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Journals
Proceedings
1848

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F: 46:

Thursday 2nd January 1845.

At a Court of the Fouydaree Udalut

Present.

H: Dickinson Esqre ——— 1st Puisne Judge.

Malcolm Lewin Esqre ——— 2nd Puisne Judge.

A: Maclean Esqre Acting 3rd Puisne Judge.

Read letter dated the 11th December 1844 from the Sessions Judge of Calicut submitting for the final sentence of the Court of Fouydaree Udalut the proceedings in Case No 66 of 1844.

(Here enter F: 46: No 172 of 1844).

Mr H. Dickinson and Mr A. Maclean

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

"Tiew Modan parambel Pachoo"

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

1. On this Trial it has been clearly proved that at the time that the Prosecutor and other Members of his family were at the field to reap, the Prisoner, the deceased, and the two Children of

of the Prisoner, Teyan, 7 years of age, (12th Witness) and his Sister Moondy, aged about 6 Years were the only persons left in the house.—

2. The child Teyan has throughout the repeated examinations that he has undergone displayed a clearness and consistency in his statements quite unusual in one of his tender years. He has without deviation declared that the Prisoner, his Father, sent him to a shop to purchase betel and Tobacco; that when soon afterwards he was on his return he met his Father leaving the house with a dagger in his hand; and that when he entered the house he found the deceased lying wounded and bleeding.—

3. The 11th Witness, a child 9 years of age, describes with the same consistency the child Teyan having come to call her to see the deceased; and her subsequently calling the 1st Witness.—

4 The murder was committed on the 25th September. The Prisoner absconded and was only discovered on the 8th October.—

5. When examined before the Police the Prisoner confessed that he had stabbed the deceased with a dagger. In his defence before the Court of Session he declared this confession to have been extorted from him; but the fact that he in it mentioned the name of the person to whom he had pawned the dagger.—

2d January 1845.

(no clue to its discovery having been until then obtained) satisfactorily shews that the confession must have been free and voluntary.—

6. The Prisoner stated that he found the deceased in company with a certain man and that he in consequence wounded her.—

7. This must however be false, since no member of the family ever heard of her having spoken to the person alluded to.—

8. The motive for the Prisoners act is to be found in a dispute which existed between him and the deceased in consequence of his not paying her 8 fanams which he had borrowed from her.—

9. Moondy, daughter of the Prisoner declared before the Police that she actually saw the Prisoner stab the deceased. In consequence of her tender years she was not examined by the Court of Session.—

10. There is the Court conceive a most connected chain of evidence in the case, proving that it must have been the Prisoner, and no other who committed the murder. They therefore concur in his conviction and in the Sentence of death proposed to be passed on him.—

11. It is resolved to point out to the

the Sessions Judge that he is required in the letter accompanying the trial to confine himself to a distinct declaration of his own judgment as to the guilt or innocence of the Prisoner tried, without speculating upon what may be the final sentence of the Judges of the Foujdaree Adalut on the case.

Ordered, that Extract of these Proceedings be sent to the Sessions Judge of Calicut for his information.

(Sent following letter No.)

Read Letter Dated the 13th December 1844 from the Sessions Judge of Mangalore submitting for the final sentence of the Court of Foujdaree Adalut the proceedings in Case No. 63 of 1844.

(Here enter No. 3473 of 1844).

Mr. H. Dickinson and Mr. Mc. Lewin.

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

1st Dher Cubboo
2d Dher Pairna
and
3d Dher Moodara.

is sufficient to convict them of the Crime of Murder do convict them thereof; that being of opinion under the circumstances of the case; that the punishment to which the prisoners are liable under the provisions of

Fr. 16.
2d January 1845.

of Section X Regulation VIII of 1802. would in this instance, be too severe, the Court under the provisions of Clause third Section III Regulation I of 1825 do sentence 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 labour in irons on the Public Roads or other Public Works for and during the period of their natural lives.

The Sessions Judge will communicate to the Magistrate the opinion of the Court of Foujdaree Adalut that a reward should be offered for the apprehension of Curtha, if it has not already been done.

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

(Sent following letter No.)

Ent. H

No. 46.

Friday, 30th January 1846.

At a Court of the Tondaree Adalut held

Present,

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

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

Alex. Maclean Esqre. Actg. 3d Puisne Judge sitting

Read again Miscellaneous Petition this

presented on the 19th August 1845 by Sudgoppa

Naick the father of Swamy Naick prisoner in

the Case No. 20 of 1845 on the file of the

Sessions Court of Cuddalore complaining of

the sentence of Seven years imprisonment

passed by the Sessions Judge of Cuddalore

upon his Son the prisoner in the above

case and stating that the charge brought

against him of having killed one Chinna

Colundy a servant of the Petitioners by

blows with an iron hoe, was false and bring

the enmity of certain persons towards

him, the death of the deceased having been

caused from the effects of a boil on his

head, as fact proved by the evidence taken

before the Head of Police from several

persons, amongst whom were the village

Curnam

managers, four relatives of the deceased, and by a Razeenamah given by the Inhabitants of this Village.

/Here enter F.M. M.P. No 112 of 1844/

Read again return dated 15th August 1844 to the Precept of the Foujdaree Adalut of the 2d August held on review of the Calendar of Case No 20 on the file of Cuddalore File.-

/Here enter F.M. No 2187 of 1844/

Read again Returns dated 30th September 1844, from the Acting Sessions Judge of Cuddalore to the Precept of the Foujdaree Adalut dated 9th idem calling for a translation of the record of the trial in Case No 20 of 1844 with reference to miscellaneous Petition No 1125 of 1844.-

/Here enter F.M. No 2679 of 1844/-

Read again returns and Supplemental returns dated respectively the 22d October and 29th November 1844 to the Precept of the Foujdaree Adalut dated 18th October 1844 requiring the translation of the record in Case No 20 of 1844 called for by a Precept dated

dated 9th September 1844 to be submitted without delay.-

/Here enter F.M. No 2805 & 3300 of 1844/

The Prisoner was charged with having wounded the prosecutrix Swidhe on the temple with an iron instrument resembling a hoe from the effects of which she died 6 days afterwards and was sentenced by the Sessions Judge to seven years' imprisonment with hard labor in irons.-

In their proceedings the Judges observed that in such cases as this the degree of provocation given is what should regulate the punishment. Without further explanation of the allusions it is difficult to see any provocation at all in the circumstance which occasioned the attack on the deceased. The Judges therefore desire further explanation on this head drawing the attentions of the witnesses who were examined on this point, and if they deemed it right to call for a translation of the record.-

After a deliberation

Co

consideration of the record there appears to the Foujdaree Adalut the clearest evidence that the prisoner, without the slightest provocation whatever, struck the deceased a violent blow with the back of an iron hoe on his left temple, and that a hole of some depth was made in the skull by the blow. It is proved that the deceased lingered some time for about a week and then died. There can, the Court think, be no doubt of the blow having caused his death. They see no reason for suspecting that the deceased died from a natural cause, for he is shown to have been in perfect health until the moment of his receiving the blow and never to have raised his head afterwards.

The act of the prisoner was a savage in the extreme. They see no grounds for remitting any part of his punishment and direct that it now be carried into effect.

The Court accordingly direct that the prayer of Petition No. 112 be rejected, and that copy of these proceedings be furnished to the Petitioners on his application.

Ordered

Ordered that copy of these proceedings be sent to the Sessions Judge of Cuddalore by precept returnable in 3 days from and after its receipt.

/Sent following precept No. /

Read Miscellaneous petition presented on the 2d Instant by Soondaramoorthy and 2 others of the Zillah of Cuddalore complaining of the Sentence of imprisonment passed upon them related the Prisoners in Case No. 19 of 1844 on the file of the Sessions Court by the Acting Sessions Judge of Cuddalore for the crime of wounding the Prosecutor in the Case - and praying the Court of Foujdaree Adalut to order their release -

/Here enter F.M.M.P. No. 170 of 1844/

The Court of Foujdaree Adalut see no reason whatever to interfere with the punishment awarded by the Acting Sessions Judge to the prisoners in the Case referred to by the Petitioners, and they direct that the foregoing petition be dismissed.

Ordered accordingly and that copy of these proceedings be furnished to the Petitioners

3d January 1845.

Petitioners on their application.—

Read the November Criminal Reports forwarded by the Acting Subordinate Judge of Chittoor under date the 2d Ultimo.

/Here enter F.D. No. 3421 of 1844./

Report No. 7
Case No. 165.

1. The Magistrate of Chittoor is required to take such notice as he may deem proper of the great delay in the transmission of this case to the Subordinate Court which the Foujdaree Adalut observe, was unauthorized and very objectionable.—

Case No. 168.— 2. The reference made in this case by the Amee Police Ameen appears to have been unnecessary and censurable.—

3. The Court of Foujdaree Adalut desire that the Magistrate of Chittoor be called upon to instruct the Amee Police Ameen that he should have exercised his own judgment and discretion in the case and not have delayed its transmission by an unnecessary reference.—

Ordered that copy of these proceedings be forwarded to the Acting Subordinate Judge of Chittoor for his information and guidance.

3d January 1845.

and guidance and for communication to the Magistrate of that station.—

/Sentence No. 8./

Read Government Petition No. 51 of 1844 from S. Lutchmiah of Vizagapatam referred to the Court of Foujdaree Adalut for report with reference to Rule XXVIII of those framed for the guidance of the Governor's Agent in Vizagapatam

/Here enter F.D. No. 3192 of 1844/

1. The Petitioner complains that the circumstances connected with the murder of his wife were not fully investigated, and prays that the evidence of certain other witnesses may be taken in proof of the guilt of the parties accused by him as the perpetrators of the deed.—

2. The Court of Foujdaree Adalut direct that a copy of this petition be forwarded to the Governor's Agent in Vizagapatam who is required to submit a full and satisfactory report on the subject of it for the information of the Foujdaree Adalut.

and

3d January 1845

and for eventual Submission to Government.

Ordered that a copy of these Proceedings together with a copy of Petition be forwarded to the Governments Agent in Vizagapatam for his information and guidance by precept returnable in 5 days from and after its receipt.

/Sent following precept No 9/

Read Calendar in Case No 103 of 1844 Submitted by the Sessions Judge of Cuddapah.

/Here enter F.H. No 3476 of 1844/

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 Cuddapah for his information.

/Sent in No 10/

Read the Criminal Reports for the Month of November 1844 Submitted by the Subordinate Judge of Calicut under date the 10th Ultimo.

/Here enter F.H. No 3422 of 1844/ The

F.H.

3d January 1845.

Report No 8 Case No 189.

The Court of Foujdaree Adalut desire to be informed why five days delay in the examination of the witnesses in this Case was permitted to take place.

Ordered that Copy of these proceedings be forwarded to the Subordinate Judge of Calicut for his information and guidance by precept returnable in 7 days from and after its receipt.

/Sent following precept No 11/

Read return dated the 12th December 1844 from the Agent to the Governor at Kurnool to the precept of the Foujdaree Adalut under date the 7th idem, requiring him to State under what regulation he proposes to award punishment to the Prisoners in the Case of Housebreaking alluded to in his communication of the 16th November 1844.

(Here enter F.H. No 3470 of 1844)

Upon mature consideration of all the circumstances of the Case submitted to them for final decision by the Agent

from

3d January 1845.

Agent to the Governor at Kurnool, the Court of Foujdaree Adalut resolve to direct that the Prisoners,

1st Ankaligadoo
2d Galiga
3d Chinnaga
4th Ranga
and
5th Bara Ankaligadoo

be sentenced for the crime of Burglary to 7 years imprisonment with hard labor in irons under the provisions of Section XXI Regulation VII of 1802, - and the Prisoners,

5th Venkata
6th Timma
and
7th Rocketee

as receivers of stolen property to the same period of imprisonment with hard labor in irons, under the provisions of Clause Second Section IV Regulation VII of 1822.-

2. With regard to the wife and sister of the 4th Prisoner, who were sent up by the Police as Witnesses in the case, the Court

3d January 1845.

Court of Foujdaree Adalut observe, that as the former pleads coercion and the latter had no criminal concern in the matter, they need not be put upon their trial.-

Ordered that Copy of these proceedings be forwarded to the Agent to the Governor at Kurnool for his information and guidance.-

(Sent in No 12) &c &c

Read letter dated the 27th Inst. from the Acting Magistrate of Bellary, stating that no cases cognizable under Section LIV Act VII of 1843 were disposed of by him or his Assistants during the month of November last.-

(Here enter FH No 3537 of 1844)

Read Calendars in Cases Nos 46 and 50 of 1844 submitted by the Sessions Judge of Madura.-

(Here enter FH Nos 3538 & 3539 of 1844)

Read Calendar in Case No 4 of 1844 submitted by the Sessions Judge of Calicut.-

(Here enter FH No 3540 of 1844) Read

Read Calendar in Case No. 43. of 1844 submitted by the Acting Sessions Judge of Bellary.

(Here enter F.H. No. 3542 of 1844)

Read return dated the 28th Ultimo from the Acting Sessions Judge of Trichinopoly to the precept of the Foujdaree Adalut under date the 13th December 1844, commenting on the report of Cases pending on the 30th October and committed for trial during the Months of November 1844, before the Sessions Judge of Trichinopoly and directing him to call on the Principal Sudder Ameen, to explain the Causes of the unjustifiable delays.

(Here enter F.H. No. 3543 of 1844)

Read letter dated the 26th Ultimo from the Acting Subordinate Judge of Rajahmundry affording explanation relative to the entertainment of one additional Jail guard for 103 convicts as called for in the Foujdaree Court's Proceedings dated 20th Ultimo.

(Here enter F.H. No. 3545 of 1844)

WDA
Key

End 7th

Saturday 4th January 1845.

F.H.

