
28th Moonyan
29th Vunny son of Sadyandy
31st Veeran son of Alagan
32d Valen
33d Aundy son of Vengamootten
34th Mootoo Caroopen
35th Chinnamootten
37th Rama Coodyan
38th Veeran
40th Kalavan
41st Mootoo Caroopen
42d Naugen
43d Paria Caroopen
44th Caroopen son of Rama Coorumben
45th Caroopen son of Saren
46th Koorougen
47th Thoppoolen
48th Valen
49th Sungaly
50th Nanyagam
53d Nagen son of Periapiel
54th Nundy
55th Nallatumby
56th Mootten
58th Veeran

14th December 1844.

59th Sanyen alias Pitchacaren
60th Sundy
69th Vengenn
75th Odyacky
77th Palanyandy
78th Caroopen
95th Peryannen
99th Sundy
103d Caroopen
104th Nunjanotten
105th Moottoo Caroopen
106th Chinnen
107th Nelly
108th Mootten
110th Moottoo Caroopen
111th Palanyandy
112th Sundy son of Chinna Mootten
116th Sundy son of Pallany Coodoomben
117th Peryannen
118th Pallady an
119th Caroopa Coodoomben
121st Caroopen
126th Valen
127th Sundy son of Moorgundy
129th Auroomoogom
130th Peryannen son of Coopah Coodoomben
131st Caroopen son of Caroopa Coodoomben
132d Alagen

F. Uc.

14th December 1844.

135th Cuvolen
and
136th Caroopen son of Caroopen
to imprisonment with hard labor in irons
for (1) one year and the prisoners.

52d Iyanan
57th Oullen
80th Coopsamoottoo Auxaury
86th Palanyandy Auxaury
92d Ramasamy son of Periyanan Auxaury
and
125th Thirthan son of Nerran
to imprisonment with hard labor for (9) Nine
Months, and that the following prisoners -

9th Camanchee Auxaury
12th Narasingom Auxaury
66th Perriya Poolian
68th Vaisaven Noyi
70th Chinna Poolian
71st Maroothoveren
72d Mootten
73d Verranen
89th Seerungum
91st Ungapen Auxaury
115th Moottoo Caroopen
and
129th Edoomben

14th December 1844.

59th Sanjen alias Pitchacaren
60th Sundy
69th Vengeme
75th Udyacky
77th Palanniyandy
78th Caroopen
95th Periyannen
99th Sundy
103d Caroopen
104th Nunjanootten
105th Mootloo Caroopen
106th Chinnen
107th Velly
108th Mootteen
110th Mootloo Caroopen
111th Palaniyanndy
112th Sundy son of Chinna Nootten
116th Sundy son of Pallany Coodoomben
117th Perriyannen
118th Palladyan
119th Caroopa Coodoomben
121st Caroopen
126th Valen
127th Sundy son of Moorgundy
129th Auroomoogon
130th Periyannen son of Coopah Coodoomben
131st Caroopen son of Caroopa Coodoomben
132d Alagen

135.

F. 46.

14th December 1844.

135th Cervolen
and
136th Caroopen son of Caroopen
to imprisonment with hard labor in irons
for (1) one year and the prisoners.

52d Iyanen
57th Vullen
80th Cooppanoottoo Auxaury
86th Palaniyandy Auxaury
92d Ramasamy son of Periyanen Auxaury
and
128th Sherthan son of Arran
to imprisonment with hard labor for (9) Nine
Months, and that the following prisoners -

9th Camauchee Auxaury
12th Narasingon Auxaury
66th Periya Poolian
68th Vadivaven Rayi
70th Chinna Poolian
71st Maroothoveren
72d Mootten
73d Verranen
89th Seerungum
91st Angapen Auxaury
115th Mootloo Caroopen
and
120th Edoomben

See

be called on to furnish security for their good behaviour and appearance when required each in two sureties of Thirty five Rupees each for (1)one year or in default thereof to be imprisoned for that period.

4.

The Court concur with the Session Judge in considering that the Head Assistant Magistrate Mr. Tain deserves great credit for the prompt, determined, and at the same time, judicious and temperate manner, in which he acted on the occasion; and they have resolved to bring his merits to the notice of the Most Noble the Governor in Council.

5.

In conclusion the Court of Foujdarry Adalut desire that the cause of the delay in the transmission of this Calendar may be explained. It is dated 9th September 1844 but did not reach the office till the 9th November 1844.

Ordered that Extracts of these proceedings be sent to the Sessions Judge of Madura by precept returnable in 10 days from and after its receipt.

(Sent following precept No. 2783)

Read return dated the 27th Ultimo from the Magistrate of Tinnevelly to the precept of the Foujdarry Adalut under date the 21st November 1844 requiring him to submit more detailed information concerning a report of Cases disposed of under the provisions of Section LIV. Act VII of 1843. during the month of October last.

(Here enter F.A. No. 2385.)

Read Calendar dated the 26th Ultimo submitted by the Sessions Judge of Cuddalore in Case No. 62 of 1844.

(Here enter F.A. No. 3278.)

Read Calendar dated 26th Ultimo submitted by the Sessions Judge of Mangalore in Case No. 60 of 1844.

(Here enter F.A. No. 3279.)

Read return dated the 15th Ultimo from the Agent to the Governor of Fort Saint George at Kurnool to the precept of the Foujdarry Adalut dated the 6th November 1844, requesting to know the cause of the delay in Case No. 50 of 1844.

(Here enter F.A. No. 3281.)

Read

14th December 1844

Read Calendar, dated the 23d Ultimo submitted by the Session Judge of Masulipatam, in Case No. 13 of 1844.

(Here enter F.H. No. 3282.)

Read return dated the 29th Ultimo from the Session Judge of Chittoor to the precept of the Foujdaree Udalut under date the 26th November 1844 sanctioning the mitigated punishment recommended by him in Case No. 37 of 1844. and directing that the Prisoner Sabaly be imprisoned and Kept to labor suitable to her sex for and during the priod of 4 Years.

(Here enter F.H. No. 3285)

Read return dated the 2d November 1844 from the Acting Principal Sudr Ameen of Combatoor to the precept of the Foujdaree Udalut under date the 21st Ultimo - conveying their Observations on the Criminal Report for the Month of October 1844.

(Here enter F.H. No. 3288)

Saturday
16th December 1844.

F. U.

At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esqre 1st Puisne Judge,
Malcolm Lewin Esqre Ag: 2d Puisne Judge,
Alexr Maclean Esqre Ag: 3d Puisne Judge,

Read Calendar of Case No. 99 of 1844 submitted by the Sessions Judge of Cuddapah.—

(Here enter F. U. No. 3365 of 1844)

The prisoner in this Case is charged with having "with some "others conducted the Prosecutrix to a "Pagoda accusing her of having com= "=mitted theft, beaten her with a whip, "urging her to take an oath by laying "hold of a hot plough share and forcibly "placing the same on the palm of "her right hand by which the same was "severely burned and wounded".

2. The Sessions Judge fully

Concurs

16th December 1844

concurred with the finding of the Ma-
homedan Law Officer, in answer to a
second question, declaring the prisoner
Gungee peddy Poddy peddy to be guilty
of Lowma Nowmara Kahazoor, or
a forbidden act, and to be liable to
Cokobut, or discretionary punishment,
and recommends, that agreeably to
Clause Seventh Section II Regulation
XV of 1803, he should be sentenced to
six months imprisonment with hard
labor in irons.

3 As this is a case which
the Sessions Judge is fully competent
to dispose of and as there is nothing
in the circumstances of it which calls
for the exercise of any extraordinary
power by the Foujdaree Udalut, the
Court direct that this Calendar be
returned to the Sessions Judge of
Cuddapah and that he be required
to complete the trial by passing

16th December 1844 sentence on the prisoner and forward
the Calendar in the usual way.-

Ordered that Extracts
from these Proceedings be sent to the
Session Judge of Cuddapah for his
information by precept returnable in
3 days from and after its receipt.-

(Sent following Precept No. 2735)

Read a letter dated 5th
Instant from the Session Judge of
Calicut submitting for the final sen-
tence of the Court of Foujdaree Udalut
the proceedings in Case No. 55 of 1844.-

(Here enter No. 3393)

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,
2d "Kundyil Otheran"
is not convicted on presumptive proof,
or on the evidence of credible witness
or

16th December 1844

or on his own confession of the crime of Murder, do acquit him thereof; and, direct that he be unconditionally released.—

1. In this trial Two Prisoners were arraigned on the charge of Murder, but before the trial had closed, the 1st Prisoner died.—

2. The Court are of opinion on a consideration of the entire record that there are very strong grounds for believing the charge against the remaining Prisoner to be well founded, but that the evidence adduced in support of it is questionable and not of that conclusive nature that would warrant a conviction upon it.—

3. The Court of Foujdaree Udalut resolve therefore to give the Prisoner the benefit of the doubt, and acquit him.—

Ordered that Extract from these Proceedings be sent to

16th December 1844

to the Sessions Judge of Nellore for his information.—

(Sent in № 2736)

Read return dated 7th December 1844 from the Principal Sudr Ameen of Nellore to the precept of the Foujdaree Udalut of the 2nd idem containing their remarks and orders on the Nellore Criminal Reports for the months of October last.

(Here enter F.D. № 3385)

Under the explanation afforded by the Principal Sudr Ameen in the 3d parah of the foregoing return the Court of Foujdaree Udalut resolve to direct that the sentence passed by the Sudr Ameen on Pantoory Seetaw paumoodoo the prisoner in Case № 89 be now allowed to take its course.—

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Nellore for his information by precept returnable in 2 days from and after

16th December 1844. after its receipt &c.—

(Sent following Precept No. 2737)

Read return dated the 12th July last from the Magistrate of South Arcot to the Precept of this Court dated 2d July directing him to submit any explanation he may deem proper with reference to the Sessions Courts proceedings of the 11th May 1844 in the Case of Cumdojee Row &c.—

(Here enter No. 1768)

Read letters dated the 8th May and 12th July 1844 from the same Officer forwarding translations of the Proceedings held in the Case of Coopoo Chetty and Cundoje Row.—

(Here enter Nos. 1173 and 1758)

Read communication dated the 9th Ultimo from the Sessions Judge of Cuddalore forwarding the translations of the Records in Cases No. 6 & 9 on the Calendar of the Session Court

16th December 1844. Court for 1844.—

(Here enter No. 3093.)

Read Miscellaneous

Petition presented on the 22d July last by Tookkojee Row alias Ittotopee Row of Tillak Cuddalore impugning the justice of the sentence of the Acting Sessions Judge of Cuddalore passed on the 1st Prisoner in the cases referred to and praying as the complete record of the proceedings held therein will occupy the Foujdaree Adalut a considerable time before a final decision is arrived at, that the Prisoner in question may at once be set at liberty on security.—

(Here enter M.P. No. 930 of 1844)

On a deliberate consideration of the records submitted by the Sessions Judge, the Court of Foujdaree Adalut are of opinion that the trials in question have been properly disposed of by the late Acting Sessions Judge

16th December 1844

Judge and that no grounds appear for any interference on the part of their Court with the Sentences passed by that Officer.

2 In this view of the cases the Court deem it unnecessary further to notice the proceedings of the Subordinate Police Officers of the Magistrates Establishment regarding which the explanations received from the Magistrate of South Arcot have been already recorded.

3. The application preferred by the Petitioner Tookoojee Row is accordingly rejected.—

Ordered that Extract from Para 1 of these Proceedings be sent to the Sessions Judge of Cuddalore

(Sent in No. 2738)

Ordered also that Extracts from paras 1 and 2 of these Proceedings be sent to the Magistrate of South Arcot.