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 again Calendar in Cases No. 10 and 11 submitted by the Sessions Judge of Chittoor for 1844.—

(Here enter No. 880 of 1844)

Read also returns dated the 28th May 1844 from the Acting Sessions Judge of Chittoor to the Precept of this Court dated 25th May 1844 requiring to know whether the Acting Sessions Judge considered the Prisoner in Case No. 11 of 1844 to be fully convicted of the crime of Arson with which he was therein charged, and also directing that the order adjudging stripes to be inflicted should be suspended.—

(Here enter No. 1337 of 1844)

Read also communication

from the Sessions Judge of Chittoor dated the 6th December 1844 requesting to be informed of the final order of the Sudder Adalut in Case No 11 of 1844 on the file of the Sessions Court of Chittoor.—

/Here enter No 3357 of 1844./

Adverting to the length of time during which the corporal punishment originally awarded to the Prisoner by the late Acting Sessions Judge, has been hanging over him, the Court of Sudder Adalut resolve to direct its remission.—

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

/Next following precept No 17./

Read Calendar in Case No 24 on the file of the Sessions Court of Trichinopoly for 1844 forwarded by the Acting Sessions Judge under date the 19th Ultimo.—

/Here enter Fl. No 3487 of 1844/

The

1. The Prisoners in this case were charged with having on the Evening of the 29th September last, with certain others, assembled in a body armed with Cudgels and assaulted the Prosecutors Younger brother whose death took place on the following day in consequence of the severe wounds which had been inflicted upon him with Cudgels and Stones.—

2. The Acting Sessions Judge concurs in the finding of the Law Officer, and sentences the 1st Prisoner for the crime of Culpable Homicide to 5 Years' imprisonment under the provisions of Clause Second Section XV Regulation VII of 1802.—

3. Under the same Clause and Regulation the Acting Sessions Judge sentences the 2d Prisoner to 3 Years' imprisonment for having been present aiding and abetting the 1st Prisoner.—

4. The 3d 4th and 5th Prisoners are released upon Security.—

5. The Court of Sudder Adalut observe

4th January 1845.

observe that as Dujut was not awarded to the 2d Prisoner by the Sutton of the Law Officer, he ought to have been sentenced by the Acting Sessions Judge under Clause seventh Section II Regulation XV of 1803.—

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

/Sent in No. 18./

Read Calendar in Case No. 38 of 1844 submitted by the Sessions Judge of Tinnevelly.—

/Here enter No. 3520 of 1844/

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

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

/Sent in No. 19./

D.W.

Monday
6th January 1845 } At a Court of the Foujdaree Adalut

Present,

Lieut. G.R. Henry Dickinson Esqr. — — — 1st Puisne Judge.

Lieut. R.K. Malcolm Lewin Esqr. — — 2d Puisne Judge.

Lieut. W.H. Alexr. Maclean Esqr. Actg. 3d Puisne Judge.

Read the November Criminal Reports submitted by the Principal Sudr. Ameen of Tinnevelly under date the 16th Ultimo.—

/Here Enter No. 3493 of 1844./

Supplemental Report / Case No. 68.

The Court of Foujdaree Adalut considers the punishment awarded in this case, to be inadequate to the offences committed by the Prisoner.—

2 The Sessions Judge is required to call for and review the proceedings held in the case, and to pass such orders thereon as may appear necessary, reporting the result for the information of the Foujdaree Adalut.—

Case No. 129. 3 It was superfluous and unnecessary

unnecessary to state on the Calendar that
the Police Proceedings in this case were
read".

Report № V
Case № 132

4 The Sessions Judge will
be pleased to review the pro-
ceedings of the Principal Sudr Ameen
in this case, and to report for the
information of the Court of Foujdaree
Adalut what orders he may have
thought proper to pass thereon.

Case № 130

5 The Court of Foujdaree
Adalut observe that the offence com-
mitted by the Prisoners in this case
was Gang Robbery by open violence,
and punishable under the provisions
of Section IV Regulation XII of 1808.

6 The Principal Sudr Ameen
therefore erred in releasing the prisoners
on bail.

Ordered that Copy of
these Proceedings be forwarded to the
Principal Sudr Ameen of Tinnevelly
for his information and guidance, and
for communication of paras 1, 2, 3, 4 to the
Sessions

Sessions Judge of Tinnevelly —
/ Sent in № 20 /

Read again letter dated
27th November 1844 from the Sessions Judge
of Chicacole, submitting for the final
sentence of the Court of Foujdaree Adalut
the proceedings in Case № 5 of 1844 —
/ Vide Cutes № 3354 of 1844 /

Read also letter dated the
24th December last, from the Sessions Judge
of Chicacole, returning the record in
Case № 5 on the Calendar for 1844 altered
as requested in Foujdaree Adalut letter
of the 7th December, and stating his
reasons for not having defined what
punishment should be awarded to the
Prisoners —

/ Vide Cutes № 70 of 1845 /

W. 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 Prisoners

1st Dayeeda Pamegraben
2nd Poorashotum

are not convicted on presumptive proofs

or

or on the evidence of credible witnesses, or on their own confessions of the crime of theft, do acquit them thereof: and direct that they be unconditionally released.

(Sent following letter No 31)

Reads Extract from the Minutes of Consultation dated the 3d Ultimo, No 812, recording the observations of Government on the proceedings held by the Foujdaree Adalut in review of the reports submitted under the provisions of Section IIIIII Regulation III of 1832, by the Sessions Judges of Cuddapah, Bellary, Chingleput, Salem, Combaconum and Tinnevelly.

(Revd Letter No 3332)

Para 3. 1. In reply to the Observation contained in this para whether there is not at Bellary a Native Head of Police "who could as the Head of a Village "enquire into and dispose of" the trivial and unimportant cases which reach the Court of the Magistrate under the provisions

6th January 1845 provisions of Section III Regulation III of 1832, the Judges beg to observe that it has been pointed out to the Magistrate of Bellary in the Courts proceedings dated 12th June last, that he is at liberty to refer to the Ameen of Bellary such of the cases under observation as fall within the Jurisdiction of that officer: in the absence of the Members of the Magistracy from the Cutcherry Station, the cases sent up by the Military Authorities would as a matter of Course go to the Police Ameen direct.—

Para 1. 2. The Judges beg to state in reply to the remarks by Government in respect of the delay apparent in their review of the several Sessions Reports now under observation, that the Proceedings of the Foujdaree Adalut thereon were recorded so far back as May 1844, but that the necessity involved in preparing transcripts for the enclosures to the Reports for subsequent

5th January 1845

submission to the Government proved. It be a work of labor which the mass of correspondence now coming before and leaving the Court could not, without detriment to other business of a current nature, be undertaken by the permanent establishment of the Register's office. It was therefore deferred and assigned over to the temporary establishment sanctioned by Government on the date noted marginally, through whose assistance not only the enclosures now referred to, but the duplicate and triplicate copies of the Sessions Records and several others of a bulky description were commenced upon at once on the 14th May 1844, and completed on the 28th October last.

16th April 1844.

3 It would have been more convenient and difficult of arrangement to have entertained a temporary establishment for various brief periods. It is hoped that delay will in future be obviated by the addition to the Courts establishment, which it is in contemplation at an early date to solicit.

On

5th January 1845

para 5. 4 On reference to the records of the Foujdaree Adalut it is found that the Court were under the necessity of calling upon Mr. Walker Sessions Judge of Nellore, to submit the usual Sessions Report; their requisition to this effect being dated the 16th February 1844, and that when received the proofs were further under the necessity of returning it to the Sessions Judge for amendment as to form.

dated 17th April 1844

21st May 1844.

para 4 5 The Government having approved the Court's suggestion that the Jails at Ichapoor, Vizagapatam and Sicacole should respectively be visited once in (6) Six months by the Sessions Judge of Chicacole and Ganjam, those officers are desired to arrange that these visits which should not occupy more than five (5) days from the date of departure from, and return to the Zillah Station, be made at a time when their absence from their Courts will not be detrimental to the interests of parties resorting

6th January 1845

resorting thereto, or to the public service.—

Ordered that Extract of these Proceedings (Paras 1 to 4) be forwarded to the Acting Secretary to Government in the Judicial Department for submission to the Most Noble the Governor in Council.—

(Sent in No 22)

Ordered also that Extract of these Proceedings (para 5) be forwarded to the Sessions Judges of Chicacole and Ganjam for their information.—

(Sent in No 23)

Ordered also that Extract of these proceedings (para 1) be forwarded to the Sessions Judge of Bellary for communication to the late Sessions Judge and Magistrate Messrs Ogilvie and Meleod for their information

(Sent in No 24)

Read letter dated 28th December 1844 from the Sessions Judge of Cuddalore, submitting for the final sentence of the Court of Foujdaree Adalut

the

6th January 1845

the proceedings in Case No 57 of 1844.

(Vide Inter No 3546 of 1844)

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 Prisoners

1st Parawar

3d Andeappen.

and

3d Rungen

is sufficient to convict them of the crime of Robbery with open violence do convict them thereof, and under the provisions of Islam third Section III Regulation XII of 1803, sentence them to be imprisoned and kept to hard labor in irons, on the Public Roads or other public works, for and during the period of (14) fourteen years.—

(Sent following letter No 25)

Read letter dated the 31st October 1844 from the Magistrate

J

of Salem, affording explanation in Cases 62. and 65 of the Criminal Reports submitted by the acting Subordinate Judge of Salem, for the Months of July 1844. with copy of a letter from the Joint Magistrate respecting Case No 65.—

/Here Enter No 3035 of 1844/

Read letter dated the 29th November 1844 from the acting Subordinate Judge of Salem, stating that the undermentioned prisoner in case No 13 of 1844 on the Salem Calendar, was made over to the charge of his friends Ananthan Khan, the said person having entered into the requisite security for the prisoner's future good conduct.—

/Here Enter Fl No 3303 of 1844/

Read Calendar of Cases No 34 of 1844, submitted by the Sessions Judge of Tinnevelly under date the 28th November 1844.—

/Here Enter Fl No 3311 of 1844/

Read

Read report dated the 30th November 1844 submitted by the Sessions Judge of Salem, of Cases pending on the 31st October, and committed for trial during the month of November 1844.—

/Here Enter Fl No 3314 of 1844/

Read return dated the 30th November 1844 from the Sessions Judge of Trichinopoly, to the precept of the Provincial Adalut dated the 7th November 1844, containing their observations and orders on the supplemental Report for 1843.—

/Here enter Fl No 3315 of 1844/

Read report dated the 1st December 1844 from the Sessions Judge of Chingleput, of Cases pending on the 31st October, and committed for trial during the month of November 1844.—

/Here Enter Fl No 3316 of 1844—/

Read Report dated the 3d December, 1844, submitted by the Sessions Judge of Chittoor, of Cases pending on the

the 31st October, and committed for trial during the Month of November 1844.-

/Here Enter No 3310 of 1844./

Read Report dated the 30th November 1844 from the Acting Sessions Judge of Rajahmundry, of cases pending on the 31st October, and committed for trial during the Month of November 1844.

/Here Enter No 3326 of 1844./

Read letter dated the 30th November 1844 from the Magistrate of Masulipatam, reporting that no cases of the description alluded to in Section XXIV Act VIII of 1843. have come under his cognizance for October 1844.-

/Here Enter No 3327 of 1844./

Read Return dated the 5th December 1844 from the Subordinate Judge of Chittoor, to the precept of the Foujdaree Adalut under date the 30th November 1844, commanding on the Criminal Reports for the Month of October 1844.

/Here Enter No 3340 of 1844/

Read letter dated the 2d

2d December 1844 from the Sessions Judge of Tellicherry, reporting that no case was committed for trial during November 1844.

/Here Enter No 3351 of 1844./

Read letter dated the 6th December 1844 from the Magistrate of North Arcot, informing that during the Month of November last the Magistracy of the District did not exercise the powers vested in them by Section XXIV Act VII of 1843.

/Here Enter No 3353. of 1844./

Read Return dated the 5th December 1844 from the Sessions Judge of Cuddapah, to the precept of the Foujdaree Adalut under date the 26th November 1844, requiring him to send for and examine the Record in case No 261 of 1844. in the Criminal Reports for the Month of October last.-

/Here Enter No 3358. of 1844/

Read Statement dated the

the 30th November 1844. from the Sessions Judge of Coimbatore, shewing the instances in which the powers of punishment created by Regulation X of 1832 have been exercised for November 1844.

/Here enter No 3373 of 1844./

Read Convict Labor Report dated the 30th November 1844, from the Sessions Judge of Coimbatore, for the Month of November 1844.—

/Here enter No 3374 of 1844./

Read letter dated the 5th December 1844 from the Acting Magistrate of Canara, submitting, with reference to an Extract from the Proceedings of the Foujdaree Adalut dated the 25th Ultimo, the explanation therein called for.—

/Here Enter No 3375 of 1844./

Read Return dated the 5th December 1844 from the Sessions Judge of Salem, to the precept of the Foujdaree Adalut under date the 30th November 1844, calling for information regarding the Regulation quoted in Case No 24.—

/Here Enter No 3376 of 1844./

Read

Read letter dated the 17th December 1844 from the Sessions Judge of Calicut, transmitting the original death warrant in Case No LIV on the Calendar for 1844.—

/Here Enter No 3505 of 1844/

Read report dated the 30th November 1844. from the Magistrate of Malabar, of Cases tried by the Magistrate under the provisions of Section LIII Act VIII of 1843, during the Month of November 1844

/Here Enter No 3507 of 1844/

Read return dated the 26th December 1844, from the Sessions Judge of Cuddapah, to the precept of the Foujdaree Adalut under date the 21st December 1844, directing him to sentence Veeraparadontum Venkatanarayanadoo Prisoner in Case No 104 of the Calendar for 1844, to be imprisoned and kept to hard labor in irons for the period of 7 Years.—

/Here Enter No 3534 of 1844/.

Read

6th January 1845

Read letter dated the 25th December 1844 from the Sessions Judge of Cuddapah reporting the execution of the Prisoner in Case No 95 of the Calendar for 1844.

(Here Enter No 3536 of 1844)

Read Report dated 2d December 1844 submitted by the Sessions Judge of Chittoor, of Causes pending on the 31st October, and committed for trial during the month of November 1844

(Here Enter F.R. No 3318 of 1844)

E.N.

J. H.

Tuesday, 7th January 1845.

At a Court of the Foujdaree Adalut.

Present;

Henry Dickinson Esqre ——— 1st Puisne Judge,

Malcolm Lewin Esqre Actg 2d Puisne Judge.

Read Calendar in Case —
No 69 of 1844 submitted by the Sessions —
Judge of Nuangalore.—

(Here enter FR. No 3541 of 1844)

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

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

(Sent in No 28.)

Read letter dated the 19th Ultimo, from the Magistrate of South Arcot reporting with reference to the Proceedings of the Foujdaree Adalut of the 3d Ultimo on review of the Calendar in Cases Nos 48, 49, 50, 51, 52, 53, 54 and 55 on the file of the Cuddalore Session Court for 1844.— that the

Prisoners

7th January 1845.

Trimanully Head of Police has been suspended from his situation for a period of six months.-

(Here enter F.H. No. 3486 of 1844)

In consideration of the good character which the Trimanully Head of Police is reported by the Magistrate to have hitherto borne, the Court of Zoujdaree Adalut are induced to think that a milder punishment would be sufficient and act as a salutary warning to him to be more vigilant and active in the discharge of his duties in future.-

2. They therefore suggest that his term of suspension from office be reduced to 3 months.-

Ordered that copy of these proceedings be forwarded to the Magistrate of South Arcot for his information and guidance.-

(Sent in No. 29.)

Read calendars in cases No. 27 and 30 submitted by the Acting Sessions Judge of Trichinopoly for 1844.-

(Here enter F.H. Nos. 3547 & 3548 of 1844)

Read

7th January 1845.

Read calendar in case No. 29 of 1844 submitted by the Sessions Judge of Coimbatore.-

(Here enter F.H. No. 3549 of 1844)

Read calendar in case No. 47 of 1844 submitted by the Sessions Judge of Madura.-

(Here enter F.H. No. 3550 of 1844)-

Ent'd

F. C.

Wednesday, 8th January, 1845.

At a Court of the Toojdaree Adalut.

Present,

H. Dickinson, Esqre 1st Puisne Judge,
M. Lewin, Esqre Acty 2d Puisne Judge,
A. Maclean, Esqre Acty 3d Puisne Judge,

Read Calendar in case No. 28 on the file of the Session Court of Trichinopoly for 1844, forwarded by the Acting Session Judge under date the 19th Ultimo.

/Vide Enter F. C. No. 3489 of 1844./

1. The Prisoner in this case, an Escaped Convict, is charged with having on the 21st January 1836 with a gang of Convicts, attacked and wounded the Peons in charge of them and effected his escape.

2. The Mahomedan Law Officer in his Futwah convicts the Prisoner, and the Acting Session Judge concurring in this finding, sentences the Prisoner under Clause Fourth

Section

Section V. Regulation VII of 1822 to 2
years additional imprisonment.

3. The Court of Foujdaree Udalut are of opinion that the Acting Sessions Judge grievously erred in examining but one witness cognizant with the facts of this case, and relying upon the statement made in a letter addressed by the Civil Engineer to the Magistrate of Trichinopoly for the most important matter in the case.

4. It was absolutely necessary that the minutest inquiry should be made in an affair when so many lives were taken, and the Court observe that a reference to the Foujdaree Udalut Circular Orders 7th September 1820 and 24th January 1822 would have shown the Sessions Judge that even when there is a Confession the whole evidence shall be examined.—

Ordered, that Copy of these Proceedings be forwarded to the

the Acting Sessions Judge of Trichinopoly for his information and guidance.—

(Sent in No. 32)

Read letter dated the 16th Ultimo from the Acting Sessions Judge of Rajahmundry, requesting with reference to the Proceedings of the Foujdaree Udalut dated 9th Ultimo to bring to the notice of the Judges that in conformity to the Proceedings of the Foujdaree Udalut dated 5th November last the prisoners sentenced in Case No. 10 of 1844 is still suspended and that he awaits orders on the subject.—

Were entd No. 3492 of 1844.

The Foujdaree Udalut direct that the sentence originally passed on the Prisoner adverted to be now enforced.—

Ordered, that Extract from these proceedings be forwarded to the Acting Sessions Judge of Rajahmundry

8th January, 1845.

Rajahmundry for his information.

Sent in No. 33.

Read Calendar in Case No. 68 of 1844 on the file of the Session Court of Calicut.

Here enter No. 3519 of 1844.

1. The 1st and 2d prisoners in the above case were charged with Highway Robbery and were convicted; but the Sessions Judge being of opinion that as they had both confessed in every stage, and there were no atrocious features in the robbery, the violence offered to the Prosecutor being of a very trifling nature, and they had delivered up such part of the stolen property as remained unexpended; the amount of which he saw every reason to believe to have been greatly exaggerated, it being unlikely that the Prosecutor who is a man in very indifferent circumstances, should have had more than the few Rupees about him which the Prisoners admit to have plundered

plundered and as they are both very young men, who would appear to have hitherto borne good character he recommends that they should be imprisoned with hard labor for five years each.

2. The Court of Foujdaree Udalut having maturely considered the circumstances of the case represented in the Calendar sanctioned under Clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Sessions Judge and accordingly direct that the prisoners

1st Koyipoorata Vydroja Cattiy

and

2d Cherrookoonatha Seydoo

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

to the Session Judge of Calicut for his information.—

(Sent in No. 34)

Read letter dated the 17th Ultimo from the Session Judge of Cuddalore requesting to be informed whether the records of Criminal Cases disposed of by the Moosty Sudr Ameen should after the conclusion of the trial remain in his own Court or be returned to the Principal Sudr Ameen.—

(Wro Enter No. 3480 of 1844)

As all cases coming within the Criminal cognizance of a Sudr Ameen must, as the law now stands, necessarily have been referred to that Officer by the Subordinate Judge or Principal Sudr Ameen, the Foujdaree Udalut are of opinion the Records of such cases should be returned to the Court of the referring authority, of whose records they in fact form a component part, when the proceedings of the Sudr Ameen shall have been

brought

brought to a close.—

2. The necessity for the adoption of this course is the more obvious that the Courts of Sudr Ameens are neither provided with record Rooms nor with ministerial Establishments for the preservation of records.—

Ordered, that Extract from these proceedings be forwarded to the Session Judge of Cuddalore for his information and communication to the Principal Sudr Ameen and Sudr Ameen at that station.—

(Sent in No. 35)

Ent'd H.

Thursday

9th January 1845

F. U.

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esquire 1st Puisne Judge.

Malcolm Lewin Esquire 3d Puisne Judge.

M L

Read letter dated the 29th Ultimo from the Sessions Judge of Tinnevelly submitting for the final sentence of the Foujdaree Udalut the record of the trial in case No 33 of 1845.

Here enter No 52 of 1845.

Mr M. Lewin

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

1st Mooloo,

2d Sungoocon,

and

3d Soopen,

is sufficient to convict them of the crime of culpable homicide, for which the penalty of Deyut is awardable under the Mahomedan Law, as declared in Futwahs

of

of their Law Officers, do convict them thereof and, under the provisions of Clause second Section XV Regulation VII of 1802, 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 six months.

(Sent following letter No 39/

Read Calendar in Case No 18, of 1844 on the file of the Sessions Court of Madura.

(Here enter No 16 of 1845.)

1. The 1st and 2d Prisoners in this Case were charged with robbery and were convicted, but the Sessions Judge being of opinion that the punishment prescribed by Section XV. Regulation VII of 1802. 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 prisoners,

1st Pavalavanatan,

be

be imprisoned and Kept to labor suitable to his sex, for, and, during the period of (3) three years, and that the prisoner,

2d Sowmya Narraina Iyengar.

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 Madura for his information by precept, returnable in VI days from and after the receipt.

(Sent following precepts No 40/

Read again letter dated the 28th May 1844 from the Joint Magistrate in charge of Tanjore forwarding remarks on certain of the provisions of Regulation XI of 1832, in the hope that some modifications or amendments thereof may be made in order to afford relief to the individuals who are principally affected thereby.

(Here enter No 1354 of 1844.)

Read also the communications noted below from the Magistrates under

the

the Court's jurisdiction, submitting their opinion as to the operations of the Regulation above quoted.

(Here enter Nos 1587, 1605, 1606, 1630, 1667, 1670, 1673, 1690, 1754, 1759, 1995, 1996, 2037, 2206, 2323, 2406, 2418, 2425 and 2493 of 1844.)

Read also communication dated the 28th November last from the Magistrate of Tanjore submitting a statement exhibiting instances of the discovery of hidden treasure in the District of Tanjore and proposing to transfer to the Magistracy the authority vested under Regulation XI of 1832 in the Established Courts.

(Here enter No 3504 of 1844.)

On a deliberate review of the information laid before the Court in the above addresses regarding the operation of the Regulation adverted to and on a consideration of the opinions of the Magistracy in respect of an alteration of its provisions, it does not appear to the Judges that any sufficient cause has been shown to justify their submitting to Government a recommendation for the

enforcement

enforcement of the propositions received from the Acting Joint Magistrate and Magistrate of Tanjore.

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

(Sent in No 41.)

Read again Calendar of Case No 99 of 1844 submitted by the Sessions Judge of Cuddapah.

(Here enter No 3365 of 1844.)

Read also return dated the 18th Ultimo from the same Officer to the Court's precept of the 16th Ultimo, directing the Sessions Judge to pass sentence on the Prisoner in Case No 99 of the Calendar for 1844.

(Here enter No 3500 of 1844.)

1. In the above case the Prisoner was charged with having, in company with some others, conducted the Prosecutrix to a Pagoda accusing her of having committed theft, beaten her with a whip urging her to take an oath by laying hold of a hot ploughshare and forcibly placing the same

on

on the palm of her right hand by which the same was severely burned and wounded.

2. The Session Judge remarks that the state of the Prosecutrix's hand shows that she has been severely burnt with some heated instrument and that such is the opinion of the Medical Officer; and, as she will not lose the use of her hand, that much of the aggravation of the offence with which the Prisoner is charged is removed; further that as the Prisoner was only a Subordinate agent, it does not appear necessary to inflict a heavier punishment than is prescribed in Section VII Regulation X of 1816. accordingly the Session Judge (Mr Lavie) under the Regulation above quoted, sentenced the Prisoner to six Months imprisonment with hard labor in irons.

3. The Foujdaree Adalut observe that the Regulation quoted by the Session Judge is inapplicable, and that the sentence should have been passed under Clause Seventh Section II Regulation XV of 1803.

4. Moreover under the circumstances attending

attending the offence of which the Prisoner has been convicted, the Court consider that Mr Lavie has prohibited a total want of discretion in passing so extremely lenient a sentence as six Months imprisonment for a prisoner for whom in the opinion of the Court hard labor in irons for a period of seven Years would have been a punishment not more than sufficient to meet the ends of justice.

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

(Sent in No 42.)

Read return dated the 5th Ultimo from the Sessions Judge of Cuddapah to the Precept of this Court dated the 26th November last directing that the Record in case No 33 of 1844 on the file of the Subordinate Criminal Court should be called for and examined.

(Here enter No 33359 of 1844.)

In the above Return the Sessions Judge has offered certain observations regarding the delay which attended the final

9th January 1845.

final disposal of the case referred to therein by the Acting Subordinate Judge of Cuddapah; but without an explanation of the circumstances which created it; from the Acting Subordinate Judge himself, the Sonjdaree Udalut are not in a position finally to dispose of the matter:- they accordingly resolve to call upon the Acting Subordinate Judge through the Session Judge, to submit for consideration any remarks in respect of the delay which he may wish to offer.-

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Cuddapah for his information by Precept, returnable in XV days from, and after its receipt.

/Sent following precept No 43./

Read Calendar for Case No 100, of 1844, on the file of the Sessions Court of Cuddapah, forwarded by the Session Judge under date the 20th ultimo.

/Here enter F.H. No 3512 of 1844./

1. The Prisoner in this Case stood charged with having on the night of the 14th November last set fire to and burnt a heap of

F. Ue.

9th January 1845.

of straw and husks, valued at 12 Rupees, the property of the Prosecutor.

2. He was acquitted by the Mahomedan Law Officer, and in this sentence the Session Judge agreed, but considering him liable to strong suspicion, he deemed it necessary and advisable to demand from the Prisoner security for his future good behaviour and appearance when required during 3 Years.

3. The Court of Sonjdaree Udalut observe that the Session Judge should have quoted the part of the Regulations under which he required the Prisoner to find security.-

Ordered that a copy of these Proceedings be forwarded to the Sessions Judge of Cuddapah for his information and guidance.

/Sentence No 44./

Read return dated 20th December 1844, from the Sessions Judge of Tellicherry to the Precept of the Sonjdaree Udalut of the 13th idem, directing him immediately to set at liberty the prisoners tried in Cases Regl

and

and 18 of 1844, on the Tellicherry Calendar of 1844 on a charge of perjury.

(Here enter F.U. No 3528 of 1844.)

1. In this return the Sessions Judge reports that he has delayed carrying out the orders of the Foujdaree Udalut until they shall have had an opportunity of considering the evils anticipated in his return to result from the execution of those orders, and have determined on the possibility of bringing the offence of the two Perjurers in Cases Nos 17 and 18 within the meaning and intent of the Circular Order of the 3rd June 1814.

2. The Court of Foujdaree Udalut consider that the course adopted by the Sessions Judge of delaying to carry into effect their orders of the 13th December last was not justifiable and they would observe that he has thereby rendered himself liable to an action of false imprisonment.

3. Mr Waters has entered at some length and has pourtrayed with some degree of force and truth the evils which are likely to result from the release of the prisoners

prisoners; but the whole of these evils are alone to be ascribed to the want of judgment exhibited by himself in making the contradiction of having given a certain deposition the point material to the issue (which it was not) instead of having charged certain words uttered in evidence, and which were material to the issue, as false. The Court cannot see that the enactment quoted by Mr Waters in any way empowers them to allow of so material an alteration being made in the charge as he proposes.

4. The offenders have been tried on an incorrect charge, and cannot be put again on their trial for the same offence on an amended charge; the only course open for the Court is that which has been directed Viz: the release of the prisoners. Much greater dangers even than those apprehended by the Sessions Judge would undoubtedly flow from the Foujdaree Udalut endeavouring by a deviation from the regulations and acknowledged principles of justice to rectify the error already past remedy.

The

9th January 1845.

5. The ends of justice have in this instance it is true been frustrated and two guilty men the least of the evils to be dreaded from the want of attention and care on the part of the Sessions Judge let loose on society.

6. For Mr. Waters future guidance the Court would observe that the mere fact of a witness having given a deposition is not material in a case of perjury - unless that deposition being in its contents material to the issue be given on oath and be contradicted by another deposition also on oath when this is not the Case the indictment should simply specify that the witness had sworn falsely to certain facts material to the issue and evidence should be taken to prove the falsity of his sworn assertions.-

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

(Sent in No. 45.