(Sent in No. 2739)

Order

16th December 1844

Ordered also that Extracts from para's 1 and 3 of these Proceedings be granted to the Petitioner on application.—

Read report of Cases pending on the 31st October and committed for trial during the month of November 1844 before the Agent to the Governor of Fort St. George in Vizagapatam.—

(Here enter F. 16 No. 3372)

Adverting to the note appended by the Agent to the 8th Column of this Report, the Court of Sujdaree Adalut observe that he has rightly interpreted the nature of the information intended to be entered in the column in question.—

Ordered that Extracts from these Proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam for his information.—

(Sent in No. 2740)

Read

16th December 1844

Read return dated 23rd November 1844 from the Sessions Judge of Nellore to the precept of the Sunjdaree Udalut of the 23rd October last conveying their remarks on the report submitted by the Sessions Judge of Nellore under Section XXVII Regulation VII of 1803 for 1843 and directing him to call upon the Principal Sudr Ameen of Nellore to explain under what circumstances the case referred to in the 8th parah of the above Report was delayed for the period of one week in the Principal Sudr Ameen's Court.—

(Here enter F. 40 No 3235)

Adverting to the explanation given in the foregoing returns of the delay which occurred in the preparation of the calendars alluded to—

2 The Court of Sunjdaree Udalut concur with the Sessions Judge in

opinion that under the new system the Principal Sudr Ameen should not have allowed delay for the reasons assigned by him but should at once have committed the cases leaving it to the Sessions Judge to call for additional evidence if required and if they desire that the Sessions Judge will issue the necessary instructions on the subject to the Principal Sudr Ameen if he has not already done so.—

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Nellore for his information.—

(Sent in No 2741)

Read Miscellaneous Petition presented on the 4th Ultimo by Pydasharydy Iyengar of the Tillah of Chittoor

(Here enter P. M. P. No 145)

1 The Petitioner complains that

16th December 1844

that a false account of the sale of his property was forged by 4 individuals whom he names, and prays the Court of Tonjdarre Udalut to punish the said persons and to order the restoration of his property to him.—

2 The Court of Tonjdarre Udalut direct that the Petitioner be instructed that if he has a charge of Forgery to prefer against any parties, he must prefer it before the Police or Magistracy of Chittoor and not before the Court of Tonjdarre Udalut.—

Ordered that petition be dismissed and copy of these Proceedings be furnished to Petitioner on his application.—

Read Report of cases pending on the 31st October and committed for trial during the month of November 1844 before the Sessions Judge of Honore.—

(Here enter F. No 2 No 367)

16th December 1844

Case No 22 1 In this case the prisoners arrived before the Session Court on the 1st October, the trial was commenced on the 2d idem and was concluded on the 14th November having occupied three days in the trial. The sentence however was not passed till the 19th November or 4 days after

Case No 23 2 This case which was closed on the 14th October and only occupied two days in its trial is stated to be "waiting for Jutwah" at the close of the month,— being 17 days after the trial was closed.

Case No 24 3. This case was received by the Session Court on the 10th October and on the same day the trial was commenced and closed, but the information required from the Acting Joint Magistrate on the 11th October having been received on the 2nd and 12th November the sentence was passed on the 16th November or 29 days after the trial was closed.—

Case No 25. 4. This trial was received on

16th December 1846

on the 17th October was commenced on the 22nd idem and was closed on the 23d November but up to the 30th November or 7 days after the conclusion of the trial it is recorded that it was waiting for futwah.-

Case No 27 5 Has been omitted from the statement.-

Case No 28 6 Sentence in this case which was closed on the 14th November was not declared till the 26th on 12 days after the conclusion of the trial

7 The Court consider the delay which has been permitted to occur in these cases between the closing of the trial and declaration of the sentence to be wholly unjustifiable and they require that it may be explained in each case fully and completely

The Court also desire it may be stated what was the nature of the information required from the Acting Joint Magistrate in Cases Nos 24 and 25

16th December 1846

after the closing of the trial.-

8 Some explanation is also necessary regarding the omission to enter in the statement case No 27

Ordered that Extract from these proceedings be sent to the Sessions Judge of Honore for his information by Precept returnable in 5 days from and after its receipt.-

Sent following precepts No 2742 &

DM

K

Jm

Read letter dated 8th ultimo from the Acting Magistrate of Rayah-mundry reporting that the powers vested in him by Act VII of 1844 have not been exercised in October last.-

(Here enter F. 21 No 3122)

Read return dated 8th November 1846 from the Sessions Judge of Calicut to precept of the Zillah Adalut under date 3d September last requiring him to call for the record of Case No 28 of the Report No V of the Principal Sudder Ameen of Cochin for July preceding and pass such orders thereon as he may consider requisite reporting the same for the information of that Court.-

(Here enter F. 21 No 3125) Read

16th December 1844

Read Report dated 31st October 1844 from the Session Judge of Nellore of Extra Proms and Convict labor Vide

(Here enter F. U. No 3126)

Read report dated 8th Ultimo from the Sessions Judge of Honore of Criminal Cases disposed of by the Sudr Ameen of Sircy for the month of October 1844.

(Here enter F. U. No 3127)

Read letter dated 7th November 1844 from the Sessions Judge of Chingleput reporting the Execution of the Prisoners Subbum in Case No 19 of 1844.—

(Here enter F. U. No 3041)

Read letter dated 7th Ultimo from the Acting Magistrate of Nellore stating that the delay in transmitting the Case No 62 of 1844 to the Sudr Ameen Court by the Police Officer was occasioned as stated by him from the great number of Witnesses he had to Examine.—

(Here enter F U No 3046)

F U

Tuesday
17th December 1844 At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqr } Judges
Malcolm Lewin Esqr } Sessions
Alexander Maclean Esqr }

Read Calendar in Case No 62, submitted by the Sessions Judge of Calicut for 1844.—

(Here Entd No 3364)

On reference to the Circumstances stated in the last Column of the above Calendar, the Court of Foujdaree Adalut think that the Sessions Judge has acted properly in deferring the trial of the Prisoners.—

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Calicut for his information.—

(Sent in No 2746)

Read Criminal Reports for the Month of October 1844 submitted by the Sessions Judges of Tellicherry

17th December 1844

Tellicherry

(Here Enter Ple No 3137)

1 The Court of Enjdaree observe that in all the committed cases included in this report, the Sessions Judge, in addition to the information required by Circular Order 16th November 1831, has embodied in the Column of remarks the result of the trial before the Sessions Court

2 This practice answers no good purpose, and only tends unnecessarily to swell the Criminal Reports.

3 The Court therefore direct that it be for the future discontinued

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tellicherry for his information

(Sent in No 3747)

Read again the Criminal Reports for the month of September 1844 forwarded by the Principal Sudr Ameen of Guntoor.

(Here Enter Ple No 2771)

17th December 1844

Read return, dated the 19th Ultimo, from the Sessions Judge of Guntoor, to this Court's Precept of the 23rd October last, calling upon him to report whether there were any grounds for the many References, which are stated to have been made previous to the transmission to the Principal Sudr Ameen of Guntoor of Case No 33, in the Criminal Reports for the month of September 1844.-

(Here Enter Ple No 3220)

The Sessions Judge states that the delay in forwarding the case above referred to, appears in some measure to be attributable to the Acting Head Assistant Magistrate of Guntoor, who although at Guntoor the place of residence of all the parties and witnesses concerned at the time the original Complaint was preferred before him by the Prosecutor, yet referred it on the 11th May last to the Head of Police with instructions to

December 1846

to examine the case, and to return the record to the Acting Head Assistant Magistrate for final decision; and who further unnecessarily sent back the record of the case to the Head of Police, on the 19th June last for re-investigation.

2 He is of opinion, however, that the delay was mainly caused by neglect on the part of the Head of Police, who did not enter upon the examination of the case until the 4th July, nearly a Month after it had been forwarded to him; and also failed to proceed with the reinvestigation of it according to the orders of the Acting Head Assistant Magistrate of the 19th June, for upwards of a Month after the records had been returned to him.

3 The Session Judge does not consider the references to have been the cause of the delay; but the delay on the part of the Head of Police to have been the cause of the [illegible] references.

J.W.

17th December 1846.

4 He further reports that one of the causes assigned by the Head of Police for the delay, viz "the absence of some of the material witnesses from their place of abode," was not founded on fact.-

5 The Court of Foujdaree Adaulut regret that the Acting Head Assistant Magistrate, with the facilities which he appears to have possessed for bringing the Case to a speedy termination, did not at once enter upon the merits of it himself, instead of referring it to the Head of Police for examination.-

6 The Court concur with the Sessions Judge in considering the course adopted by the Acting Head Assistant Magistrate to be objectionable and improper, inasmuch as its tendency must generally be, by relieving the Subordinate Officers of all responsibility, to induce a want of care energy and efficiency in the execution of the duty deputed

deputed to him.-

7. At the same time the Court cannot admit the Acting Head Assistant Magistrate's error in Judgment to be any excuse for the unwarrantable Conduct of the Head of Police-

8 The Foujdaree Adalut are of opinion that the gross inattention and neglect, evinced by the Gentoor Tahsildar throughout this case, is aggravated too by his want of Candour in asserting that, which he has no foundation in truth, as a cause of the great delay in forwarding the record to the Principal Sudr Ameen, require to be noticed with severity.-

9 They therefore resolve to call upon the Acting Magistrate of Gentoor seriously to admonish and warn the Head of Police, and to impose such a fine upon him as may be deemed sufficient to prevent a similar dereliction of duty in future.

Ordered that Copys of these Proceedings be forwarded to the Sessions Judge of Guntoor for his information and guidance, and for communication to the Acting Magistrate of Guntoor.-

(Sentence No 2748)-

Read Calendar in Case No 62 of 1844, on the file of the Sessions Court of Mangalore, forwarded by the Sessions Judge under date the 3d Instant-

(Here enter Fleet No 336)

1 The Prisoner in this Case is charged with wilful and corrupt Perjury- He is found guilty of the charge by the Assessors, and in this verdict the Sessions Judge concurs, but being of opinion that the Sentence prescribed by law would, under the circumstances of the Case, be too severe, he recommends that a mitigated Sentence of two years' imprisonment be passed upon the Prisoner.

2 The Court of Foujdaree Adalut concurs the indictment to be very

very defective.

3 Judging from the report of the case as set forth in the Calendar the Tonjdaree Adalut are inclined to think that the Prisoner should be set at liberty

4 Before passing judgment however, they desire to be informed in what way the false swearing of the Prisoner was material to the issue of the trial in case No. 56 of 1844 before the Sessions Court and what the issue of the said trial was

Ordered that Copy of these Proceedings be forwarded to the Sessions Judge of Mangalore for his information and guidance by Precept returnable in 10 days from and after its receipt.-

Sent following precept No. 2749

R.

F. U.

Wednesday 18th December 1844.

At a Court of the Tonjdaree Adalut

Present.-

Henry Dickinson Esqr. 1st
Malcolm Lewin Esqr. Acting 2d
Alexr. Maclean Esqr. Acting 3d
} Prisnl Judges

Read letter, dated 4th December 1844 from the Sessions Judge of Madura forwarding copy of a letter from the Subordinate Judge of Madura together with abstract Reports of Cases Nos. 157 and 161 of 1844 on the Criminal file and requesting the instructions of this Court in regard to the manner in which the said cases are to be disposed of by the Subordinate Judge.-

Here Enter F. U. No. 3368/

The Court of Tonjdaree Adalut but observe that the points of doubt are by no means clearly set forth in the foregoing correspondence, and the reference has been submitted in so slovenly a way as to put it out — of the power of this Court to give the satisfactory reply they could desire.-

2 It would seem however that the

that the point material to the issue in the Cases referred is whether a robbery was falsely charged against particular persons named in the charge - if this were the case there can be no doubt that as false depositions so given would constitute perjury.-

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

(Sent in N° 2752)

Read letter dated the 10th December 1844 from the Sessions Judge of Cuddapah transmitting translation of the record in Case N° 95 of the Calendar for 1844 for final sentence.-

(Here Enter N° 3426)

Mr. M. Lewin and Mr. A. Maclean

The Court of Sonjdaree Adawlut on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the Prisoner "Chakoosain" is sufficient to convict him of the crime of Murder, do convict him thereof and under the provisions of Section X Regulation VIII of 1802 sentence him to suffer death by hanging

hang hanged at the usual time and place of execution.-

(Sent following letter N° 2753)

Read the Criminal Reports submitted by the Acting Subordinate Judge of Mangalore for the Month of November 1844.-

(Here Enter J & C N° 3407 of 1844)

Read letter dated 11th Instant from the Acting Sessions Judge in charge of Bellary transmitting explanations in paras 5, 7 and 9 of the Extract from the proceedings of the Court of Sonjdaree Adawlut under date the 2d December 1844.