Read Extract from the Minutes of Consultation dated 7th November 1844.

No.

4.

J. M.

9th January 1845.

No. 707, communicating the observations of Government on the Criminal Reports for the second Half year of 1842.-

(Here enter No. 3049 of 1844.)

para. 14 and 15. 1. The Court of Foujdaree Adalut resolve, as desired in these paras: to call the attention of the Magistrate of Salem to the expectations which are entertained by Government in regard to the future reports of the efforts of the Police under his control.-

para 16- 2. The Court further resolve to require from the Magistrates of the districts noted in the margin, a report, founded on such investigation as they may think necessary, whether cause exists to justify a belief, that among the total number of suicides entered in the report for the Half year under remark, any may be considered as cases of crime covered by that designation.-

Coimbatore.
Malabar.
Canara.
Nellore.
North Arcot.
Bellary.-

paras 17 to 20. 3. The Magistrate of North Arcot is further requested to submit a statement showing, with reference to the

the orders of Government dated 15th November 1836 para 7, when, by whom and for what period the Cavetnugger Zemmindary was visited during the last ten years.-

para 32.- 4 Adverting to the generally unimportant character of the Reports, furnished in late years by District Heads of Police, the Court are of opinion that the suggestion made by the Government in respect of investigating the causes of their "banamma" should be acted upon and accordingly they determine to request the several Magistrates within the Courts jurisdiction to submit their opinion of the causes to which it may be attributed.-

Ordered that Extract from these proceedings (paras 1 and 4) be forwarded to the Magistrate of Salem with corresponding paras of the Extract from the Minutes of Consultation for his information.

(Sent in No 46.)

Ordered also that Extract from these proceedings (paras 2, 3 and 4) be forwarded to the Magistrate of North Arcot with corresponding

corresponding paras of the Extract from the Minutes of Consultation for his information.

(Sent in No 47.)

Ordered also that Extract from these proceedings (paras 2 and 4) be forwarded to the Magistrates of Coimbatore, Malabar, Canara, Nellore and Bellary - with corresponding paras of the Extract from the Minutes of Consultation for their information.-

(Sent in No 48)

Ordered also that Extract from these proceedings (para 4) be forwarded to the other Magistrates for their information.-

(Sent in No 49)

Read return dated the 22d November 1844 from the Session Judge of Mangalore to the precept of the Tongdaree Vidalut under date the 15th Idem on review of the Calendar in Case No 57 of 1844

(Here enter F.H. No 3258 of 1844)

Read return dated the 21st November 1844 from the Session Judge of Calicut

9th January 1845.

Calicut to the precept of the Foujdaree Adalut under date the 16th Idem permitting the corporal punishment awarded to the Prisoner in Case №57 of 1844 on the Calender of the Session Court.

(Here enter F.R. №3263 of 1844.)

Read return dated the 28th November 1844 from the Session Judge of Tellicherry in reply to the precept of the Foujdaree Adalut under date the 26th Idem directing him to look into the Case №55 of 1844 of the file of the Principal Sudr Ameen and to pass such Orders as he may consider necessary.

(Here enter F.R. №3273 of 1844.)

Read communication dated the 23d November 1844 from the Session Judge of Masulipatam submitting explanations in reference to the Remarks of the Foujdaree Adalut upon the Report of Cases pending on the 30th September and committed for Trial in October 1844.

(Here enter F.R. №3274 of 1844.)

End 7th

F.R.

Friday 10th January 1845.

At a Court of the Foujdaree Adalut

Present.

Henry Dickenson Esqr 1st Puisne Judge

Malcolm Lewin Esqr Acty 2d Puisne Judge.

Read again Calendar on the file of the Session Court of Mangalore forwarded by the Session Judge under date the 3d Ultimo.

(Here Enter F.R. №3361)

Read also return dated the 24th Ultimo from the Session Judge of Mangalore to the precept of the Foujdaree Adalut of the 17 Ultimo calling upon him to state in what way the false swearing of the Prisoner Salay Kundy was material to the issue of the trial in Case №56 of 1844 and what the issue of the said trial was.

(Here Enter F.R. №3335)

The Session Judge in his return

person states that the Prisoner in
Case No. 56 above alluded to, was acquitted
on the ground that the genuineness of
the deed produced by the Prosecutor
in the case was doubtful and the
dispute between himself and the Prisoner
would best be settled in the Civil
Courts and that he thought the denial
by the Prisoner in Case No. 62 of his
having written the document in dispute
in Case No. 56 clearly proved to be in
his hand writing to be material to the
issue of the Case No. 56, inasmuch as
had the Prisoner Salay Cumby admitted
having written the document, his evidence
if Corroborative of the statement of the
Prisoner in Case No. 56, would have ma-
terially tended to show that the evidence
for the prosecution was false" while "on
"the other hands, had he admitted the do-
"cument, but denied to its having been
"written under circumstances different
"from that alleged by the Prisoner in Case
No.

"No. 56, it would have tended to damage
"the Prisoners defence"

2 The Court of Tanjore
Adalat observe, that the most important
part of the indictment in cases of perjury
is the facts material to the issue, which
are not stated in the indictment in
Case No. 62.

3 Upon a consideration of all
the circumstances stated in the Sessions
Judge's return the Tanjore Adalat
are clearly of opinion that the Prisoner
Salay Cumby
should be released, and they accordingly
resolve to direct that he be forthwith
set at liberty.

Ordered that Copy of this
proceedings be forwarded to the Sessions
Judge of Mangalore for his information
and guidance.

/Sent in No. 52./

Read Calendar in case No.
3 of 1844 on the file of the Sessions Court of
Calicut

11th January 1845.

Calicut forwarded by the Sessions Judge under date the 18th Ultimo

(Here Enter Fl. No. 3509 of 1844)

1 The Prisoners in this case were charged with having on the night of the 21st August last in company with some others, gone to the Prosecutors house with lighted torches and armed with weapons, broken open its door, entered it and used violence towards the Prosecutor and there and plundered property to the value of 21 and odd Rupees.

2 The Mahomedan Law officer in his Futwah convicted the Prisoners on strong presumptive proof.

3 The Sessions Judge confirmed the Futwah, but considering that the robbery committed by the Prisoners was not attended with any aggravating circumstances, and that the punishment prescribed for their offence was therefore too severe, he resolved to propose a mitigation thereof according to the provisions of Clause

Fl

11th January 1845

Clause Second Section III Regulation I of 1825.

4 The Court of Foujdaree Adalut see no sufficient grounds for the mitigation recommended by the Sessions Judge of Calicut, and they therefore direct that the Prisoners be sentenced to the full term of imprisonment to which they are liable under the provisions of Clause Third Section III Regulation XV of 1803.

Ordered that a Copy of these Proceedings be forwarded to the Sessions Judge of Calicut for his information and guidance.

(Sent pr. No. 337)

Read the Criminal Reports for the Month of November last, submitted by the Principal Sudr Ameen of Trichinopoly under date the 12th Ultimo.

(Here Enter Fl. No. 3426)

Supplemental Report Calcut No. 106.

1 The Court of Foujdaree Adalut observe that the Principal Sudr Ameen acted very irregularly and improperly in

the

be carried on a correspondence by letter with the Commissary of Ordnance regarding this case instead of taking from him in Court an examination as to the facts stated to have been communicated in his letter.

Report No V Case No 111.

2 As the Prisoner in this case is reported to have been sentenced on a previous occasion for theft by the Police, the particulars of the former offence should have been specified as directed by Foujdaree Adalut Circular Order 6th September 1821.

3 The Court direct that as the Prisoner's offence in this case does not appear to have been attended by any circumstances of an aggravating nature the Stripes to which he is sentenced be remitted.

Case No 112.

4 The Regulation under which the Prisoner in this case was committed to take his trial before the Sessions Court should have been noted in the Report.

Case No 115.

5 The Court perceive reason to doubt the correctness of the Prisoner's Sentenced in this case

case They therefore direct that the Acting Sessions Judge be called upon to review the Proceedings held in it and to pass such orders thereon as may appear to him to be proper reporting the result for the information of the Foujdaree Adalut

6 The Sentence passed upon the Prisoner by the Principal Sudr Ameen will in the mean time be suspended.

Ordered that Extract from these Proceedings be forwarded to the Principal Sudr Ameen of Tirhoot for his information and guidance and for communication of para 5 to the Acting Sessions Judge of Durbhunga for his information and guidance.

(Sent per No 54.)

Read Return dated the 24th December 1844 from the Principal Sudr Ameen of Chumparun to the precept of the Foujdaree Adalut under date the 21st Instant directing him to specify the mode in which entry was effected by the Prisoner into the

Prosecutor

Next

10th January 1845.

Prosecutors' houses in cases Nos 59 and 60 in the Criminal report for the Month of November 1844.

(Here Enter F.R. No 3522 of 1844)

Read return dated the 19th December 1844 from the Agent to the Governor of Fort St. George in Vizagapatam to the precpt of the Foujdaree Adalut under date the 10th Idem containing their observations on the Criminal Reports for the Month of October last.-

(Here Enter F.R. No 3523 of 1845)

Read report dated the 20th December 1844 submitted by the Agent to the Governor of Fort St George in Vizagapatam of persons apprehended in the Separate Tracts of Vizagapatam and delivered to the Agency in the Month of November 1844.

(Here Enter F.R. No 3524 of 1844)

Read Calendar in case No 54 of 1844 submitted by the Session Judge of Bangalore under date the 21st December 1844

(Here Enter F.R. No 3525 of 1844)

End 7 P.C.

J. No.

Saturday, 11th January, 1845.

At a Court of the Foujdaree Adalut.

Present,

Henry Dickinson Esqre ——— 1st Puisne Judge,

Malcolm Lewin Esqre ——— 3d Puisne Judge,

Read Calendar in Case No 110 of 1844, submitted by the Sessions Judge of Cuddapah.

(Here enter F.R. No 50 of 1845.)

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 Cuddapah for his information.-

(Sent in No 55.)

Read return dated the 27th Ultimo from the Sessions Judge of Calicut, to the precept of the Foujdaree Adalut under date the 21st December 1844, sanctioning the mitigated Sentence passed upon the Prisoner in Case No 60 on the Calendar of the Sessions Court for 1844.-

(Here enter F.R. No 1 of 1845)

Read

11th January 1845

Read Calendars in Cases Nos 66 and 67 of 1844, submitted by the Sessions Judge of Mangalore.—

(Here enter F. H. Nos 3626 of 1844 & 3 of 1845)

Read Calendar in Case No 30 of 1844, submitted by the Sessions Judge of Canara—

(Here enter F. H. No 2 of 1845)

Read return dated the 5th Ultimo from the Magistrate of Tinnevelly, to the precept of the Foujdaree Adalut under date the 23d November 1844, directing him to adopt measures for punishing the persons said to have ill-treated the Prisoner in Case No 100 of 1844, on the Tinnevelly Criminal Report—

(Here enter F. H. No 4 of 1845)

Read report dated the 27th Ultimo submitted by the Magistrate of Tinnevelly, of Cases tried by the Magistracy under Act VII of 1843 during the Month of November 1844.—

(Here enter F. H. No 5 of 1845)

Read return dated the 31st Ultimo, from the Sessions Judge of Nellore, to the precept of the Foujdaree Adalut under date the 10th December

11th January 1845

December 1844, directing him to submit for their information a full and detailed explanation of the causes that prevented an earlier disposal of the Case No 73 on the Report of the Session Court for November 1844.—

(Here enter F. H. No 9 of 1845)

Read return dated the 28th Ultimo, from the Sessions Judge of Madura to the precept of the Foujdaree Adalut under date the 29th November 1844, directing him to call for and review the proceedings held in Case No 136 of the Supplemental report for the Month of October 1844, and pass such orders thereon as he may deem proper, reporting the result for the information of the Foujdaree Adalut.—

(Here enter F. H. No 11 of 1845)

Read return dated the 30th Ultimo, from the Subordinate Judge of Combaconum, to the precept of the Foujdaree Adalut under date the 27th December 1844, conveying their observations on the Criminal Report for the Month of November 1844.—

(Here enter F. H. No 12 of 1845)

Read

11th January 1845.

Read report dated the 1st Instant
Submitted by the Sessions Judge of Chingleput
of Cases pending on the 30th November and
committed for trial during the month of December
1844.-

(Here enter J.H. No. 14 of 1845)

Read report dated the 1st Instant
Submitted by the Acting Sessions Judge of
Chittoor of Cases pending on the 30th November
and committed for trial during the month
of December 1844.-

(Here enter J.H. No. 15 of 1845)

Read Calendars in Cases Nos. 51
52 and 53 of 1844, Submitted by the Sessions
Judge of Madura.-

(Here enter J.H. Nos. 17, 18 and 19 of 1845)

Read report dated the 2d Instant
Submitted by the Sessions Judge of Nellore
of Cases pending on the 30th November and
committed for trial during the month of
December 1844.-

(Here enter J.H. No. 21 of 1845)

Monday,
13th January,
1845.

J. H.

At a Court of the Sowdawr Udalut.

Present,

Henry Dickinson Esquire 1st Puisne Judge,
Malcolm Lewin Esquire 3d Puisne Judge.

Read letter dated the 31st Ultimo from the Agent to the Governor of Fort St. George in the Vizagapatam District, submitting a Summary of the evidence against three Prisoners, the two former charged with House-breaking, and the latter with having aided and abetted in the same, and communicating his opinion as to the punishment to be passed on the 1st prisoner,

(Here enter No. 69 of 1845.)

The Court of Sowdawr 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 7 Years imprisonment with hard labor in irons under Section XXI Regulation

=lation VII of 1802, on the prisoner,
"1st Sandy Mootialloo,"
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. 60.)

Read Report dated the 2d Instant, submitted by the Session Judge of Cuddalore, of Cases pending on the 30th November and committed for trial during the month of December 1844.

(Here enter No. 24 of 1845.)

Read Report dated the 31st Ultimo, submitted by the Session Judge of Salem, of Cases committed for trial during the Month of December 1844.

(Here enter No. 25 of 1845.)

Read return dated the 31st Ultimo from the Acting Session Judge of Trichinopoly to the precept of the Foujdaree Udalut under date the 9th December 1844, requiring him to look into the case No. 90, on the file of the Principal Sudr Ameen's

Court

Court, and to pass such orders thereon as he may think proper, reporting the result for the information of the Foujdaree Udalut; and to call for and revise the proceedings of the Principal Sudr Ameen in Case No. 95 in view to the commitment of the Prisoner, should there appear to be reasonable grounds to believe that the evidence will be sufficient for his conviction.

(Here enter No. 32 of 1845.)

Read return dated the 31st Ultimo from the Acting Subordinate Judge of Bellary to the precept of the Foujdaree Udalut under date the 20th December 1844, directing the communication of the Extract to be made to the Magistrate of Bellary.

(Here enter No. 34 of 1845.)

Read letter dated the 3d Instant from the Acting Magistrate of Bellore explaining the circumstance regarding the delay in Case No. 99 of 1844.

(Here enter No. 36 of 1845.)

Read report dated the 1st Instant submitted by the Session Judge of

Guntoor

15th January 1845.

Tuesday
14th January, 1845.

F. U.

In a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esquire 1st Puisne Judge.
Malcolm Lewin Esquire 3d Puisne Judge.

Read Miscellaneous Petition presented on the 26th November last by Audee Letchemee Easter to the 3d Prisoner in Case No 2 and the prisoner in Case No 3 on the Madura Calendar for 1844.

(Here enter F.U.M.P. No 150 of 1844.)

1. The Petitioner referring to the order of the Court passed on her Petition No 87, releasing her brother Appavoo Pillay prisoner in Case No 6 on the Madura Calendar prays the Court to direct the release of her brother Mootya Pillay the prisoner in Case No 3, as the crimes laid to the charge of her brothers is in both instances the same. She further prays the Court to order the restoration of her brother Appavoo to the situation formerly held by him.

2. The Court of Foujdaree Udalut

Gunter of Cases pending on the 30th November and committed for trial during the Month of December 1844.

(Here enter No 40 of 1845.)

Read Statement dated the 2d Instant submitted by the Session Judge of Guntoor, required by Circular Order No 4 of the Court of Foujdaree Udalut of the Trials referred by that Court during the 2d Half year of 1844.

(Here enter No 41 of 1845.)

Read report dated the 1st Instant submitted by the Acting Sessions Judge of Bellary, of Cases pending on the 30th November and committed for trial during the Month of December 1844.

(Here enter No 42 of 1845.)

Read report dated the 1st Instant submitted by the Acting Sessions Judge of Rajahmundry of Cases pending on the 30th November and committed for trial during the Month of December 1844.

(Here enter No 43 of 1845.)

Ex. 7th.

ar

are satisfied with the orders of the Sessions Court in Case No. 3, and do not consider any other investigation or proceedings necessary.

3. The Court also do not see any grounds for their interference in favor of her brother Appavoo.—

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

Read Miscellaneous Petition presented on the 2d December 1844 by Kristnamal of the Zillah of Combaconum

(Here enter F.M. R.P. No. 171 of 1844.)

The Petitioner is again referred to former orders as final—and is instructed that if she persist in troubling the Court of Fouzdaree Adalut with the subject of the above petition, she will render herself liable to a fine.—

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

Read Miscellaneous petition presented on the 9th Ultimo by T. Appiah

Vakeel

Vakeel on behalf of P. Vencatappiah of the Zillah of Cuddapah.

(Here enter F.M.R.P. No. 172 of 1844.)

1. The Petitioner complains of the acquittal by the Acting Subordinate Judge of Cuddapah, of the Prisoners in Cases Nos. 210, and 211 of 1844. on his file, who were charged with wilful and Corrupt Perjury; and he prays the Court of Fouzdaree Adalut to call for and consider all the papers, connected with these Cases, and order the punishment of the Prisoners, according to Regulation XI of 1811.—

2. The Court of Fouzdaree Adalut resolve to direct the Sessions Judge of Cuddapah to call for and review the Proceedings held upon Criminal Cases Nos. 210 and 211 on the file of the Subordinate Court of Cuddapah and to report for their information what orders he may have thought proper to pass regarding the Prisoners in the said Cases.—

Ordered that Copy of these Proceedings be forwarded to the Sessions Judge of Cuddapah for his information and guidance—and copy furnished to Petitioner on his application.

Sent in No. 65.

14th January 1845.

Read letter dated the 3d Instant from the Sessions Judge of Tellicherry reporting that no disbursement of the nature described in the Foujdaree Udalut Circular Orders Nos 50 and 65 was made during the last quarter of 1844.

(Here enter No 67 of 1845.)

Read letter dated the 3d Instant from the Sessions Judge of Tellicherry stating that no amount was raised by the labor 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 last quarter of 1844.

(Here enter No 68 of 1845.)

Read Calendar dated the 2d Instant submitted by the Sessions Judge of Tinnevelly in case No 40 of 1844.

(Here enter No 71 of 1845.)

Read letter dated the 6th Instant from the Magistrate of South Arcot informing that the Magistracy did not exercise the powers vested in them by Section XLV of Act VII of 1843, during the month of December 1844.

(Here enter No 73 of 1845.)

Read

F. M.

14th January 1845.

Read letter dated the 31st Ultimo from the Magistrate of Masulipatam stating that no Cases of the description alluded to in Section XLV of Act VII of 1843 have come under his cognizance during the month of November 1844.

(Here enter No 74 of 1845.)

Read Report dated the 2d Instant submitted by the Sessions Judge of Tinnevelly of Cases pending on the 30th November and committed for trial during the month of December 1844.

(Here enter No 75 of 1845.)

Read Report dated the 2d Instant submitted by the Sessions Judge of Mangalore of Cases pending on the 30th November and committed for trial during the month of December 1844.

(Here enter No 76 of 1845.)

Read Report dated the 1st Instant submitted by the Sessions Judge of Chicacole of Cases pending on the 30th November and committed for trial during the month of December 1844.

(Here enter No 77 of 1845.)

Read

14th January 1845.

Read Report dated the 2d Instant submitted by the Sessions Judge of Tellicherry of Cases pending on the 30th November and committed for trial during the Month of December 1844.

(Here enter No. 78 of 1845.)

Read Calendar dated the 31st Ultimo submitted by the Acting Agent to the Governor of Fort Saint George in Gangam of Persons committed for trial from 1st April to 30th November 1844.

(Here enter No. 79 of 1845.)

Read Report dated the 2d Instant from the Agent to the Governor of Fort St. George in Rumnad of Cases pending on the 30th November and committed for trial during the Month of December 1844.

(Here enter No. 80 of 1845.)

Read Criminal Reports dated the 31st Ultimo submitted by the Sessions Judge of Chingleput for the Month of December 1844.

(Here enter No. 85 of 1845.)

Read Report dated the 1st Instant submitted by the Sessions Judge of Cuddapah

14th January 1845.

Cuddapah of Cases pending on the 30th November and committed for trial during the Month of December 1844.

(Here enter No. 87 of 1845.)

Read Report dated the 2d Instant submitted by the Sessions Judge of Honore of Cases pending on the 30th November and committed for trial during the Month of December 1844.

(Here enter No. 88 of 1845.)

Read Statement dated the 3d Instant submitted by the Sessions Judge of Calicut, required by Circular Order No. 4 for the 2d half of 1844.

(Here enter No. 90 of 1845.)

Read Statment dated the 6th Instant submitted by the Sessions Judge of Guntoor of Batta paid to Prosecutors and Witnesses attending before the Sessions Court for the 2d half Year of 1844.

(Here enter No. 93 of 1845.)

Read Return dated the 6th Instant from the Principal Sudr Ameen of Masulipatam to the precept of the Joydaree

14th January 1845.

Foujdaree Udalut under date the 27th December 1844 requiring information as to why the Case No 46 entered in the Criminal Reports of this Court for November 1844 was returned to the Bazorah Head of Police after it had been called up by the Head Assistant Magistrate.

(Here enter No 94 of 1845.)

Read Statement dated the 31st Ultimo submitted by the Principal Sudr Ameen in charge of the Session Court of Coimbatore, of the labor of Convicts in the Jails of Cotacamund and Coimbatore for the month of December 1844.

(Here enter No 95 of 1845.)

Read letter dated the 6th Instant from the Magistrate of Madura, forwarding further explanation of the delay in transmitting Case No 119 of Report V to the Criminal Court for August last.

(Here enter No 98 of 1845.)

F.C.

Wednesday 15th January 1845.

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esquire 1st Puisne Judge
Malcolm Lewin Esquire 3d Puisne Judge.

Read letter dated 28th December 1844 from the Session Judge of Madura submitting for the final sentence of the Court of Foujdaree Udalut the proceedings in Case No 49 of 1844.

(Here enter F.C. No 47 of 1845.)

Mr Dickinson and Mr Lewin.—

The Court of Foujdarr 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 Kodaugher Karoopen"

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

this instance, be too severe, the Court under the 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.- The Court of Foujdaree Udalut being further of opinion that the Prisoner

2d Aundy

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of having been accessary to the crime of murder above mentioned, do acquit him accordingly; and direct that he be set at liberty.-

1. The 1st Prisoner in the opinion of the Foujdaree Udalut is convicted of Murder.

2. Considering however the gross provocation he had received from the deceased the Court consider a sentence of transportation will fully meet the justice of the case.-

They

3. They resolve to acquit and release the second Prisoner.-

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

(Sent following letter No 66-)

Read report dated the 1st Instant submitted by the Session Judge of Masulipatam of Cases pending on the 30th November and committed for trial during the Month of December 1844.

(Here enter No 44 of 1845.)

Read report dated the 1st Instant submitted by the Session Judge of Combaconum of Cases pending on the 30th November and committed for trial during the Month of December 1844.

(Here enter No 45 of 1845.)

Read report dated the 1st Instant, submitted by the Session Judge of Coimbatore, of Cases pending on the 30th November and committed for trial during the Month of December 1844.

(Here enter No 46 of 1845.)

Read

15th January 1845.

Read calendar dated the 30th Ultimo submitted by the Session Judge of Tellicherry, in case No. 22 of 1844.

(Here enter No. 18 of 1845.)

Read calendar dated the 2d Instant submitted by the Session Judge of Cuddapah, in case No. 105 of 1844.

(Here enter No. 49 of 1845.)

Read calendar dated the 31st Ultimo submitted by the Session Judge of Calicut in case No. 5 of 1844.

(Here enter No. 51 of 1845.)

Read letter dated the 4th Instant from the Acting Session Judge of Trichinopoly, forwarding report of cases pending on the 30th November and committed for trial during the month of Decmber 1844.

(Here enter No. 57 of 1845.)

Read report dated the 2d Instant submitted by the Session Judge of Calicut, of cases pending on the 30th November and committed for trial during the month of December 1844.

(Here enter No. 58 of 1845.)

Ent. H.

Friday 17th January 1845.

F. H.

At a Court of the Foujdaree Adalut

Present,

Henry Dickinson Esqre 1st
Malcolm Lewin Esqre 3d } Puisne Judges

Read letter dated 31st December 1844 from the Magistrate of North Arcot submitting a report regarding the character of Siddareddy alluded to in this Courts proceedings of the 16th November last and stating that it does not appear that further steps can be taken against him.

(Here enter F. H. No. 13 of 1845.)

Adverting to their proceedings of the 9th December last directing that a copy of their proceedings of the 18th November previous should be furnished to the Magistrate of Cuddapah and in consideration of the facts stated in the Report of the Magistrate of North Arcot shewing Siddareddy to be a suspicious and dangerous character the Court of Foujdaree Adalut

resolve

17th January 1845. Resolve to direct that a Copy of Mr. Gr. Ramsbotham's letter be sent to the Acting Magistrate of Cuddapah and that he be instructed to hold an inquiry into Sidda Reddy's general character in view to his being bound over to furnish security for his good behaviour either under the provisions of Section VII or those of Section VIII Regulation VI of 1827 as circumstances may render proper.—

Ordered that Extract from these proceedings be sent to the Acting Magistrate of Cuddapah by precept returnable in XV days from and after its receipt.

/Sent following precept Ap 5./

Read Calendar in case No 68 of 1844 submitted by the Sessions Judge of Cuddalore.—

/Vide Entry No 106 of 1845/

1. Two prisoners are charged with having stolen Grass from the field of the Prosecutor valued at Rupees 2—and severely wounded him on the head with a stick.—

The

17th January 1845. 2. The Mahomedan Law officer convicted the 1st Prisoner of theft and assault, and the 2d Prisoner of theft only and declared them liable to Kisas-ool-but.

3. The Sessions Judge concurring in this finding sentenced the 1st Prisoner to two years, and the 2d Prisoner to one year's imprisonment with hard labour in irons under clause fourth, Section VII Regulation VI of 1822.—

4. The Court of Foujdaree Adalut consider the punishment awarded in this case especially that awarded the 1st Prisoner far too lenient, and they observe that the Regulation quoted in support of the sentence is inapplicable. No house breaking appears to have been committed. The sentence should have been passed under the provisions of Clause Seventh Section II Regulation XV of 1803.—

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

15 17th January 1845. information —

[Lent in No 76.]

Read the Criminal Reports
for the Month of December 1844 forwarded
by the Acting Subordinate Judge of
Rajahmundry under date the 1st instant.

[Here enter J. H. No 81]

Supplemental Report
Case No 56.

Before passing judgment
on this Case the Court of Foujdaree
Adawlut desire to be furnished with a
full explanation as to the purpose
for which the bribe was tendered to
the Daffadar by the Prisoner.

Ordered that Copy of these
Proceedings be forwarded to the Acting
Subordinate Judge of Rajahmundry for
his information and guidance by precept
returnable in 8 days from and after its
receipt —

[Link following precept No 77.]