(Here Enter J & C N° 3429 of 1844)

Read return dated 12th Instant from the Sessions Judge of Combaconum to the precept of the Sonjdaree Adawlut under date the 26th November 1844 reducing the sentence passed on the 7th Prisoner in Case N° 7 of 1843 on the file of the Sessions Court of Combaconum

(Here Enter J & C N° 3431 of 1844)

Read letter dated 9th Instant from the Acting Magistrate of Rajahmundry reporting that the powers vested in the Magistracy by Section 1 & 11 Act VIII of 1843

1843 have not been exercised in November 1844.-

(Here Enter F.U. N° 3432 of 1844)

Read letter dated the 12th Instant from the Magistrate of Sunt. Asst reporting that the powers vested in the Magistracy by Section XIV Act VII of 1843 have not been exercised in November 1844.-

(Here Enter F.U. N° 3433 of 1844)

Read letter dated the 10th Instant from the Acting Magistrate of Gunture reporting that the powers vested in the Magistracy by Section XIV Act VII of 1843 have not been ——— exercised in November 1844.-

(Here Enter F.U. N° 3434 of 1844.)

Read letter dated the 10th Instant from the Acting Magistrate of Canara reporting that the powers vested in the Magistracy by Section XIV of Act VII of 1843 have not been exercised in November 1843.-

(Here Enter F.U. N° 3435 of 1844)

Thursday 19th December 1864.

37. U.

At a Court of the Sunjdaree Adalut.

Present

Henry Dickinson Esq^re 1st
Malcolm Lewin Esq^re Acting 2d
Alexander Maclean Esq^re Acting 3d
} Puisne Judges

Read letter dated the 30th Ultimo from the late Acting Session Judge of Sundalore submitting for the consideration of the Judges the causes for the delay in the disposal of the Cases alluded to in the Extract from their Proceedings of the 14th Ultimo in the hope that a review of the matter will induce the Judges to withdraw the censure recorded.

(Here Enter N° 3352)

Before finally disposing of the above representation, the Sunjdaree Adalut resolve to transmit a copy thereof to the Session Judge of Cuddalore with a request that he will call upon the Mahomedan Law Officer to state the number of days and hours he sat at trial within the period embraced in the late Acting Session

Judges

Sessions Judge's report and what number of days indisposition prevented him.

2 The Sessions Judge is also requested to state for the information of the Court of Foujdaree Adalut whether on reference to the records of the Sessions Court it appears generally that the obstacles which the late Acting Sessions Judge would seem to have encountered in the discharge of his Criminal functions are such as of themselves create the serious delay which the late Acting Sessions Judge has sought to justify.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore by Precept returnable in Fifteen days from and after it's receipt.

Sent in N.2757.

Read again Return dated 14th September, and also read Supplemental return dated 12th November 1844 from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut of the 10th September last, calling for the records of the trials in Cases Nos. 64, 65, and 66 of 1844 on the file of the Sessions

Sessions Judge of Cuddapah.

(Here Enter F.R. Nos. 2522 & 3143.)

Messrs. M. Lewin, and A. Maclean

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the prisoners,

1st Apilea Condereddy

Gauree Condadoo

and

2d Balabitchee Moodialloo

Gaidoo

is sufficient to convict them of the crime of Arson, for which according to the Mahomedan Law as declared in Futwas of their Law Officers, discretionary punishment is awardable, do convict them thereof, and, under the provisions of Clause third, Section VII Regulation XV of 1803, do sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public Works, for, and during the period of (14) fourteen years.-

The Court observe that the Sessions Judge has awarded the whole measure

19th December 1844

measure of punishment that he was competent to award under the Law upon the Prisoners in Case No 54 but under the peculiar aggravations of the Case they consider he would have acted with more judgment had he referred it for the final sentence of the Foujdaree Adalut.

2 As after an anxious Consideration of the records now submitted the Court are of opinion that the punishment inflicted by the Sessions Judge is wholly inadequate to the offence committed by the Prisoners, they resolve to set aside his sentence and to pass a fresh one under Clause third Section VII Regulation XV of 1803.

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

(Sent following letter No 2758)

End H.

F. H.

Friday

20th December 1844

F. H.

At a Court of Foujdaree Adalut

Present

Henry Dickinson Esqr 1st
Malcolm Lewin Esqr 2d
Alexr Maclean Esqr 3d
} Puisne Judges

Read the Criminal Reports for the Month of November 1844 forwarded by the Acting Subordinate Judge of Rajahmundry under date the 1st instant.

(See order F. H. No 3382)

Suppl. Report Case No 52

1. The Court of Foujdaree Adalut see reason to doubt the Correctness of the Sessions Judge Dunsmure's sentence in this Case. They direct therefore that it be suspended, and that the Sessions Judge of Rajahmundry be required to review the Proceedings held in the Case, and to pass such Order thereon as may appear to him necessary reporting the result for the information of the Foujdaree Adalut.

Report No V Case No 54

2. As the delay in forwarding this Case to the Subordinate Court did not exceed 5 days the explanation offered in the Report

16th December 1846

measure of punishment that he was competent to award under the Law upon the Prisoners in Case No 64 but under the peculiar aggravations of the Case they consider he would have acted with more judgment had he referred it for the final sentence of the Foujdaree Adalut.

2 As after an anxious Consideration of the records now submitted the Court are of opinion that the punishment inflicted by the Sessions Judge is wholly inadequate to the offence committed by the Prisoners, they resolve to set aside his sentence, and to pass a fresh one under Clause third Section VII Regulation XV of 1803.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for his information. (Sent following letter No 2758)

F D M

Ent W.

F. H.

Friday 20th December 1846

F. H.

At a Court of Foujdaree Adalut

Present

Henry Erskine Esqr 1st
Malcolm Lewin Esqr 2d
Alexr Maclean Esqr 3d

} Puisne Judges

Read the Criminal Reports for the Month of November 1846 forwarded by the Subordinate Judge of Rajahmundry under date the 7th instant.

(Here enter F. H. No 3382)

Suppl to Report Case No 52

1. The Court of Foujdaree Adalut see reason to doubt the Correctness of the Pundit Lude Ameen's sentence in this Case. They direct therefore that it be suspended, and that the Sessions Judge of Rajahmundry be required to review the Proceedings held in the Case, and to pass such Orders thereon as may appear to him necessary, reporting the result for the information of the Foujdaree Adalut.

Report No V Case No 5th

2. As the delay in forwarding this Case to the Subordinate Court did not exceed 5 days the explanation offered in the Report

20th December 1842. Report was unnecessary according to the instructions laid down in Zeijdaree Adalut Circular Order 18th May 1832.

Case No. 57.

3. The Zeijdaree Adalut require that the Rumdapetta Head of Police be called upon to explain for their information, the nature of the doubt entertained by him regarding the disposal of this case, which led to the reference made to the acting Head assistant Magistrate of Rajahmundry.

4. From the statement appended to these Reports, it appears that 27 Jail Cows were employed at Rajahmundry during the month of November 1842; as only 103 Prisoners were worked outside the Jail, and the authorized guard for this number of Convicts is only 26 Cows, the Subordinate Judge is required to explain the reason of 1 Cow being employed in excess of the prescribed complement.

Ordered, that Extract from these proceedings be forwarded to the acting Subordinate Judge of Rajahmundry, for his information and guidance and for communication of para 1 to the Zeijdaree Judge.

(Sent in No. 2763)

Read the Criminal Reports for the Month of November 1842 forwarded by the

20th December 1842. the Subordinate Judge of Bellary under date the 1st instant.

(Here Enter L.H. No. 3403)

Report No. V

Case No. 161.

1. The Magistrate of Bellary will be pleased to require from the Hoosenhudgely Head of Police, and to submit direct for the information of the Zeijdaree Adalut an explanation of the delay of 2 days in transmitting this Case to the Subordinate Court.

Cases Nos. 162 & 167.

2. The Court of Zeijdaree Adalut direct that a full explanation of the grounds of the reference made in these Cases to the Magistrate of Bellary by the Hoosenhudgely Tahsildar, be submitted for their information.

3. The Court take this opportunity of impressing upon the Magistrate of Bellary the importance of strict attention on the part of Police Officers to the directions contained in Clause Fourth Section XXVII Regulation XI of 1816 whereby much unnecessary delay in the transmission of Prisoners to the Criminal Courts would be prevented.

Case No. 168.

4. The subject of the Amildar of Tahsildars reference in this Case to the Joint Magistrate of Bellary is required to be stated for the information of the Zeijdaree Adalut.

The

20th December 1844. 5.

Case No. 174.

The Magistrate of Bellary is required to submit direct for the information of the Court of Sudder Adalut an explanation of the delay on the part of the Head Assistant Magistrate in this Case.

Ordered that Copy of these Proceedings be forwarded to the Acting Subordinate Judge of Bellary for his information and guidance and for communication to the Magistrate of Bellary by precept returnable in 7 days from and after its receipt.

(Sent following Rcpt. No. 2764)

Read letter dated 10th Instant from the Sessions Judge of Guntoor reporting execution of the sentence of death passed on the Prisoner in Case No. 20 of 1844 on the file of the Sessions Court at Guntoor.

(Here enter No. 34.14)

Read report dated 11th Instant submitted by the Acting Sessions Judge of Vizagapatam of Casualties and of Prisoners released in the Zillah of Vizagapatam in the Month of November 1844.

(Here enter No. 34.15)

Read report of Convict Labours dated 11th Instant submitted by the Acting Sessions Judge of Vizagapatam and Estimate value of all Articles produced by the labour of Prisoners during the

20th December 1844. Month of November 1844.

(Here enter No. 34.16)

Read Statement dated 9th Instant submitted by the Sessions Judge of Masulipatam shewing the instances in which the powers of Punishment created by Regulation X of 1832.

(Here enter No. 34.17)

Read Gaol Report dated 9th Instant submitted by the Sessions Judge of Masulipatam for the Month of November 1844.

(Here enter No. 34.19)

Read letter dated 12th Instant from the Magistrate of Chingleput reporting that no sentences were passed by himself and his Assistants during the month of November 1844 under Section LIV of Act VII of 1843.

(Here enter No. 34.20)

Read Report No. VII dated 13th Instant submitted by the Sessions Judge of Nellore together with Statement of additional Sums and Convict Labor Report for November 1844.