Read return dated 3d January
1845 from the Sessions Judge of Guntoor
to the precept of the Foujdaree Adawlut of

23d

J. H.

17th January 1845. 23d Ultimo directing him to call for the
proceedings held by the Principal Sudr
Ameen of Guntoor in case No 43 on the
Guntoor Criminal Reports for the Month
of November last and pass on them such
orders as may appear proper —

[Here enter J. H. No 55 of 1845]

It appears from the Extract
1. of the proceedings of the Sessions Court
dated 2d January 1845 which accompanied
the foregoing Return that the Impression
received by the Foujdaree Adawlut in
reviewing the Criminal Reports of
the illegality of the Principal Sudr
Ameens Sentence was correct — The offence
committed by the prisoners in Case No 43
is declared by the Sessions Judge to be
gang robbery by open violence. The
prisoners therefore should have been com-
mitted to the Court of Sessions and not
have been punished by the Principal
Sudr Ameen —

2. As the Principal Sudr

Ameen

17 January 1845. 1. The Court of Foujdaree Adalut agree with the Sessions Judge that the prisoners in the case are the persons by whom in all human probability the murder was committed, but they consider the very imperfect evidence that has been obtained against them wholly insufficient for a conviction.

2. The Court are of opinion that it would be most unsafe to rely on the testimony of the 3d witness-what she relates may be true, but there are circumstances, which completely shut out confidence in his statements.

3. For the reasons above assigned the Court of Foujdaree Adalut are unable to concur in the recommendation of the Sessions Judge, and direct that the prisoners be released on furnishing adequate security.

Ordered that Copy of these proceedings be forwarded to the Sessions Judge of Cuddalore for his informa-

tion

S.R.

17 January 1845. information and guidance.-

(Sent in No. 79.)

Read Return dated 2d January 1845 from the Sessions Judge of Chicacole to the precept of the Foujdaree Adalut of the 21st Ultimo returning for amendment the Statement of Extra Peons employed during the month of October, to guard the convicts at work outside the Jail.-

(Vide Entry S.R. No. 89. of 1845.)

1. The Sessions Judge returns corrected the statement forwarded to him with this Courts proceedings above recorded but observes that "the two security "prisoners who were kept to work outside "having been sentenced under the provi- "sions of the latter part of Clause first "Section XIII Regulation VII of 1827 and it "appearing from the above Clause that "such Prisoners were to be kept to work outside "the Jail, and as there were only 12 Peons "employed as a fixed Jail guard till the "25th October 18th considering that the "Circular order dated 13th March 1838 was not "applicable to the above two security

Prisoners

17th January 1865. "Prisoners, they being dangerous characters,
"and having been put to compulsory
"labour in irons under the provisions
"of the latter part of Clause 1st of the
"above Section and Regulation and
"being kept at work outside, a Peon was
"therefore employed to guard them, but"
that the Peon was not unnecessarily
entertained. Under such circumstances
the Sessions Judge trust the Judges of
the Tongdaree Adalut will be of opinion
that he was not obliged to act in
accordance with the Circular Order
of the Sudr Adalut No. 21, and since the
practice is now prohibited by the
Court of Tongdaree Adalut it will be
discontinued for the future".

2. The Sessions Judge appears
to have understood the Tongdaree
Adalut in supposing they implied
that he was "obliged" in this case to
act in accordance with Circular Order
Sudr Adalut No. 21. The statement was
returned in accordance with the prin-
-ciple

17th January 1865 principle laid down in Circular Order
Sudr Adalut No. 21. but it was so because
the Sessions Judge had omitted to follow
the plain instructions laid down in
Circular Order of the 25th July 1861,
which he is obliged to follow.

3. Under the explanation now
given the Court however consider that
Mr. Glass was justified in the employ-
-ment of the Peon and they desire that
a statement drawn upon accordingly may
be forwarded to this Office.

Ordered that Extract from
these proceedings be sent to the Ses-
-sions Judge of Chicacole for his in-
-formation by precept returnable in
two days from and after its receipt.

Sent following precept No. 80.

Read return, dated 21st
December 1864, from the Sessions Judge
of Cuddalore, to the precept of the
Tongdaree Adalut of the 11th inst. calling
for an explanation regarding the delay
which occurred in the Principal Sudr

Ameen's

17 January 1845. Ameen's Court in the transmission to the Sessions Court of the Record of two committed Cases.- [Here Enter F.C. No. 3514 of 1844.]

1. It was entered in the tabular statement of cases pending and committed for trial during the month of November before the Sessions Court that cases Nos. 60 and 61 were committed by the Principal Sudr Ameen on the 11th November and that the delay of 5 days which occurred in the commencement of the trial was occasioned by the Record not having been received.-

2. The Tondaree Adalut accordingly called for an explanation of the cause why the transmission of the Records was deferred: it having been declared in the 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 Tondaree Adalut.

3. In the Return the Sessions Judge referring to the Principal Sudr Ameen's explanation

17 January 1845. explanation states that the Principal Sudr Ameen did not understand that the orders conveyed in the Circular letter of the 16th October relieved him from the necessity of preparing Calendars in committed cases, and that he continued to prepare them, and in order to do so, was obliged to detain the Records, whereby the delay was occasioned.- To put a stop to this, the Sessions Judge sent the Principal Sudr Ameen an order, directing him to cease entirely from the preparation of Calendars excepting in cases of Forgery and Perjury committed before himself, but at this it appears the Sessions Judge was not aware that his order was opposed to that of the Court of Tondaree Adalut conveyed in parah 3 of Extract from their proceedings under date 1st February 1844. He therefore adds that the preparation of the Calendar by the Committing Officer, is continued it will be impossible to obviate delay; for to prepare a Calendar the Committing

17th January 1845. must detain the Record of the Case until the Calendar is completed.

4. The Court of Sessions also must have reason to believe that this absence of the Calendar is attended with inconvenience and as they do not think any material delay need arise out of its preparation they direct that in future it be not in any case dispensed with.

5. With proper arrangement and due supervision of the labors of this establishment, the Principal Sub Assistant in almost every case be prepared to forward the Records to the Sessions Judge the day following the commitment of the case with which they are connected.

6. It would be giving the Principal Sub Assistant but little trouble and would occupy but little of his time, if after having gone thro' the examination, or even during the examination of the case and while the great features of it are fresh in his memory, he should add to efface from or amend the abstract sent

17th January 1845. up by the Police Officers. Having carefully done this the detention of the Record would be unnecessary. The translation of the Calendar might be subsequently prepared and forwarded to the Sessions Court.

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

Sent in No. 81. /5

Ed W.H.

J. U.

Saturday 18th January 1845

At a Court of the Foujdaree Udalut

Present,

Henry Dickinson Esqre 1st Puisne Judge

Malcolm Lewin Esqre 3rd Puisne Judge

The Criminal Reports due for the Months of June, July, and August 1844, not having as yet been received from the Acting Agent to the Governor of Fort Saint George at Ganjam.--

Ordered that the Acting Agent to the Governor of Fort St. George at Ganjam be required by precept returnable in X days from and after its receipt, to submit the required Reports without further delay and to explain for the information of the Foujdaree Udalut the causes which have prevented him from earlier complying with the Circular Order of the 18th April 1835 No. 10.-

/ Sent in No. 84 /

18th January 1845.-

Read Return dated the 30th Ultimo from the Sessions Judge of Honore to the precept of the Sowdaree Adalut of the 16th Ultimo on Review of the Report of Cases committed for trial before the Sessions Judge of Honore during the Month of November 1844.-

/Here enter S.C. No. 65./

The Court of Sowdaree Adalut direct that the Mahomedan Law Officer be called upon to state fully for their information the cause of the delay in delivering the Futwah in case No. 25, which is in no way justified by the explanation offered in the above Return.-

Ordered that Copy of these proceedings be forwarded to the Sessions Judge of Honore for his information and guidance by precept Returnable in 5 days from and after its receipt.-

/Sent following precept No. 85./

Read Calendar dated the 4th

18th January 1845.- 4th Instant of Case No. 23 of 1844 Submitted by the Sessions Judge of Chingleput.

/Here enter No. 91 of 1845./

1. In this case 4 out of 5 Prisoners were convicted of having at 12 O'Clock at night in conjunction with some others not yet apprehended armed with sword, sticks and torches entered the house of the Prosecutrix and with them and there stealing therefrom Ready money, jewels, &c, valued at Rupees 396-4-.- and have been sentenced by the Sessions Court under Clause 3rd Section III Regulation XV of 1803 to be imprisoned with hard labour in irons for a period of 14 years. The Sessions Judge however recommends from the absence of all violence towards the inmates of the house, that the above sentence, under Clause 2nd Section III Regulation I of 1825 be mitigated to 7 years.-

2. The Court have attentively

considered

18th January 1845. considered the abstract of the proceedings in this case and they cannot concur in the Sessions Judge's recommendation.-

3. The prisoners are deserving of the full measure of punishment.

4. They were armed with a sword and dagger and threatened the Prosecutrix, and would doubtless have carried their threats into execution if the slightest resistance had been offered.-

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

/Sent in No. 86./

Read Calendar in Case No. 22 of 1844 submitted by the Sessions Judge of Guntoor.-

/Here Enter J.H. No. 92/

1. In this case three prisoners are charged the first with having fraudulently enticed a girl named Solasee aged 13 years who is the adopted daughter of the Prosecutor

J. H.

18th January 1845. a distance of about 100 fathoms from the Village in which she resided with an evil design of delivering her to the 2d Prisoner, in consequence of the Prosecutor having refused compliance with the 2d Prisoner's proposal of marrying the girl to his son and thereby given the 2d Prisoner an opportunity of taking the said girl together with the Jewels worth Rupees 213-4-.

2. The 2d Prisoner is charged with having with an evil intention of marrying the said girl forcibly to his son without the consent of either the girl or the Prosecutor, rubbed something on her neck so that she was intoxicated and fraudulently taken her together with the Jewels &c. valued at Rupees 213-4-, which were with her and concealed her with his brother, the 3d Prisoner.-

3. The 3d Prisoner is charged with having concealed the said girl in the house

honed of the 5th Witness.-

4. The Law Officer convicted the 1st and 2d Prisoners of the offence laid to their charge respectively and declared them liable to Lazer for having committed a prohibited criminal offence. but acquitted the 3d Prisoner.-

5. The Sefsion Judge agreed with the Law Officer that the 1st and 2d Prisoners are guilty of having instigated the girl to leave her father but observed that there was no force used; neither any theft committed as the charge implies and that it appeared the girl was apparently quite happy and contented while she remained with the Prisoners.-

6. The girl Soolasee had been taught to read and write and had attained the age of puberty; nevertheless she could not in the opinion of the Sefsion Judge be considered to have come to the years of discretion and as this was the second instance within the year that a crime of this nature had been committed in the

the Gyntoor District, the Sefsion Judge sentenced the 2d Prisoner to 7 Years imprisonment with labor on Irons and the 1st Prisoner to 4 Years imprisonment with labor, under clause Seventh, Section II Regulation XV of 1808.-

7. It was not proved that the 3d Prisoner knew for what purpose the girl was brought to his house, and the Sefsion Judge was of opinion that he should be acquitted; nevertheless, as his own brother the 2d Prisoner was the chief Agent in the crime and his son, the 3d Witness, was sent with Solasee to Soosoolvor, the Sefsion Judge was of opinion that there is every reason to believe that he was aware of the circumstances under which she was brought to his house and there being strong grounds for suspicion against him, he was ordered to find two Sureties in the sum of Rupees 25 each Surety for

for his future good behaviour and appearance when required for three Years, or to be confined for three years under clause Sixth Section II Regulation XV of 1803 –

8. As in this case no injury was done, and the girl appears to have been treated Kindly. the Court consider imprisonment with labor in irons unsuitable for the offence, which is not of an ignominious character and that a sentence of 1 Year's simple imprisonment would fully meet the justice of the case –

9. The Court accordingly resolve under the powers vested in them by Section XXXI Act VII of 1843 to direct that the sentence passed on the 1st and 2d Prisoners be amended accordingly and that the 3d Prisoner's sentence be reduced to a requisition of the security demanded from him for a period of Six Months –

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

J. H.

18 January 1865 information by Precept, returnable in 5 days from and after its Receipt.

Sent following precept No 87/–

Ent 7/1 VDH

Monday
20th January 1845.

F. N.

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esquire 1st Puisne Judge

Malcolm Lewin Esquire 3d Puisne Judge

Read Calendar in Case

No. 70 of 1844, on the file of the Sessions Court

of Mangalore.-

(Here enter No. 83 of 1845.)

1. The 1st prisoner in this Case

was charged with Burglary and Theft,

and was convicted, but the Sessions Judge,

in consideration of the prisoner being a

young man, and having hitherto borne a

good character, recommends a mitigation

of the prescribed punishment.-

2. The Court of Foujdaree Udalut

having maturely considered the circum-

-stances of the Case represented in the Ca-

-lendar, sanction, under Clause third,

Section III, Regulation I of 1825, the miti-

-gated punishment recommended by the

Sessions Judge, and accordingly direct

that

18th Jan

that the prisoner,

1st Gopanlaya,

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the priod of (4) four Years.

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

(Sent following precept No. 90.)

Read rport of cases tried during the month of December 1844, according to the provisions of Section XIV Act VIII of 1843, and forwarded by the Magistrate of Madura under date the 6th Instant.

(Here enter No. 112 of 1845.)

Case No. 90.

As no abstract of the evidence in this case has been given in the appropriate column, and as the sentences awarded to the several Prisoners appear to be unwarrantably lenient, the above Report is returned to the Magistrate of Madura

with

20th January 1845.

who will be pleased to submit a more full and circumstantial explanation of the case for the information of the Court of Foujdaree Udalut.

Ordered that Copy of these Proceedings be forwarded to the Magistrate of Madura for his information and guidance by precept returnable in V days from and after its receipt.

(Sent following precept No. 91.)

Read Calendar in Case No. 96 of 1844, on the file of the Sessions Court of Cuddapah, forwarded by the Session Judge under date the 9th Instant.

(Here enter No. 123 of 1845.)

1. The Prisoners in this Case are charged with having on the night of the 13th October last, with some others, entered the Prosecutor's house with torches and sticks, broken with stones the door of the room in which the 2d Prosecutrix was lying down, struck her on the left knee and threatened to cut her throat, and with having robbed from her person jewels as well as other jewels

jewels, cloths, ready money &c. secured by the 1st Prosecutor in a heap, to the value of Rupees 1973-4-0 - and also with having wounded one Harlee Appiah and stolen from him his Romalah cloth valued at 1 Rupee. -

2. The Tutwah of the Law Officer acquits the Prisoners, and in this finding the Session Judge concurs, but considering the Prisoners liable to strong suspicion, he requires them to furnish security for 3 Years.