(Here enter No. 34.30)

Read letter dated 11th Instant from the Acting Magistrate of Cuddapah reporting that no Cases have been tried either by himself the Joint Magistrate or the Head Assistant under Section LIV Act

20th December 1846. Act VII of 1843 during the month of November last
(Here enter No. 3436)

Read letter dated 12th Instant from the Principal Sudr Ameen of Dimmerally, enclosing Copy of the Proceedings of the Sessions Court under date the 7th December 1846 as an appendix to the Dimmerally Criminal Reports for the month of November 1846.
(Here enter No. 3440)

Read return dated 10th Instant from the acting Subordinate Judge of Mangalore in the precept of the Sessions Docket under date the 25th November 1846 directing that paras 1 & 5 and 6 of the Extract communicated to the Magistrate, and that with reference to Case No. 184 on the Criminal Report for October last the Sudr Ameen be instructed to attend in future to the directions set forth in Sessions Docket Circular Order of the 5th August 1829.
(Here enter No. 3444)

Read letter dated 12th Instant from the Magistrate of Coimbatore informing that the Powers which the Magistrates are invested with by Section LIV of Act VII of 1843 were not exercised during the month of November 1846.
(Here enter No. 3447)

Read letter dated 7th Instant from

20th December 1846. the Magistrate of Bellary requesting that the Powers vested by Section XLIV Act VII of 1843 have not been exercised by the Magistracy of that District during the month of November 1846.
(Here enter No. 3448)

Read letter dated 12th Instant from the Magistrate of Madura reporting the powers vested in Magistrates &c by Section LIV Act VII of 1843 have not been exercised in last month.
(Here enter No. 3449)

Read report dated 12th Instant submitted by the Magistrate of Salem of Cases tried by the Magistracy under the Provisions of Section LIV Act VII of 1843 during the month of November 1846.
(Here enter No. 3450)

Read the Criminal Reports dated 6th Instant submitted by the Principal Sudr Ameen of Dharapore for the month of November 1846.
(Here enter No. 3451)

Read the Criminal Reports dated 10th Instant submitted by the Sessions Judge of Honore for the month of November 1846.
(Here enter No. 3453)

Read report dated the 11th Instant submitted

December 1844

20th December 1844. Submitted by the Session Judge of Cuddalore of Commitments and of prisoners released in the Month of November 1844.

(Here enter No. 3455)

Read Calendar dated 12th Instant submitted by the Acting Session Judge of Rajahmundry in case No. 15 of 1844.

(Here enter No. 3464).

Read letter dated 18th Instant from the Magistrate of North Arcot submitting explanation on case No. 136 in the Supplemental Report required in the Extract from the Proceedings of the Court of Zuzidaree Adalut dated 30th November 1844.

(Here enter No. 3466)

End 7th

Read Statement dated 1st November 1844 from the Acting Session Judge of Tinnevelly of the Labour of Convicts in the Jail at Tinnevelly during the Month of October 1844.

(Here enter No. 3140)

Read Calendar without date from the Session Judge of Chingleput in Case No. 21 of 1844.

(Here enter No. 3145)

Saturday,
21st December, 1844.

At a Court of the Foujdaree Adalut.

Present,

Henry Dickinson Esquire 1st Puisne Judge.
Malcolm Lewin Esquire Actg 2d Puisne Judge.
Alexr Maclean Esquire Actg 3d Puisne Judge.

Read Calendar in Case No. 101 of 1844 submitted by the Session Judge of Cuddapah under date the 12th December 1844.

(Here enter No. 3428.)

1. The prisoner in this case is charged with having at night robbed on his way from Madras with the 2d Prosecutor and the 5th, 6th and 7th witnesses and others and when they halted stolen a sealed bag containing ready Cash amounting to Pagodas 2,500 belonging to the 1st Prosecutor which was on the 2d Prosecutors Cart.

2. The Law Officer acquitted the Prisoner in first instance on the ground of Technical objections, but in answer to the 2d question convicted him of Larceny and declared

declared him to be liable to Corroboration.

3. The Sessions Judge expresses his opinion that there can be no hesitation in declaring that the Prisoner is guilty of the offence laid to his charge, although he considers that his being the only person brought forward to suffer the just punishment of this crime, is a fitting cause for a mitigated sentence. He therefore concurred with the Futwah of the Law Officer and recommends that he be sentenced agreeably to Clause first Section V Regulation XVII of 1803, and Section IX Regulation I of 1825, to three years imprisonment with hard labor in irons.—

4. There do not appear to the Court of Foujdarry Udalut to be any grounds whatever for mitigation in this Case, which is one involving a theft of large amount and is attended with circumstances of an aggravated character.

5. They resolve therefore to direct that the Law be permitted to take its course and that the prisoner,

"Voopparadontum Vencutnaragandoo"

be sentenced under the provisions of Section XVI Regulation VII of 1802 to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 7 years.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for his information by precept returnable in X days from and after its receipt.

(Sent following precept No 2767.)

Read again Calendar No IX and IX for 1846, submitted by the Sessions Judge of Calicut under date the 21st Ultimo.

(Here enter S.R. No 3246.)

Read also return dated 10th Instant from the Sessions Judge of Calicut, to the precept of the Foujdarry Udalut under date the 3d Idem calling upon him to state in what respect Clause 7th Section II Regulation XV of 1803, is applicable to Case No 60 of 1846 on the Calendar, which judging from the record appeared to the Foujdarry Udalut to be one of robbery by

open

declared him to be liable to Coobut.

3. The Session Judge expresses his opinion that there can be no hesitation in declaring that the Prisonr is guilty of the offence laid to his charge, although he considers that his being the only person brought forward to suffer the just punishment of this crime, is a fitting cause for a mitegated sentence. He therefore concurred with the Futwah of the Law Officer and recommends that he be sentenced agreeably to Clause first Section V Regulation XV of 1803 and Section IX Regulation I of 1825, to three years imprisonment with hard labor in irons.—

4. There do not appear to the Court of Foujdarry Udalut to be any grounds whatever for mitigation in this Case, which is one involving a theft of large amount and is attended with circumstances of an aggravated character.

5. They resolve therefore to direct that the Law be permitted to take its course and that the prisoner

Voopparadontuin Vencittanaygaudoo

be sentenced under the provisions of section XXI Regulation VII of 1802 to be imprisonid and kept to hard labor in irons on the public roads or other public works for and during the period of 7 years.

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddapah for his information by precept returnable in X days from and after its receipt.

(Sent following precept No 2767.)

Read again Calendar Nos LIX and LX for 1846, submitted by the Session Judge of Calicut under date the 7th Ultimo.

(Here enter F.D. No 3246.)

Read also return dated 10th Instant from the Session Judge of Calicut, to the precept of the Foujdarry Udalut under date the 3d Idem calling upon him to state in what respect Clause 7th Section II Regulation XV of 1803, is applicable to Case No 60 of 1846 on the Calendar which judging from the record appeared to the Foujdarry Udalut to be one of robbery by

open

declared him to be liable to Corroborat

3. The Session Judge expresses his opinion that there can be no hesitation in declaring that the Prisoner is guilty of the offence laid to his charge, although he considers that his being the only person brought forward to suffer the just punishment of this crime, is a fitting cause for a mitigated sentence. He therefore concurred with the Futwah of the Law Officer and recommends that he be sentenced agreably to Clauses first Section V Regulation IV of 1843, and Section IX Regulation I of 1825, to three years imprisonment with hard labor in irons.—

4. There do not appear to the Court of Foujdarry Udalut to be any grounds whatever for mitigation in this Case, which is one involving a theft of large amount and is attended with circumstances of an aggravated character.

5. They resolve therefore to direct that the Law be permitted to take its course and that the prisoner,

Voopparadontuin Vuyidyenaidoo

be sentenced under the provisions of Section XVI Regulation VII of 1802 to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 7 years.

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddapah for his information by precept returnable in V days from and after its receipt.

(Sent following precept No 2767.)

Read again Calendar No. LIX and LX for 1846, submitted by the Session Judge of Calicut under date the 21st Ultimo.

(Here enter Ex. No. 3246.)

Read also return dated 10th Instant from the Session Judge of Calicut, to the precept of the Foujdarry Udalut under date the 3d Idem, calling upon him to state in what respect Clause 7th Section II Regulation XV of 1803, is applicable to Case No 60 of 1846 on the Calendar, which judging from the record appeared to the Foujdarry Udalut to be one of robbery by

Read

open violence by a single armed person and punishable under another Regulation.

(Here enter No 3445.)

1 In the above return the Session Judge states that as the Prisoner was proved to have been alone and unarmed and the violence offered to the Prosecutrix was of a very trifling nature, and after the Prisoner had been wounded somewhat severely by her on the head, he did not regard the crime as one coming under the provisions of Section VII Regulation XII of 1803, or Clause 4th Section II, Regulation VI of 1832, but rather as a case of theft, for which the Prisoner was committed in consequence of his previous arraignment upon the charge of robbery, and as Hurd was barred owing to the stolen property not amounting to the Nisab which has been deemed an admissible Shoobah, he considered himself bound to award a sentence under Clause 5th Section II of the first mentioned Regulation, and requests that should the Judge however be of opinion that the case of the Prisoner falls under either of the abovementioned enactments that they

they will be pleased to sanction the mitigated sentence passed upon the Prisoner.

2 The Court of Foujdaree Udalut having maturely considered the circumstances of the case as presented in the foregoing return, sanction under Clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Sessions Judge and accordingly direct that the prisoner

Moolatodyil Kovvony Nair

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

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

(Sent following precept No 2768.)

Read the Criminal Report for the month of October 1844 submitted by the Subordinate Judge of Combaconum.

(Here enter No 3149.)

Read

Read also communication dated 7th instant from the Session Judge of Combaconum requesting, in conformity with an application received from the Magistrate of Tanjore, the opinion of the Foujdarry Udalut, whether the Perchanpotkars of the police Establishment under the orders of the Magistracy of the Tanjore District should not be held to be amenable to punishment under the provisions of Section XI. Regulation XIII of 1832.-

(Here enter No 3376.)

1. The reference for the Court's opinion which has been made by the Magistrate of Tanjore has resulted from the mode in which the Subordinate Judge of Combaconum recently disposed of certain cases wherein the Prisoners were charged with gross and culpable neglect in having allowed the escape from custody of the Prisoners over whom they had been placed as guards.

Cases 169, 172 and 190 of 1846

2. It does not appear that Case 190 has been yet brought under the supervision of the Foujdarry Udalut, but Cases 169 and 170 had not escaped the Court's notice and it

was in contemplation to call upon the Subordinate Judge to explain on what grounds he had considered Circular Order No 156 to be inapplicable to those Prisoners who, though deemed by him to be guilty of the offence imputed to them, had nevertheless been acquitted and released.-

3. The observations now submitted by the Magistrate of Tanjore on the propriety of which the Session Judge has concurred, are, the Court think, clearly demonstrative of the amenability of the class of Persons designated Perchanpotkars to the penalties prescribed by Section XI Regulation XIII of 1832, and it is accordingly resolved to convey their opinion to the Subordinate Judge of Combaconum who on future occasions will be guided thereby in the disposal of cases similar to those now under remark. It is further resolved to furnish the Subordinate Judge for his information with a transcript of the Magistrate's address above alluded to.-

Case No 177.

4 The Foujdarry Udalut observe that

that there has been great and unusual delay in the transmission of this Case to the Subordinate Court, but it would seem to have been unavoidable.-

5 The authority quoted by the Moosfty Sudr Ameen in support of the sentence passed in this Case, is inapplicable, the charge not involving the crime of house-breaking. It should have been Clause fourth Section III, not Clause sixth, Section II of Regulation VII of 1822.-

Case № 181.

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

(Sent in № 2769)

Ordered also that Extract from these proceedings (Paras 1, 2, 3, and 4.) be forwarded to the Session Judge of Combaconum for communication to the Magistrate of Tanjore.

(Sent in № 2770)

Read the Criminal Reports for the Month of November 1844, submitted by

by the Principal Sudr Ameen of Chingleput under date the 13th instant.

(Here enter F.M. № 3411)

The mode in which entry was effected by the Prisoner "Shaikmyan" into the houses of the Prosecutors in these Cases should have been specified in the charge, in order to enable the Court of Foujdarry Udalut to judge whether such entry were sufficient to constitute the offence of breaking within the provisions of Section II Regulation VII of 1822.

Report № V Cases № 59 and 60.-

Ordered that Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Chingleput for his information and guidance by precept returnable in V days from and after its receipt.-

(Sent following precept № 2771)

Read return dated 30th November 1844 from the Session Judge of Chicacole to the precept of the Foujdarry Adalut of the 21st Idem conveying their remarks and orders on the Chicacole Criminal Reports for the month of October last.

Here

(Here enter F.H. No 3377)

1.

In their proceedings of the 21st November last the Court of Foujdaree Udalut pointed out to the Session Judge that 1 peon had been employed in excess of the regulated number permitted by their Circular Order of the 25th June 1834 and required him to explain the cause of the excess.

2.

In this return Mr Glass states that including the two security Prisoners who were kept to work upon the roads in provisions of Section XIII Regulation VII of 1817 the total number of those who worked outside the jail is 86, and as it is expressly mentioned in the above sanction that security Prisoners should not be kept to work with the Convicts, one Peon was therefor entertained for the purpose of guarding them.

3

In the Circular Order of the 25th July 1831 the Court of Foujdaree Udalut adverting to the very practice, which would appear from this return to obtain in the Chicacole Jail viz of employing security prisoners on the public roads provided they be not worked with Convicts

directed that this practice be discontinued and that prisoners detained on a requisition of security be put to labor only in, or about the gaol, and in the modes pointed out in their circular orders of the 19th January last. and in their Circular Order of 13th March 1835, the Court strictly prohibited the entertainment of any extra Peon for prisoners of any class put to labor within the walls of the Jail. For their supervision, it is remarked, and safe custody the fixed Jail guard is considered by the Judges to be sufficient.

4.

Under these distinct and clear instructions the Court of Foujdaree Udalut are compelled to observe that the employment of the extra Peon by the Session Judge was unjustifiable and cannot be sanctioned.

5.

The Court accordingly resolve under the instructions of Government embodied in Sudr Udalut Circular Order No 21 to return the statement of Extra Peons for amendment. The Session Judge will expunge from it the Peon unauthorizedly employed

bearing

1st December 1846

bearing the charge personally and return the statement duly corrected.-

Ordered that Extract from these proceedings be sent to the Session Judge of Chicacole for his information by precept returnable in X days from and after date of receipt.-

(Sent following precept No 2773)

Read the Criminal Reports submitted by the Acting Principal Sudr Ameen of Combatore for the month of November 1846.

(Here enter No 3395.)

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

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

(Sent in No 2773)

F. U.

Monday-
23d December 1846-

At a Court of the Fuujdaree Udalut
Present,
H. Dickinson, Esqr 1st Puisne Judge
M. Lewin, Esqr 1st Actg 2d Puisne Judge
A. Maclean, Esqr 1st Actg 3d Puisne Judge

Read letter dated the 6th Instant from the Agent to the Governor at Kurnool submitting a Summary of the evidence against a prisoner charged with Assault and Robbery when single and unarmed and recommending that he be sentenced to 4 years imprisonment with hard labor and further to receive 100 lashes.-

(Here Enter No 3387)

The Court of Fouj-dary Udalut having maturely consid. the Summary of the evidence before the Agent, the Statement of his grounds for the conviction & his opinion as to the punishment

deem proper reporting the result for
the information of the Foujdaree Udalut.

Case No. 122. 5. The explanation offered for
the delay of 9 days in forwarding this
case to the Principal Sudr Ameen's
Court is insufficient.—

6. The Magistrate of
Nellore is directed to instruct the
Cotah Tahsildar that the nonattin-
dance of witnesses cannot be admitted
by the Court of Foujdaree Udalut as
a valid and satisfactory reason for
the detention of a Prisoner in the
Talook.

7. So soon as the Head of
Police shall have taken evidence suf-
ficient to satisfy himself of the
Prisoner's guilt it is his duty to for-
ward him to the Criminal Court
with a report that such further evidence
as may be forthcoming shall be
afterwards forwarded.—

Ordered that Copies of
these Proceedings be forwarded to the
Principal

Ft. Ue

23d December, 1844.

Principal Sudr Ameen of Nellore
his information and guidance and fo
communication of paras 2. 3 and 4 to
the Sessions Judge. and of paras 5.
and 7 to the Magistrate of Nellore
for their information and guidance

(Sent in No. 2775)

Read the Criminal
Reports submitted by the Princi-
pal Sudr Ameen of Guntoor for
the Month of November 1844.

(Were entered No. 3441)

Report No. V.
Case 43.

From the report of
this case as it is submitted by the
Principal Sudr Ameen it would
appear to involve a charge of robbery
The Court accordingly resolve to
request the Sessions Judge to look
into it and having passed such
orders as may seem to be required
to report the same for the informa-
tion of the Foujdaree Udalut.—

Ordered, that Extract
from these proceedings be forwarded

23d December 1844

to the Sessions Judge of Guntoor by
precept returnable in XV days from
and after its receipt.

Sent following precept No. 2776

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

Sent in No. 2777

Ed. 7th.

P.D.K.

Read Report
dated the 1st Ultimo submitted by the
Sessions Judge of Cuddapah of cases pending on
the 30th September & committed for trial during the month of October 1844

Here enter F. No. No. 3061.

Read Report dated the
1st Ultimo submitted by the Acting Sessions
Judge of Trichinopoly of Casualties and
of Prisoners released during the month
of October 1844.

Here enter F. No. No. 3139.

Read return dated the 28th
October last from the Magistrate of Coimba-
tore to the Precipt of the Fouzdaree
Adalut under date the 23rd ademo,

23d December 1844

directing to submit an explanation Regard-
ing the conduct of the Prosecutor in Case
No. 95 and concerning in the propriety
of the Acting Principal Sudr. Ameen's
Remarks in regard to the unnecessary
transmission of Case No. 96 to the
Criminal Court.

Here enter F. No. No. 3141.

Read letter dated the 17th
Ultimo from the Magistrate of Tin-
nevelly reporting with reference to the
Fouzdaree Adalut proceedings dated
24th October last, that the Peon in
case No. 107 has been punished as
directed therein.

Here enter F. No. No. 3153.

Read Report
dated the 31st October last submitted
by the Magistrate of Malabar of cases
tried by the Magistracy during the month of October 1844

Here enter F. No. No. 3208.

Read return dated the
16th Ultimo from the Acting Sessions
Judge

1st December, 1844.

Judge of Trichinopoly to the Extract from the Proceedings of the Court of Foujdaree Udalut under date the 29th October 1844 directing the Acting Sessions Judge to call up the record of Case No. 80 of 1844 on the file of the Principal Sudr Ameen's Court and pass such orders thereon as he may think proper, reporting the result for the information of the Foujdaree Udalut.—

/Here enter F. Uc. No. 3210/-

Read letter dated the 6th Instant from the Magistrate of Trichinopoly, stating for the information of the Foujdaree Udalut that he did not in the month of November exercise the power vested in him by Section LIV. Act VII of 1843.—

/Here enter F. Uc. No. 3389/-

Read

F. Uc.

23d December, 1844.

Read Criminal Reports dated the 30th November 1844 submitted by the Sessions Judge of Chingleput for the month of November 1844.—

/Here enter F. Uc. No. 3396/-

Read Return dated the 7th Instant from the Subordinate Judge of Calicut to the precept of the Foujdaree Udalut under date the 30th November last conveying observations on the Criminal Reports for the month of October 1844.—

/Here enter F. Uc. No. 3406/-

December

No.

Tuesday
24th December 1844.

At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esquire 1st Puisne Judge,
Malcolm Lewin Esquire Actg 2d Puisne Judge,
Alexr. Maclean Esquire Actg 3d Puisne Judge.

Read again Miscellaneous
Petition presented on the 8th July last by
Vakeel T. Appiah on behalf of Poodia Thaliakel
Bavachy and 2 others of the Zillah Calicut.

[Here enter No. 3268.]

Read also return dated the
23d Ultimo from the Sessions Judge of Calicut
to the Precept of this Court dated 4th Ultimo
transmitting, for the final decision of
the Sessions Judge the proceedings in a case of
extorting money disposed of by the Magis-
trate of Malabar under the provisions of
Section VII. Regulation X of 1816.

[Here enter No. 3268.]

The Sessions Judge having reported
in the above Return that he has directed the
return of the fines levied by the Magistracy
of

of Malabar from the Petitioners now before the Foujdarry Udalut, it becomes unnecessary to pass any orders on their address which is accordingly dismissed.

Ordered that Extract from these proceedings be furnished to the Petitioners Vakeel on his application.

Read again Miscellaneous Petition presented on the 4th Ultimo by Sevagenomada Pillay praying the Court of Foujdarry Udalut to overrule the sentence passed by the Sessions Judge of Tinnevelly on the Prisoners in Case No 19 of 1844 on the Tinnevelly Calendar.

(Here enter F.M.P. No 1141)

Read return dated the 5th Instant from the Sessions Judge of Tinnevelly to the Courts precept of the 20th Ultimo, requiring him to report upon the foregoing petition.

(Here enter F.U. No 3400.)

1. The Court of Foujdarry Udalut are of opinion that the circumstances of the case above referred to, do not describe a gang-robbery - and that the Prisoners in the case should have been punished for an assault.

The

2. The sentence, they observe, dated the 22d June last, and as all the Prisoners have therefore been in confinement nearly 6 Months, the Foujdarry Udalut resolve to order that they be forthwith set at liberty.

Ordered that Copy of these Proceedings be forwarded to the Sessions Judge of Tinnevelly for his information and guidance, and also copy be furnished to Petitioner on his application.

(Sentence No 2781)

Read Miscellaneous Petition presented on the 11th November 1844 by T. Appiah Vakeel in behalf of M.r J. J. Dupon of Tevachiur.

(Here enter F.M.P. No 1146 of 1844.)

The Petitioner complains of an

1. order passed by the Sessions Judge of Calicut dated 20th September 1844, confirming an order of the Magistrate of Malabar declining compliance with his prayer to institute criminal proceedings against one Vanumma Shetty and others for having borrowed 6000 Rupees from him on a pledge of jewels valued at

Rupees

Rupees 2.640 a parting such to be worth 6.000 Rupees.

2. The Petitioner after detailing the circumstances under which the alleged fraud was committed states that he addressed the late Joint Magistrate of Cochin who desired him to bring the jewels, and after having opened the bags in which they were secured, and satisfied himself that a fraud had been committed transferred the case to the Ex. Fiscal of Cochin for investigation, that the Fiscal referred him to a civil action that he then appealed to the 1st. Judge then on Circuit who animadverted on the proceedings of the Ex fiscal but refused him justice in consequence of the informality of the Vakalutnamah which accompanied the petition not being drawn up on Stamp paper and because it was not accompanied by a copy of the Joint Magistrate Mr. Tracey's order on the petition presented to that functionary.

3. The Petitioner pleads ignorance of the laws in justification of his irregularities and states that being unaware of any higher Court of Appeal than the Provincial Court he commenced Civil proceedings.

4. He prays the Court will interpose in his favor and punish the persons who defrauded him.

5. The order of the Sessions Judge appears to the Court of Tondarre Vdalut to be perfectly correct.

6. The Petitioner states that his Petition to the late 1st. Judge on Circuit was not accompanied by a Vakalatnamah on Stamp paper.

7. It was in his power to remedy this defect by causing another Vakalatnamah to be prevented prepared according to Law.-

8. The Petitioner having abandoned the Criminal prosecution and brought a Civil action against the Prisoner cannot now be permitted to revert to the Criminal prosecution against him.

Ordered that the prayer of the Petition be rejected and that a copy of these proceedings be furnished to the Petitioner on his application.-

Read.

Rupees 2.640 a farthing such to be worth 6.000 Rupees.