3. The Session Judge states that during the trial of this Case it transpired that the 2d Prisoner had died in consequence of blows received during the Robbery, and that the 2d Prisoner's daughter had preferred a written complaint before the Court against the Village authorities by whose illusage she asserted that her Brother's death had been caused.

4. He adds that a reference was made to the Acting Magistrate, who reported that the Head of Police had fully inquired into the circumstances of the Case and had found no blame to attach to the Village Police. -

5. The Court of Foujdaree Udalut consider the proceedings in this Case, as reported in the Calendar to be far from satisfactory.

6. The Session Judge should satisfy himself as to the death of the 2d Prisoner's Son.

7. Moreover he should have directed the Acting Magistrate of Cuddapah under Foujdaree Udalut Circular Order 9th April 1834, to have inquired himself into the circumstances of the death of the 2d Prisoner's Son, and not to have relied merely upon the report of the Head of Police. -

Ordered that a Copy of these Proceedings be forwarded to the Session Judge of Cuddapah for his information and guidance. -

(Sent in No 92)

Read Calendar in Case No. 112 of 1844, on the file of the Session Court of

of Cuddapah forwarded by the Session Judge under date the 9th Instant.

(Here enter No 125 of 1845.)

1. In this case the Prisoners are charged with having on the night of the 10th December last, entered the houses of the Prosecutors in a gang with some others armed with sticks and stones, struck the Prosecutors and the 2d witness and robbed gold and silver jewels to the value of Rupees 646 - - -

2. The Futwah of the Law Officer acquits all the Prisoners, and the Session Judge concurring in this finding ordered the release of the Prisoners.

3. But the Court of Foujdaree Udalut observe that the remarks of the Session Judge which ought to contain a succinct view of the Case, are brief and unsatisfactory.

Ordered that Copy of these Proceedings be forwarded to the Session Judge of Cuddapah for his information and guidance.

(Sent in No 93)

Read.

Report No V.
Case No 184.

Read the Criminal Reports for the Month of December 1844, forwarded by the Acting Subordinate Judge of Bellary under date the 9th Instant.

(Here enter No 159 of 1845.)

The Court of Foujdaree Udalut observe that the Prisoner in this Case should have been sentenced under the provisions of Section IV Regulation II of 1822, and not under the Regulation quoted by the Acting Subordinate Judge which has no reference to a demand for security.

Ordered that Copy of these Proceedings be forwarded to the Acting Subordinate Judge of Bellary for his information and guidance.

(Sent in No 94).

Read again Calendar in case No 21 of 1844 submitted by the Session Judge of Nellore.

(Here enter No 2737 of 1844)

Read also return dated the 13th Ultimo from the Session Judge of Nellore to

20th January 1845.

to the Precept of the Foujdaree Udalut dated the 19th October last, containing remarks on Case No. 21 of 1844, and directing him to transmit to the Foujdaree Udalut an English translation of the record of the trial in the above case and in the mean time to suspend the sentence passed on the Prisoners.-

(Here enter No. 3458 of 1844.)

1. The Court of Foujdaree Udalut having gone through with the utmost attention the voluminous record submitted to them by the Sessions Judge of Nellore being trial No. 21 of 1844, of that Court's file, and having considered the statement of the Prosecutor and of the witnesses to be so full of contradictions, are of opinion that the convictions and sentences passed on the Prisoners by the Sessions Judge should be over ruled and that they should be set at liberty.-

2. The following are a few of the contradictions to be observed.- To detail all that are discoverable in the Record would require more time than the Court can spare from their other important avocations.-

Subsequently

T. M.

20th January 1845.

3. Subsequently to the examination which the Head of Police (1st Prisoner) held into the circumstances attending the death of a woman named Saye in the village of Talloor, the Joint Magistrate of Nellore received an Urzee signed by Raga Reddy, and his son Ranu Reddy stating that in order that he and his wife and son might be relieved from the imputation of having been instrumental to the death of the said Saye, one Venkataramoodoo had come to him (Raga Reddy) and had recommended him to pay Rupees 400 to the Head of Police and his Goomastah.-

4. That he had been unable to pay Rupees 400, but had paid Rupees 160, to Venkataramoodoo, but did not know the portions in which it had been paid to the Head of Police and Goomastah.-

5. When examined before the Joint Magistrate Naga Reddy stated that Pagodas 30 was the sum which Venkataramoodoo had advised him to pay (not Rupees 400 as stated in the Urzee).

That

6. That he had gone to his house in company with Chempi Reddy and had tied up Rupees 120 in his cloth - He at first stated that Rupees 100 of this money consisted of the proceeds of the sale of bulls, and that Rupees 20 were Carkar money - When he declared that he had made a mistake, and that the whole Rupees 120 had been realized by the sale of bulls - and finally he stated that only Rupees 100 were raised by the sale of bulls and that the remaining Rupees 20, were borrowed from Chempi Reddy - That he had paid the money in the presence of three other persons (Chempi Reddy - Chinnia Reddy and Verruppa) to the Curnum Cotuppa (not to Vencataramoodoo as in the Urze) and that he (Cotuppa) had immediately tied them up in two bundles in his cloth, 80 Rupees in one, and 40 Rupees in the other, the former sum to be paid to the Tahsildar, and the latter to the Goomastah, and had taken them into the house in which the Head of Police lived, (in the Urze he stated that he did not know the proportions in which the money was paid.)

The

20th January 1845.

7. The above discrepancies were pointed out by the Joint Magistrate to the Prosecutor, in explanation of which he stated that the person employed to write the Urze had made mistakes.

8. The 1st witness, Chempi Reddy, denied that the Prosecutor had tied Rupees 120 in his cloth in his house, since he had borrowed Rupees 20 from him after their return to Salor - He declared that he saw the Prosecutor deliver Rupees 120 to Cotuppa, and that he (Cotuppa) formed two bundles of them in his cloth, and immediately proceeded with them into the house in which the Head of Police lived.

9. The 5th witness Verruppa declared that it was he who went to the Prosecutor and recommended him to pay a bribe to the Tahsildar and Goomastah (Prosecutor said it was Vencataramoodoo) That he was called by the Prosecutor to inspect the Rupees, which he did, and tied them in two bundles in the cloth of Chinnia Reddy 20 Pagodas in one and 10 Pagodas in the

other -

other- That afterwards Cotuppa came to take the 20 Pagodas from Chinnia Reddy and carried them into the house in which the Tahsildar lived, an hour after which he again came out and taking the 10 Pagodas carried them into the same house/ neither the Prosecutor nor 1st witness said a word about this witness having examined the money, nor of its having been tied in the cloth of Chinnia Reddy- Both declared that Cotuppa tied the money in his own cloth in two bundles and that he took both bundles at the same time into the houses.-

10. The 6th witness Cotuppa stated that it was he whom the Prosecutor employed to offer a bribe to the Tahsildar- that he and Vencatramoodoo went and spoke to the Tahsildar.

11. That he afterwards took Tanta Reddy with him and went to the Tahsildar's house; and in the presence of one Shashia who was visiting the Tahsildar, paid the money over to Chelumbuttoo, the servant of the Tahsildar, who carried them to the Tahsildar.-

That

F. No.
20th January 1845.

12. That he afterwards took the 10 Pagodas from Chinnia Reddy and in the presence of Tanta Reddy paid them to Venkiah, but that previously to paying it he had seen Venkiah near to a well and had spoken to him about the money, no other person being then present.

13. The 7th witness Tanta Reddy declared that he heard Vencatramoodoo and Baupiah/ a name not previously mentioned/ recommending the Prosecutor to pay the Tahsildar and Venkiah a bribe- That he accompanied Cotuppa when he carried Rupees 80 to the Tahsildar- That the Tahsildar desired Chelumbuttoo to receive it, which he accordingly did, and on his showing the Rupees to the Tahsildar- the Tahsildar opened a box and locked them up- That Shashiah was present- Regarding the interview between Cotuppa and Venkiah, near the well, he told no less than three stories- First that Cotuppa left him a short distance from the well, and though he saw

to

the two talking together, he could not even hear what they said. Secondly that he accompanied Cotuppa to the well and heard all that passed and lastly returning to his original statement that he was at a distance and did not hear what was said.

14. The 9th witness Shashiah stated that he was talking to the Tahsildar when Cotuppa and Tanta Reddy came and said that they had brought money. That the Tahsildar called Chelumbuttoo and desired him to receive the money but that he neither brought and showed the money to the Tahsildar, nor did the Tahsildar lock it in a box.

15. Many more witnesses were examined but they all denied all knowledge of the payment of bribes.

16. No charge can be so easily advanced as that of bribery; and there is no accusation of which the accused finds it so difficult to defend himself. If a number of persons combine and concert a story against a person whom they design to ruin, nothing can

can prevent the accomplishment of their purpose but the closest examination of their statements. To such an examination this case has been exposed, and the result is that the Court of Foujdaree Udalut declare their conviction that the charge is utterly false and unfounded, the result of a combination between the Curnum and Kaupoos of the village, to ruin the Head of Police in consequence of his proceedings in the case of Sayee.

17. And with respect to the said Sayee the Court feel fully persuaded that the story told by Paloogandoo, that the wife and son of Naga Reddy beat her so violently that she died 10 days afterwards is perfectly true; and that nothing but the threats and entreaties of Naga Reddy and others prevented him from disclosing these circumstances at first.

18. That the deceased Sayee was pregnant in consequence of an illicit intercourse with her Father in Law Paloogangar, a man 70 years of age, and that the

she died in consequence of Palogandoo having administered medicine to her to produce abortion is a story so monstrous and absurd that the Court are persuaded that it could not have been really believed by any one, and that it was only advanced by the inhabitants of the village in order to screen the family of the Head Capoo, Naga Reddy from punishment.

19. It can not be supposed that a public servant of the rank of Tahsildar, who has so much at stake if he should be tempted to swerve from his duty to become corrupt, would yield to such temptation otherwise than with the utmost circumspection and secrecy - In this case it would however appear, if the Court are to believe the Prosecutor and witnesses, that not only was no caution whatever observed by the Prisoners and their Agents, but that the whole transaction took place without disguise, with the publicity of open day.

20. In the first place, the Court are told that four persons / Venkatramoodoo, Veeruppa

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Veeruppa, Baupiah and Tanta Reddy / went to the Prosecutor while he was in custody with guards about him and recommended him to offer a bribe to the Tahsildar.-

21. Then the Court are told that two persons / Venkatramoodoo and Tanta Reddy / went into the house in which the Tahsildar was holding his Cutcherry and offered him Rupees 40, if he would release Naga Reddy, his wife and son- That the Tahsildar refused to accept any thing less than 100 Rupees for their release; but ultimately consented to set them at liberty on Rupees 80 being paid to him, and desired them to go to Venkiah the Goomasta and settle with him.-

22. Afterwards the Court find Naga Reddy delivering the money to be paid to the Tahsildar to Coteppa, in the presence of three persons / Chenpa Reddy, Chinnia Reddy and Veeruppa / two other persons / Venkatramoodoo and Tanta Reddy being close at hand and cognizant of what was going on.

Then

23. Then the Court are told that Cotuppa paid the money to the Tahsildar in the presence of three persons / Tanta Reddy Shashiah and Chelumbuttoo /.

24. And lastly Cotuppa is seen paying 40 Rupees to Venkiah in the presence of Tanta Reddy."

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Nellore for his information by precept returnable in x days from and after its receipt. -

(Sent following precept No 95)

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

Read Miscellaneous Petition presented on the 26th November 1844, by Vakeel T. Appiah on behalf of Nanoo Puttee of the Zillah of Calicut.

(Here enter M.P. No 155 of 1844)

The Petitioner who is the prisoner in Case No 49 on the Calicut Calendar, alleges that he has been unjustly apprehended,

on a charge of manslaughter and sentenced to 4 Years imprisonment with hard labor in irons. -

2. He remarks on the discrepancies in the evidence of the deceased and the 1st and 2d witnesses affirms that the Tahsildar in his report has recorded that no marks of violence were discernable on the person of the deceased when examined by him, declares that she died a natural death from the effects of cold contracted in bathing, which produced a fit. insinuates that the post mortem certificate of the Medical Officer who examined the corpse is incorrect, and was based not on an examination of the remains which from the decomposed condition in which they reached him on the third day after death admitted of no examination taking place, but on the evidence of certain parties hostile to the Petitioner and alleges that the whole matter which is false from beginning to end originated in a feud which existed between him and the deceased

in

in consequence of his having pounded one of her cows.- He consequently prays the Court to direct a fresh investigation to be held in the Case, and the sentence of the Session Court to be reversed.-

3. The Court have maturely considered the proceedings as detailed in the Calendar of the trial of the Petitioner submitted by the Session Judge of Salem, and entertain no doubt of the correctness of the conviction of the prisoner and of the propriety of the sentence passed on him.-

4. The Court therefore refuse to interfere in the matter.-

Ordered that the Petition be rejected and that a Copy of these proceedings be furnished to the Petitioner's Vakeel on his application.-

Read Miscellaneous Petition presented on the 9th December 1844. by Ramoodoo of the Zillah of Chittoor.

(Here enter M. P. No. 174 of 1844.)

The

F.-Q.

20th January 1845.

1. The Petitioner prays that an Order may be issued to the Subordinate Judge of Chittoor, directing him to release his five brothers the prisoners in Case No. 138 of 1844 on the Chittoor Criminal file, who the Petitioner represents have on a false and malicious charge of house breaking preferred at the instance of the Zemindar of Bungarapauleyam, and supported with his authority, been sentenced by the Sudr Ameen, four to nine months imprisonment and 1 to 3 months imprisonment. The Petitioner further prays for the restoration of 50 Rupees discovered on the person of the 5th Prisoner and claimed by the Prosecutor as part of the stolen property, but which the Petitioner alleges was borrowed by his brother with the view of purchasing sheep.-

2. The Court of Foujdaree Udalut observe that this Case has passed under the

the revision of the Session Judge to whom an Appeal was made, and of this Court, and they see no grounds whatever for questioning the justice or propriety of the Subordinate Judge's proceedings.

Ordered accordingly 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 9th Ultimo by Kistnareddy of the Zillah of Cuddalore.

Here enter M. P. No 175 of 1844.