2. The Petitioner after detailing the circumstances under which the alleged fraud was committed states that he addressed the late Joint Magistrate of Cochin who desired him to bring the jewels, and after having opened the bags in which they were secured, and satisfied himself that a fraud had been committed transferred the case to the Ex. Fiscal of Cochin for investigation, that the Fiscal referred him to a Civil action that he then appealed to the 1st. Judge then on Circuit who animadverted on the proceedings of the Ex fiscal but refused him justice in consequence of the informality of the Vakalutnamah which accompanied the petition not being drawn up on stamp paper and because it was not accompanied by a copy of the Joint Magistrate Mr. Spacey's order on the petition presented to that functionary.

3. The Petitioner pleads ignorance of the laws in justification of his irregularities and states that being unaware of any higher Court of Appeal than the Provincial Court he commenced Civil proceedings.-

J. A.
24th December 1844.

4. He prays the Court will interpose in his favor and punish the persons who defrauded him.

5. The order of the Sessions Judge appears to the Court of Foujdarry Udalut to be perfectly correct.

6. The Petitioner states that his Petition to the late 1st Judge on Circuit was not accompanied by a Vakalatnamah on stamp paper.

7. It was in his power to remedy this defect by causing another Vakalatnamah to be prevented prepared according to Law.-

8. The Petitioner having abandoned the Criminal prosecution and brought a Civil action against the Prisoner cannot now be permitted to revert to the Criminal prosecution against him.

Ordered that the prayer of the Petition be rejected and that copy of these proceedings be furnished to the Petitioner on his application.-

Read.

Read Miscellaneous Petition presented on the 26th Ultimo by Vakkal T. Appiah on behalf of Talashurry vettil Coonhy Cootty prisoner in Case No 18 on the Calendar of the Sessions Court at Tellicherry.

(Here enter M. P. No 156 of 1846)

The Court of Foujdaree Udalut having on a review of the Calendar in the above Case directed the release of the Prisoner Talashurry vettil Coonhy Cootty, no order seems now to be called for on the above address, which accordingly is dismissed.

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

Read Miscellaneous Petition presented by Vakkal T. Ramachundriah in behalf of the Petitioners Moondyodan, Valia Raman, and Colone Moideen, and by Vakkal T. Appiah in behalf of Kariadan Coongan, Prisonrs in Case No 16 on the Calendar of the Sessions Court at Tellicherry.

(Here enter F. U. M. P. Nos 158 and 161 of 1846)

The Petitioners complain of the injustice of the sentence passed upon them in the above case and pray the Court of Foujdaree Udalut to call for and consider the record of the trial in the case and to order their release.

2. The Court of Foujdaree Udalut on a consideration of the Petitioners statements see no reason to question the propriety of the sentence passed by the Sessions Judge in the above case or to interfere with it in the manner solicited.

Ordered that Extract from these proceedings be furnished to the Petitioners Vakkals on their application.

Read Miscellaneous Petition presented on the 2d Instant by Vakkal Goolam Razak on behalf of Parramal Cony prisoner in Case No 17 on the Calendar of the Sessions Court at Tellicherry.

(Here enter M. P. No 162 of 1846)

The Court of Foujdaree Udalut having on a review of the Calendar in the above Case directed the release of the Prisoner Parramal Cony, no order seems now to be called for on the above address which accordingly is dismissed.

Ordered

24th December 1844

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

Read. Miscellaneous Petition presented on the 2d December 1844, by Mullapa Chetty grand father of Ramen & 2 prisoners in Case No 239 on the Calendar of the Sessions Court of Madura for 1844.-

(Here enter S. U. No. P. No 1064 of 1844)

1. The Petitioner alluding to the origin of the festival called Annamola Wootsavam celebrated at the Meenatchy Pagoda in Madura, states that the right to take a part in the performance of that festival was accorded to the left-hand caste people by Mr. Rous Peter by an order dated 10th August 1823, that in consequence of some intrigues of the Kavara people belonging to the right-hand Caste, an order was issued on the 1st August 1829 by Mr Lyng prohibiting either the right or left hand caste people from partaking in the ceremonies of the festival:-

2. That in the month of July last the Right hand caste people having infringed the order issued by Mr Lyng 20 people of the left-

24th December 1844.

hand caste complained of the same to Mr Lyn who it is insinuated either at the instigations of his butler (who is a Kavara or from some other cause) detained those 20 people in his Cutcherry and sending for the peons and Sepoys ordered them to cut and ill use and apprehend 137 persons of the left hand caste who it is asserted came to visit the feast in common with many others.-

3. That the Assistant Magistrate then examined them and forced them to sign depositions which they had never given and subsequently committed them to the Subordinate Court- that the Subordinate Judge followed the same course and that the Session Judge without examining the witnesses named by the prisoners, sentenced 81 out of the 137 prisoners, to 4 and 5 years imprisonment.-

4. The Petitioner further asserts that he applied to the Session Judge for copies of his orders but that this request was refused.-

5. He accordingly prays the Court to call for the record of the trial, and to suspend the

Ordered

the issue of any orders on the Calendar till the proceedings of the Sessions and lower Courts have been fully considered, and to release the 92d prisoner, and so do justice to him an old man.-

6. The Petitioner also mentions having submitted a Petition to this Court in September last.

7. The Court of Foujdaree Udalut observe that this must be incorrect, no such petition appears to have been presented to them.-

8. The Court have already also considered the proceedings of the Head Assistant Magistrate & Sessions referred to in this Petition and have declared their approbation of them.

9. The Court refuse to interfere in this matter.-

Ordered that this Petition be rejected and that copy of these proceedings be furnished to the Petitioner on his application.-

Read Miscellaneous Petition presented on the 2d Instant with one Enclosure by Vencatamah the wife of the 3d Prisoner in Case No 44 of 1844 on the Calendar of the Session

Court of Chittoor.

(Here enter F. M. D. No 165.)

1. The Petitioner complains of the injustice of the punishment awarded to her Husband, who was convicted in the Case above mentioned of Burglary and Theft, and sentenced by the Session Judge to 7 years imprisonment.

2. With the above petition, Petitioner submits a Mahazurnamah which she asserts to have signed by 80 respectable inhabitants of Chintadrepettah, in proof of her Husbands good character - and she prays the Court of Foujdaree Udalut in consideration thereof to set aside the sentence of the Session Judge of Chittoor, and to order the release of her Husband.

3. The Court of Foujdaree Udalut see no reason to doubt the justice of the sentence passed upon the Prisoner alluded to in the foregoing petition and they therefore direct that it be dismissed.-

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

Read

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

Read Miscellaneous Petition
presented on the 2d December 1846 by
Yellooy Rama Kistnamah brother of the
prisoners in Cases Nos 9 and 10 of 1846 on the file
of the Sessions Court of Masulipatam.

Here enter F.M.R.P. No 169 of 1846.

The Petitioner enumerates a series
of hardships to which he and his family have
been subjected in consequence of the animosity
of the Head of Police and alleges that his
brothers have been unjustly sentenced in the
above cases, and he prays the Court to call for
the record of the trial.

2 The Court of Foujdarry Udalut
have already considered the proceedings of the
Sessions Judge referred to in this Petition and have
taken such notice of them as they considered
them to require.

3. The proof against the prisoners
was ample and the sentence passed upon them
just.

4. The Court refuse to interfere
further in the matter.

Ordered that this Petition
be rejected, and that copy of these Proceedings
be furnished to the Petitioner on his applic-
-ation.

Read letter dated the 19th Ul-
-timo from the Session Judge of Mangalore.

[Here enter No 3237]

1. The point submitted in the
above communication for determination by
the Foujdarry Udalut is, whether Act XXX of
1841, is applicable to proceedings before
Heads of Police and Tahsildars, and if not, in
what manner Persons refusing to give evidence
or to sign their depositions, using menacing
gestures or expressions or otherwise obstructing
the progress of investigations before those
Officers, should be dealt with.

2. The Session Judge for reasons
assigned states that it appears to him natu-
-ral that the Act should have reference
also to District Heads of Police under the
Magistracy.

The

3. The Court of Foujdaree Udalut are of opinion that Act XXX of 1841 is clearly applicable to positive obstruction before Heads of Police.-

4. As regards the refusal of parties to give evidence before those Officers, the Court are be to furnish the Sessions Judge of Mangalore with a transcript of their proceedings dated 26th October last in which that question has been disposed of, which he will be pleased to communicate to the Acting Magistrate of Canara.-

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

(Sent in №2782)

Read return dated the 6th Instant from the Acting Agent to the Governor at Ganjam to the precept of the Foujdaree Udalut dated the 16th Ultimo calling for a more detailed report regarding the escape of two Prisoners.-

(Here enter №3413)

1. The Acting Agent concludes

his report by the remark that if desired the parties can be forwarded for trial and punishment before the ordinary Courts, the offence having been committed within the limits of the jurisdiction of the Sessions Court.

2. The prisoners should not be tried unless the Agent think the negligence of a sufficiently culpable nature to warrant punishment.

3. The Agent should see that the building in which Prisoners are confined while under examination admits of their being properly secured. It is not to be expected that Peons will be able to hold Prisoners in safe custody if they are placed in an open building.-

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

(Sent in №2783)

Read Miscellaneous Petition presented

presented on the 2d December 1844 by Chinnayna Chany Brother-in-Law of Mayandya Chany 83d prisoner in Case No 39 on the Madura Calendar for 1844.

(Here enter F.H.R.P. No 163 of 1844)

1. The Petitioner represents that from time immemorial the left hand caste enjoyed the rights of performing certain ceremonies during one of the feasts celebrated in the Menatchy Pagoda at Madura, that the enjoyment of this right was interrupted for a short period during the Mahomedan Government but was afterwards restored to them by Mr Petre. That Mr Gleig considering that the performance of the ceremonies by the right hand caste only, was likely to be productive of evil prohibited the celebration of them entirely - that this restriction was subsequently removed by Mr Dirom in favor of the right hand caste, but that the same indulgence was not extended to the left hand caste - that they sought to have their disabilities removed

by an appeal to the present Collector but did not succeed -

2. That during the celebration of the feast in August last his brother-in-Law finding that his child was missing went to seek him in the crowd that came to the feast at which time in consequence of the false representations of the Kuttwal and Tahsildar that the left hand caste had assembled in large bodies for unlawful and disorderly purposes a body of Sepoys and Peons &c came to the spot and were directed to seize all parties supposed to be "partisans of the Petitioner that in the affray his brother was wounded and made prisoner and subsequently without shew of proof convicted and sentenced to imprisonment with labor for five years -

3. He complains that his Brother-in-Law who committed and was charged with no specific crime was convicted on no evidence, and without an examination of his witnesses - and states that all the injustice done to the left hand caste in the deprivation

of

24th December 1846

of their rights is owing to the influence enjoyed by their adversaries of the right hand caste, at the Huzoor.

4. He therefore prays the Court to call for the proceedings and award him justice by directing the release of his brother-in-Law.-

5. The Court of Sonjdaree Udalut have already maturely considered the proceed-ings of the Session Judge in the trial referred to in this Petition as given in the Calendar submitted to them and are satisfied that the com-mitment of the prisoner is correct.

6. The Court have ordered a reduc-tion in the sentence of the 68th prisoner and refuse to interfere further in the matter.-

Ordered that the Petition be dismissed and that copy of these proceedings be furnished to the Petitioner on his applic-ation.

P.C.

Thursday 24th December 1846.

At a Court of the Sonjdaree Udalut

Present

Henry Dickinson Esqre. 1st
Malcolm Lewin Esqre. Ag. 2d } Puisne Judges
Alexr. Maclean Esqre. Ag. 3d

Read letter dated the 17th Instant from the Session Judge of Cuddapah forwarding the record of the trial in Case No. 81 on the Calendar of the Sessions Court of Cuddapah for 1846.-

(Here Enter No. 3494)

Mr. Lewin.

The Court of Sonjdaree Udalut on a deliberate consideration of all the circum-stances of the case in evidence before them being of opinion, that the proof against the prisoners

1st Anthadoo

and

2d Nobregaudoo

is sufficient to convict them of the crime of Highway Robbery, do convict them thereof, and with reference to the provisions of Clause third Section IV Regulation XV of 1803,

Sentence

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 fourteen years.—

(Sent following letter No. 2784)

Read Calendar dated the 12th
Instant submitted by the Sessions Judge of
Tinnevelly in Case No. 35 of 1844.—

(Here Enter No. 3463)

Read Calendar dated the 10th
Instant submitted by the Sessions Judge of
Honore in Case No. 29 of 1844.—

(Here Enter No. 3464)

Read Calendar dated the
11th Instant submitted by the Sessions Judge
of Calicut in Case No. 67 of 1844.—

(Here Enter No. 3469)

Read Calendar dated the 2d
Instant submitted by the Sessions Judge of
Cuddapah in Case No. 102 of 1844.—

(Here Enter No. 3475)

Read Calendar dated the 9th
Instant submitted by the Sessions Judge of
Cuddapah in Case No. 106 of 1844.—

(Here

Read return dated the 19th
Instant from the Principal Sudr. Ameen
of Nellore to the precept of the Sujdaree
Adalut under date the 16th Instant
directing that the sentence passed by the
Sudr Ameen Moosfty on the Prisoner in
Case No. 89 on the Report No. V for the
month of October last, be now allowed
to take its course.—

(Here Enter No. 3478)

Read return dated the 16th
Instant from the Magistrate of Tanjore
to the precept of the Sujdaree Adalut
under date the 3d Instant calling for
certain information in Case No. 2 of the
Magistrate's Report for the month of
October 1844.—

(Here Enter No. 3482)

Read report dated the 16th
Instant submitted by the Magistrate of
Tanjore, of Cases tried by the Magistracy
in the District of Tanjore under the provi-
sions of Section LIV Act VII of 1843 during
the month of November 1844.—

(Here Enter No. 3483)

Read

6th December 1844.

Read Calendar dated the 25th Ultimo submitted by the Acting Sessions Judge of Tinchinopoly in Case No. 25 of 1844.—

(Here enter No. 3488.)

Read Calendar dated the 13th Instant submitted by the Sessions Judge of Salem in Case No. 25 of 1844.—

(Here enter No. 3490.)

Read return dated the 16th Instant from the Agent to the Governor of Fort St. George at Kurnool to the precept of the Foujdaree Udalut under date the 4th Instant stating that the Prisoner in Case No. 17 Report No. 1 is not to be found and that the Police Ameen of Kurnool has been directed to forward him to the Huzzoor whenever he returns.—

(Here enter No. 3499.)

Read Calendar dated the 10th Instant submitted by the Sessions Judge of Mangalore in Case No. 58 of 1844.—

(Here enter No. 3508.)

Friday 27th December 1844.

F U C.

At a Court of the Foujdaree Udalut.

Present

H. Dickinson Esqre. 1st Puisne Judge

Malcolm Lewin Esqre. Actg 2d Puisne Judge

Hon. Maclean Esqre. Actg 3d Puisne Judge

Read return dated the 7th Instant from the Sessions Judge of Honore to the Precept of the Foujdaree Udalut dated 28th Ultimo calling for an explanation of the reason of 27 Peons being employed in the Month of October 1844 for 105 Prisoners worked outside the Jail at Honore instead of the prescribed complement.

(Here enter No. 3512.)

Sickness and consequent detention in Hospital the Prisoners liable to labor on the roads fluctuated in their aggregate from 115 to 103, between the 1st and 25th October, the Court think some adjustment of the number of Extra Peons entertained for their custody should have been made at a briefer interval than twenty five days and as a

Genral

general rule, they consider that for this purpose no longer period than fifteen days should be allowed.

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

(Sent in. No. 2785.)

Read report of cases pending on the 31st October and committed during the month of November 1844 before the Sessions Judge of Madura.

(Here enter T. R. No. 3417.)

1. The Tondaman Adalut regret to observe very great delay both between the commitment and transmission to the Sessions Court of the cases noted in this report and also between the receipt of them by the Sessions Judge and the closing of the trial, and they trust that greater exertion will be used by the Sessions and subordinate Courts to render the administration of Criminal justice in the Madura Zillah more effective and prompt.

2. The Tondaman Adalut have pointed

pointed out that no delay should be permitted on account of the preparation of the calendar and therefore they do not see why a case is not forwarded to the Sessions Court immediately on its commitment.

Case No. 46. In Case No. 46 the case was committed on 25th October and was not received by the Sessions Judge till the 25th. the trial only commenced on the 31st October and was concluded on the 12th November - 3 days were consumed between the commitment and receipt of the trial and 6 between the receipt and commencement of it.

Case No. 48. 4 Nineteen days were consumed between the commitment and closing of this case - 8 days being taken up between its commitment and arrival at the Sessions Court - 1 between its arrival and the commencement of the trial, and 10 between the beginning and close of the trial. -

Case No. 49. 5 This case was committed on the 2nd November, was not received till the 6th or 4 days after the trial of it and was not commenced till the 13th or 7 days after

27th December 1844.

No return having been received from the Magistrate of Timmerilly to the precept of this Court dated the 23d Ultimo, transmitting for his information & copy of paras 3. 4. 5 and 6 of the return from the Session Judge of Timmerilly and requiring him to report the measures adopted by him regarding the ill treatment of the prisoner in Case No 1040 of 1844, in the Criminal Report.

Ordered that the Magistrate of Timmerilly be required to make a return to the precept aforesaid within X days.

(Sent in No 2788)

No return having been received from the Session Judge of Madura to the precept of this Court dated the 29th Ultimo furnishing instructions regarding Case No 13 in the Supplemental Criminal Report for October 1844.

Ordered that the Session Judge of Madura be required to make a return to the precept within X days.

(Sent in No 2789)

27th December 1844.

Read the Criminal Report for the Month of November 1844 submitted by the Principal Sudr Ameen of Masulipatam under date the 11th instant.

(Here enter F. H. No 3423.)

The Court of Foujdaree Udalut observe that the charge as laid in this Case

Report No V. Case No 44. is too much detailed for a Criminal Report. The Principal Sudr Ameen will be careful in future to compress it into a brief and at the same time clear and distinct statement of the specific crime against the Prisoner.

2. It is required to be explained for the information of the Foujdaree Udalut

Case No 46 why this Case was returned to the Bezgrah Head of Police as stated in the Report, after it had been called up by the Head Assistant Magistrate.

Ordered that Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Masulipatam for his information and guidance by precept returnable

th December 1844.

returnable in V days from and after its receipt.

(Sent following Precept. No 2790.

Read Calendar dated the 24th October last submitted by the Sessions Judge of Madura in Case No 45 of 1844.

(Here enter No 3427.)

1 Six Prisoners were in this Case charged with having beaten the Prosecutor, and with having beaten, kicked, and stamped on his Uncle Nullaromaurooth aged 45 Years and thereby caused his death.

2. The Mahomedan Law Officer convicted the 1st 2d and 5th Prisoners on Zumma Ghalib of the crime of Kullu Thrith, and declared them liable to Coroobut and acquitted the 3d 4th and 6th Prisoners.

3. The Sessions Judge concurred in the finding of the Law Officer and under Clause two, Section XI Regulation VII of 1802 sentenced the 1st Prisoner to be imprisoned and kept to hard labor in irons for the period of five Years, the 2d and 5th

S. N.

27th December 1844.

Prisoners to be imprisoned and kept to hard labor in irons for four years and directed the 3d 4th and 6th Prisoners be released forthwith.

4. The Court of Foujdaree Udalut observe that as the Futwah of the Law Officer did not declare "the deyut or price of blood to be the whole or part of the legal punishment" the Section quoted for the sentence is inapplicable. Clause 3d Section II Regulation XV of 1803, should have been quoted.

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

(Sent in No 2791)

Read the Criminal Reports for the month of November 1844, forwarded by the Acting Subordinate Judge of Salem under date the 30th Ultimo.

(Here enter S. N. No 3425)

With regard to these Cases the Court of Foujdaree Udalut observe that

Supplemental Report
Case No 107 and the
Report No V
Case No 130.

the Hindoo date corresponding with the English date of the charges against the Prisoners need not have been entered in a Criminal Report.-

2. The irregularity on the part of the Head of Police in forwarding the Prisoner in this Case without Prosecutor or Witness to prove the charge against him should have been brought to the notice of the Sessions Judge for communication by him to the Magistrate of Salem.

Report. No. V Case. No. 125.

3. The Toujdaree Udalut require to be now informed what has been done, and in what measure the Triputtoor Tahsildar's misconduct has been noticed.-

4. The foregoing remark is applicable to this Case also.

Case. No. 136.

Ordered that Copy of these Proceedings be forwarded to the Acting Subordinate Judge of Salem for his information and guidance by precept returnable in VII days from and after its receipt.

(Sent following precept No. 2792)

Read the Criminal Report for the Month of November 1844 forwarded by the Principal Sudr. Ameen of Cuddalore under date the 12th instant.

(Here enter T.U. No. 3454)

1. The Regulation under which the Prisoner in this Case has been sentenced by the Principal Sudr. Ameen is inapplicable. The false complaint with which the Prisoner is charged was preferred before the Magistrate and not before a District Police Officer to whom Regulation IX of 1832 has reference.-

Report. No. V. Case. No. 131.

2. The Court of Toujdaree Udalut direct that the Prisoner be set at liberty.-

3. The Regulation quoted in this Case also is inapplicable. The non-commission of any theft after the entry into a house has been effected matters not. The offence of House breaking is constituted as has been ruled by the Court of Toujdaree Udalut by an intent to steal.-

Case. No. 132.

Toujdaree Udalut Proceedings 1st March 1844.

4. It appears from the Report that the Prisoners in this Case were apprehend

Case. No. 139.

apprehended on the 1st November, but were not forwarded to the Principal Sudr Ameen Court until the 22d ultimo.

5. In no explanation is offered for this unwarrantable delay, the Magistrate of South Arcot is now required to submit direct for the information of the Foujdaree Udalut a full statement of the Causes which led to the detention of the Prisoners.

6. Explanation is also required regarding the delay in the transmission of the Prisoners in this Case to the Principal Sudr Ameen Court, which exceeds the period limited by Foujdaree Udalut Circular Order 18th May 1832.

Case No. 142.

7. The Magistrate of South Arcot is required to enjoin upon the several District Police Officers under his authority the strict observance of the provisions of Clause Fourth Section XXVII Regulation XI of 1816 enacted for their guidance.

Ordered that Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Cuddalore for his

information and guidance and for communication of paras 4, 5, 6 and 7 for the information of the Magistrate of South Arcot by precept returnable in VII days from and after its receipt.

(Sent following precept No. 2794)

Read the Criminal Report for the Month of November 1846 forwarded by the Session Judge of Honore under the 9th instant.

(Herewith F.U. No. 3452.)

The Court of Foujdaree Udalut desire that the Cause of the unusually large number of sick Convicts stated in the Appendix to these Reports to be at present in the Jail at Honore, be fully explained for their information.

Ordered that Copy of these Proceedings be forwarded to the Session Judge of Honore for his information and guidance by precept returnable in X days from and after its receipt.

(Sent following precept No. 2795)

Read

Read petition dated the 16th Instant from the Principal Sudr Ameen of Cochin to the precept of the Foujdaree Udalut under date the 7th Idem containing their orders and observations on the Triennial Reports for the month of October 1844.

(Here enter F.U. № 3479)

Read communication dated the 16th Instant from the Principal Sudr Ameen of Trichinopoly replying to the extract from the proceedings of the Foujdaree Udalut dated the 7th Idem containing their orders and observations on the Triennial Reports for the month of October 1844.

(Here enter F.U. № 3481)

Read report of the labor of Convicts for the month of November 1844 submitted by the Joint Magistrate of Ootacamund under date the 1st Instant.

(Here enter F.U. № 3485)

Read letter dated the 20th Instant from the Session Judge of Cuddapah transmitting the Warrant issued for the execution of the sentence of death passed on the Prisoner in Case № [illegible] of 1844 on the

Session Court with the endorsement of the Subordinate Judge and copy of his report.

(Here enter F.U. № 3529)

Read petition dated the 19th Instant from the Session Judge of Honore to the precept of the Foujdaree Udalut under date the 11th Idem sanctioning the mitigated punishment recommended by the Session Judge for the 1st Prisoner Booska in Case № 22 of 1844 on the Calendar of the Session Court.

(Here enter F.U. № 3531)

Saturday
28th December 1844.

F U.

At a Court of the Foujdarry Udalut.

Present,

Henry Dickinson Esquire 1st Puisne Judge,
Malcolm Lewin Esquire Ag 2d Puisne Judge,
Alex. Maclean Esquire Ag 3d Puisne Judge,

Read the Criminal Reports for the Month of November 1844 forwarded by the Acting Subordinate Judge of Cuddapah under date the 7th instant.

The attention of the Subord-

Report No V.
Case No 274.

1.
-nate Judge is drawn to Foujdarry Udalut Circular Order of the 6th September 1821. A- which directs that whenever an old offen- -der is committed for trial, the nature of the former offence or offences committed by him the date of trial, and sentence passed upon him should be specified.-

The Court of Foujdarry Udal-

Case No 276.

2.
do not consider the acquittal of the Prison- in this Case to be satisfactory or proper- was clearly punishable under the Mahom-

December 1844.

Law as explained in Foujdaree Udalut Circular Order of the 18th January 1843. No 151.

Ordered that a Copy of these Proceedings be forwarded to the Acting Subordinate Judge of Cuddapah for his information and guidance.

(Sent in. No 2804)

No further reply having been received from the Magistrate of Madura to the proceedings of this Court dated the 2d October last regarding the delay in his No 119 on the Report for August last.

Ordered that the Magistrate of Madura be required to submit the further explanation referred to in his letter of the 17th October last without delay.

(Sent in. No 2805)

Read return dated the 25th October last from the Magistrate of Malabar to the precept of the Foujdaree Udalut dated the 4th Idem, directing him to call upon the Head Assistant Magistrate for further explanation in Case No 3. therein adverted to.

(Here enter F.U. No 3039.)

28th December 1844.

Read report dated the 1st Ultimo submitted by the Session Judge of Coimbatore on the labor of Convicts for the month of Oct. 1844.

(Enter F.U. No 3067.)

Read report dated the 1st Ultimo submitted by the Joint Magistrate of Dotacamund on the labor of Convicts for the month of October 1844.

(Enter F.U. No 3071.)

Read letter dated the 7th Ultimo from the Magistrate of Bellary, informing that the powers vested by Section XLIV Act VII of 1843 have not been exercised by the Magistracy during the month of October 1844.

(Here enter F.U. No 3080.)

Read report dated the 5th Ultimo submitted by the Session Judge of Vizagapatam on the Casualties and of Prisoners released during the month of October 1844.

(Here enter F.U. 87.)

Read letter dated the 19th Ultimo from the Principal Sudr Ameen of Tinnevelly enclosing an Extract from the Proceedings

4th July 1844.

2 No grounds whatever appear for a reference to the Assistant Magistrate the precise point of reference must be stated, and also the Assistant Magistrate's reply.-

Case No. 69. 3. The Head of Police states that the non attendance of the Prosecutrix was with the parties concerned the cause of the delay of this case in the Talook.-

4 From the above explanation, it would appear that the provisions of Clause I, Section V Regulation XI of 1816 have not been attended to.- The Head of the village should be called to account for this neglect.-

Ordered that Extract from these proceedings be forwarded to the Subordinate Judge of Bellary for communication to the Magistrate of Bellary who will transmit the required information direct to this Court.-

(Sent in No. 805/.

Read letter dated the 6th Ultimo from the Magistrate of Salem forwarding copy of a report from the Head Assistant Magistrate in charge of the Sub Division affording the explanation required in Case No. 29 of the Criminal Report for the month of April 1844.-

(Here enter No. 1444.)

Read

J. H.
4th July 1844.-

Read 5th Calendar dated the 19th Ultimo submitted by the Acting Sessions Judge of Trichinopoly of Prisoners in Case No. 5 of 1844.

(Here enter No. 1533.)

Read Calendar dated the 19th Ultimo submitted by the Sessions Judge of Calicut in Case No. 36 of 1844.-

(Here enter No. 1561.)

Read Calendar dated the 21st Ultimo submitted by the Sessions Judge of Bellary in Case No. 17 of 1844.-

(Here enter No. 1574.)

Read Calendars submitted by the Sessions Judge of Calicut in Cases Nos. 35 & 34 of 1844.-

(Here enter Nos. 1575 and 1576.)

Read return dated the 22nd Ultimo from the Sessions Judge of Chicacole to the precept of the Foujdaree Adalut of the 31st May 1844 directing that the punishment of the 1st and 2d Prisoners, as far as regards the stripes, be remitted.-

(Here enter No. 1589.)

Read Calendars submitted by the Sessions Judge of Madura in Case

No.

III Regulation I of 1825, sentence the prisoner to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to labor suitable to her sex, for, and during the period of her natural life.—

(Sent following letter No. 781.—

Read Madura Criminal Reports for the month of May 1844 dated 31st May but received on the 2d June 1844.—

(Here enter F. D. No. 1532.)

Insp. Report Case No. 8.— 1. The Court of Foujdaree Adalut observe that this case which is a committable one has been before the Acting Subordinate Judge for nearly 6 months.—

2. Such delays entirely frustrate one of the principal designs of the late change in the administration of justice.—

3. The Acting Subordinate Judge has also neglected to submit the explanation called for in Circular Order of the 11th April 1832 which requires that when a case remains undisposed of at the close of a Supplemental Report a full explanation must be given in the column headed "not examined".—

4. The Acting Subordinate Judge will now state what steps have been taken by him to dispose of

of this case and on what dates those steps were severally taken.—

Report No. V Case No. 76.— 5. An explanation of the causes which prevented the disposal of this case before the 31st of May is required.—

Case No. 84. 6. The Court of Foujdaree Adalut resolve to direct the Sessions Judge to call for and revise this case as it does not appear from the sentence of the Pundit Sudr Ameen, under what provocation "the wounding" for which the prisoner has been punished was inflicted.—

Case No. 89. 7. The Court of Foujdaree Adalut direct that a copy of this case as it stands in the and Report of the Subordinate Judge's remarks be furnished by that officer to the Magistrate of [illegible] who will be pleased to forward direct to this office the explanation required by Circular Order No. 62 stating the precise point on which the Police officer referred the case to the Magistrate instead of transmitting it direct to the Criminal Court.

8. The Court regret that this was not done on the requisition of the Subordinate Judge whose communications will they trust in future meet with prompt attention from the Magistrate.

9. The Court of Foujdaree Adalut observing

observing that in several of the cases in this Report the Tamil date has been inserted in the charge presolve to direct that the practice be discontinued as objectionable and inconvenient.

10. Adverting to the Abstract Statement of cases disposed of Vide the Court of Fouzdaree Udalut desire that a separate Column be no longer reserved for cases pending Vide before the just Session Judge and Sudr Ameen of Tinnevelly.—

11. In conclusion the Court direct that the attention of the Subordinate Judge be called to the 6th parah of their Circular Order No. 40 and that he be required in future strictly to conform to the injunction therein conveyed.—

Ordered that Extract from these proceedings be sent to the Subordinate Judge of Madura for his information and for communication of paras 7 and 8 to the Magistrate by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 802)

Ordered also that Extract from these proceedings (para 6) be forwarded to the Session Judge of Madura for his information by precept returnable in 5 days from and after its receipt.—

(Sent following precept No.

Read

2.

4th July 1845.—

Read Tinnevelly Criminal Reports for the Month of May 1845 dated 1st June 1845 and received on the 18th Idem.—

(Here enter No. 1482.)

Suppl. Report Case No. 56. 1. The Court desire that the nature of the "contempt of Court" for which the 1st witness in this case was fined may be explained.—

Case No. 57 Report No. V. 2. The grounds by which the Sudr Ameen arrived at the conclusion that 2 out of the 4 witnesses for the defence "are worthless people" must be given.—

3. The Court direct that in future similar cases the circumstances by which the credibility of witnesses is affected be succinctly stated in the abstract.

4. The Court of Fouzdaree Udalut direct also that a copy of the Session Judge's proceedings in the case be transmitted to the Magistrate of Tinnevelly who is required to take such notice of the conduct of the Police Ameen of Intavoin as may appear to him proper reporting the result for the information of the Fouzdaree Udalut direct to this office.—

5. The Court are of opinion that the circumstances represented in the Session Judge's proceedings render it questionable whether this Police

Ameen

4th July 1844.-

Ameen should be retained in his present office.-

Case No. 58.- 6. The detention of the prisoners in this case before the Talook not having exceeded 5 days the explanation given in the last column of the Criminal Report was superfluous and not required.-

7. The explanation called for in case No. 56 is also required in regard to the fine imposed on the Prosecutor in this case No. 58. and the 3d witness in Case No. 61.-

Case No. 61.-

Case No. 62. 8. An explanation is required of the delay which occurred in this case between the arrival of the parties before the Principal Sudr Ameen on the 15th May and the application for the attendance of the Deputy Jemadar on the 31st Idem.-

Case No. 65.- 9. Adverting to the explanation of the delay given in this case the Court of Foujdaree Udalut observe that the Head of Police should have exercised his own discretion as to the propriety of forwarding it to the Criminal Court and should not have referred to the Special Assistant for his instructions.-

10. The Magistrate will be pleased to discountenance as much as possible similar references. If the Head of Police is not competent to exercise his own judgment in such cases he is not fit for the office he holds.-

Adverting

4th July 1844.-

11 Adverting to the numerous cases in this and former Criminal Reports from Tinnevelly in which witnesses Vizt have been fined by the Principal Sudr Ameen for contempt of Court, the Court of Foujdaree Udalut direct that in future the manner in which the contempt has been shown be fully explained in the report.-

Ordered that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Tinnevelly for his information and guidance and for communication of paras 4. 5. 6. 9 and 10. to the Magistrate, by precept returnable in 5 days from and after its receipt.-

(Sent following precept No. 804).

Read Criminal Reports, submitted by the Subordinate Judge of Bellary for the month of May 1844.-

(Here enter F.H. No. 1481 of 1844.)

Report No. V Case No. 68. 1. This case appears to have been delayed in the Talook from the 16th April to the 23d May in consequence of the Head of Police having forwarded it without the Prosecutor and witnesses, on the 21st April to the Acting Head Assistant Magistrate who, after examining the parties concerned, forwarded the case to the Court on the 23d May.-

do.

28th October 1824

Proceedings of Session Court under date the
6th November [illegible] an Appendix to the Finan-
cially Criminal Reports for the Month of
October 1824.

(Enter J. U. № 3225.)

[illegible]rd report dated the 1st Ultimo
submitted by the acting Agent to the Governor
of Fort St. George a Langam of Cases pending
on the 30th September and committed for trial
during the month of October 1824.

(Enter J. U. № 3226.)

Return dated the 20th Ul-
timo from the Magistrate of Coimbatore to the
precept of the Foujdary Adalut under date
the 11th Instn requiring a Report as to the full
and complete execution of the Orders conveyed
in their Proceedings of the 18th October last re-
garding the dismissal of Seebhanow Head of
Police of Kearoor.

(Enter J. U. № 3228.)