1. The Petitioner is the Younger Brother of the Prisoner in Case No 58 of 1844. on the file of the Session Court of Cuddalore who was sentenced by the Session Judge to two years imprisonment on a charge of Assault and Robbery.

2. He states the charge against his Brother to be false and malicious, and prays the Court of Foujdaree Udalut therefore to order his release.

3. The Court of Foujdaree Udalut

see no reason whatever to question the propriety of the sentence passed by the Session Judge of Cuddalore on the Prisoner in the Case above alluded to - and they therefore direct that this petition be dismissed.

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

Read Miscellaneous Petition presented on the 9th December 1844, by Hafiz Easy Coosoo Subby of the Zillah of Tinnevelly.

Here enter M. P. No 176 of 1844.

1. The Petitioner complains of an order passed on the 1st April 1844. by the Session Judge of Tinnevelly wherein that Officer declined to set aside a requisition of security to keep the peace, made by the Magistrate upon the Son in Law of the Petitioner.

2. The Petitioner, as is usual in such Petitions affirms that the charge of assault brought against his son in Law was false and unsupported and he has

endeavored

20th January 1845.

endeavored to establish an alibi which has been met by the Sessions Judge in his order.

3. The Court of Foujdaree Adalut see no cause for interfering with the order of the Sessions Judge.

4. The lapse of time in presenting this Petition moreover renders all appeal from the above order inadmissible.

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

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Tuesday, 21st January, 1845.

Pet

Act

F. U.

At a Court of the Foujdaree Adalut.

Present,

Henry Dickinson Esqre 1st Puisne Judge,
Malcolm Lewin Esqre 3rd Puisne Judge,

Read communication dated the 14th Instant from the Magistrate of Salem.—

(Here enter No. 101.)

1. It appears from the above address that an individual named C. A. Martin was sentenced to 6 months imprisonment and a fine of 50 Rupees by the Subordinate Criminal Judge of Chittoor in the Month of November 1844 on three charges of having obtained property under false pretences and that 4 other charges have now been preferred against him before the Joint Magistrate of Salem.—

2. The question submitted is whether the Prisoner should be tried for these several offences, or with reference to

and

to Circular Order dated 27th May 1829,
whether the punishment he is now under-
=going is to be considered sufficient.—

3. The Court of Foujdaree Adalut
are of opinion that the Prisoner should be
tried again for the offences recently brought
to the notice of the Joint Magistrate of
Salem after the expiration of the sentence
which he is at present undergoing.—

4. The Magistrate is informed
that the communication under reply should
have been submitted through the medium
of the Sessions Judge.—

Ordered, that Extract from
these proceedings be forwarded to the Sessions
Judge of Salem for his information and
communication to the Magistrate of Salem.—

(Sent in No. 103.)

Read the Criminal Report
submitted by the Principal Sudr Ameen
of Coimbatore for the month of December 18th.

(Here enter No. 138)

The above Report do not appear
to

21st January 1815.

to call for any remarks from the Court of
Foujdaree Adalut.—

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

(Sent in No. 104)

Read letter dated the 6th
Instant from the Agent to the Governor
of Fort St. George at Vizagapatam Sub-
=mitting a report on the trial of two
Prisoners in a case of Robbery by open
violence.—

(Here enter Ft. No. 140)

1. In this case the 1st Prisoner
was charged with having on the night
of the 10th December last in company with
some others, attacked and beaten the Prose-
=cutor and robbed him of property valued
at Rupees 1-12-0 and the 2d Prisoner
with having received part of the stolen
property knowing it to be such.—

2. The Governors Agent is of
opinion

(and

opinion that the 1st Prisoner is fully convicted of the offence charged against him and therefore liable to a sentence of 14 Years imprisonment under the provisions of Clause Third Section IV Regulation XV of 1803 but he recommends that in consideration of the little violence used by the robbers, the sentence be mitigated under Clause Second Section III Regulation I of 1825 to 5 Years' imprisonment.—

3. The Second Prisoner was acquitted and released as there was no evidence to prove a guilty knowledge on her part.—

4. On a consideration of the circumstances of the case the Court of Fujdaree Adalut are unable to concur in the mitigation of the 1st Prisoner's sentence to the full extent proposed by the Governor's Agent, but they resolve to sanction the reduction of the punishment to which he is liable under Clause Third Section IV Regulation XV of 1803 to 8 Years' imprisonment.—

Ordered

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

(Sent in No. 195.)

Read Criminal Reports for the month of December 1844 submitted by the Subordinate Judge of Calicut.—

(Here Enter No. 161.)

Suppl. Report. Case No. 162.

Adverting to para. 7 of their Circular Order of the 1st June 1829 the Court of Fujdaree Adalut desire to know whether any and what precautionary measures have been adopted by the Subordinate Judge to prevent, in future, the commission of the Prisoners in this case of acts dangerous to the public safety.

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Calicut for his information by precept returnable in 3 days from

(and

and after its receipt.—

/Sent following precept No. 106./

Ed. 7th.

Read Calendar dated the 16th Ultimo submitted by the Sessions Judge of Tellicherry in Cases Nos. 20 and 21 of 1844.—

/Here enter No. 3510 of 1844/

Read Calendar dated the 11th Ultimo submitted by the Sessions Judge of Cuddapah in Case No. 107 of 1844.—

/Here Enter No. 3513 of 1844./

Read Calendar dated the 17th Ultimo submitted by the Sessions Judge of Honore of Case No. 26 of 1844.—

/Here Enter No. 3517 of 1844./

Read Calendar dated the 31st Ultimo submitted by the Sessions Judge of Chingleput in Case No. 24 of 1844.—

/Here Enter No. 22 of 1845./

Read Calendar dated the 3rd Instant submitted by the Sessions Judge of Tellicherry in Cases Nos. 24 and 25 of 1844.—

/Here Enter No. 104 of 1845./

Read

Read Calendar dated the 31st Ultimo submitted by the Sessions Judge of Nellore in Case No. 38 of 1844.—

/Here Enter No. 107 of 1845/

Read Calendar dated 4th Ultimo submitted by the Acting Sessions Judge of Tuchinopoly in Case No. 29 of 1844.—

/Here Enter No. 109 of 1845/

Read Calendar dated the 11th Ultimo submitted by the Sessions Judge of Cuddapah in Case No. 108 of 1844.—

/Here Enter No. 124 of 1845/

Read Calendar dated the 27th Ultimo submitted by the Sessions Judge of Nellore in Case No. 35 of 1844.—

/Here Enter No. 126 of 1845/

Read Calendar dated the 8th Instant submitted by the Acting Sessions Judge of Bellary in Case No. 45 of 1844.—

/Here Enter No. 127 of 1845./

Read the Criminal Reports dated

21st January 1845.-

dated the 1st Instant submitted by the Session Judge of Tinnevelly for the month of December 1844.-

/Here Enter No. 135 of 1845./

Read the Criminal Reports dated the 2nd Instant submitted by the Acting Subordinate Criminal Judge of Chittoor for the month of December 1844.-

/Here Enter No. 160 of 1845./

Read the Criminal Reports dated the 10th Instant submitted by the Principal Sudr Ameen of Masulipatam for the month of December 1844.-

/Here Enter No. 170 of 1845./

Read Calendar dated the 9th Instant submitted by the Session Judge of Tinnevelly in Case No. 37 of 1844.-

/Here Enter No. 174 of 1845/

Read the Criminal Reports dated the 10th Instant submitted by the Session Judge of Tellicherry for the month of December 1844.-

/Here Enter No. 177 of 1845./

Wednesday
22nd January 1845.

L. H.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqr — 1st
Malcolm Lewin Esqr — 3d
} Puisne Judges

Read return dated 27th December 1844 from the Session Judge of Madura, to the precept of the Foujdaree Adalut of the 11th idem, conveying their remarks and orders on the Madura Calendar in Case No. 39 of 1844.-

/Here enter L. H. No. 10/

1. The Session Judge under the view he took of the Case in all its bearings, and the relative guilt of the prisoners according to the evidence, does not feel that he could conscientiously recommend mitigation to the extent pointed out by the Foujdaree Adalut although on further mature consideration and in deference to their opinion he would willingly reduce the punishments of those prisoners who were sentenced to 5 years imprisonment to three years of those who were sentenced to four years to two years of those sentenced to 3 years to 1 one year and of those held to security in two sureties of 35 Rs. each for 2 two years to be held to security in a like sum for one year.-

2. The Court of Foujdaree Adalut approve

22nd January 1845. approve of the Sessions Judges recommendation and direct that the warrants be accordingly prepared.

3. The Court of Zuidance Adalut observe that they omitted in their proceedings of the 14th December last to include the reduction they desired to be made in the sentences of imprisonment of 5 years and 6 months awarded to the prisoners

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who they direct may be now sentenced to imprisonment in hard labor for three years and six months.

Ordered, that Extract from these proceedings be sent to the Session Judge of Madura for his information by precept returnable in 3 days from and after its receipt.

Sent following precept No. 107.

Read letter dated 1st January 1845 from the Magistrate of Malabar reporting an instance of gross neglect of duty on the part of the Coolsaad Head of Police and recommending his suspension for four months.

(Here enter L. Ct. No. 111).

Before acceding to the recommendation of the Magistrate the Court of Zuidance Adalut deem it proper that the Head of Police should have an opportunity of answering to the charge brought against him and they accordingly resolve to direct that he be put on his defence without which the Court

22nd January 1845. Court are not in a fit state to enter upon a consideration of the complaint. a translation of the defence will be forwarded with the best practicable delay.

Ordered, that Extract from these proceedings be sent to the Magistrate of Madura for his information by precept returnable in 5 days from and after its receipt.

Sent following precept No. 108.

Read letter dated the 7th Instant from the Agent to the Governor of Fort Saint George in the Rumnad District, submitting a Summary of the evidence against two prisoners charged with procuring abortion, and communicating his opinion as to the punishment to be passed on the prisoners.

(Here enter No. 115)

The Court of Zuidance 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 prisoners resolve under the provisions of Clause seventh, Section II Regulation XV of 1803, to confirm the sentence of one years imprisonment on the prisoner

"1st Soobbammah"

and two years imprisonment on the prisoner

"2nd Ukkammah"

Ordered, that Extract from these proceedings

22nd January 1845. proceedings be forwarded to the Agent to the Governor of Fort Saint George in the Rumnad District for his information and guidance.

(Sent in No. 109).

Read the Criminal Reports for the month of December 1844 submitted by the Principal Sudr Ameen of Chingleput.

(Here enter E.H. No. 139)

Report No. V Case No. 66. 1. The delay of 29 & 15 days which was permitted to occur in the transmission of the prisoners in this case to the Principal Sudr Ameens Court is not at all satisfactorily explained in the Report and their detention appears to have been wholly unjustifiable.

2 The Magistrate will accordingly be furnished with a copy of the case as it stands in the Report and will take such notice of the very reprehensible conduct of the Police Officer in question as may appear proper and will report the result to the Sudder Adalut.

Case No. 67. 3. The Court presume that the accused prisoner in this case was punished under the same Regulation as that quoted in support of the sentence passed on the 1st Prisoner but they observe that it should have been so stated in the Report.

Ordered that Extract from these proceedings be sent to the Principal Sudr Ameen of Chingleput for

22nd January 1845. for his information.

(Sent in No. 110).

Read Criminal Reports for the Month of December 1844 submitted by the Subordinate Judge of Mangalore.

(Here enter E.H. No. 158)

Report No. V Case No. 205. 1. Since it appears from the abstract of the evidence given in this case that the deceased was last seen in company with the Prisoner who it is stated returned in the evening without him, and as whose disappearance does not appear to have been satisfactorily accounted for the Court of Sudder Adalut are of opinion that the Subordinate Judge did wrong in unconditionally releasing the prisoner. The evidence in the case is such as to raise strong suspicion in the minds of the Sudder Adalut of the guilt of the accused. The proper course for the subordinate Judge to have pursued would have been to have held them to security and to have taken the necessary steps for procuring additional evidence.

Case No. 207 & No. 208. 2 The charges in these two cases are defective in as much as they fail to show how the entry of the prisoners was in each instance effected whether by breaking or by an open door. The Subordinate Judge will be careful to avoid a similar error in future.

3. With respect to the latter case the

22nd January 1845. the Court see reason to question the propriety of the release of the prisoner and may accordingly resolve to desire 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 the Foujdaree Adalut

Case No. 212. to The reference in this case which occasioned a delay of 10 days was quite unnecessary and unjustifiable. The charge clearly shews that the offence was beyond the jurisdiction of the Police Officer and if he needed information on this point as seems implied in the Report he is unfit for his situation.

5. Copy of the case as it stands in the Report will be furnished by the Subordinate Judge with a copy of this and the preceding para. to the Magistrate who will with reference to Circular Order No. 22 discourage as much as possible all needless references from his Police officers.

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

(Sent in No. 111).

Ordered also, that Extract from these proceedings para. 2 & 3 be sent to the Sessions Judge of Mangalore for his information by precept returnable in XV days from and after its receipt.

(Sent following precept No. 112)

Read

22nd January 1845.

Read the Criminal Reports submitted by the Principal Sudr Ameen of Bellary for the Month of December 1844.

(Vide entry No. 171)

The above Reports do not 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 Bellary for his information.

(Sent in No. 113)

Read return dated the 6th Instant from the Principal Sudr Ameen of Cuddalore to the precept of the Foujdaree Adalut under Date the 27th Ultimo on review of the Cuddalore Criminal Reports for the Month of November 1844.

(Vide entry Sent. No. 131)

Report No. V Case No. 131. 1. With reference to the case stated in the Margin the Principal Sudr Ameen explains that although the Prisoner's complaint was addressed to the Joint Magistrate yet it was referred by that authority to the Head of Police for investigation and under these circumstances he thought the Prisoner liable to punishment under the Regulation quoted by him in the Report, according to the Construction of Foujdaree Adalut Circular Order 17th May 1841. No. 140.

2. The Court of Foujdaree Adalut desire to be informed whether the persons sentenced

in

22nd January 1845 in his complaint after it was refused by the Joint Magistrate of Cuddalore to the Head of Police.

Ordered, that Copy of these proceedings be forwarded to the Principal Sudr Ameen of Cuddalore for his information and guidance by speedy return in 5 days from and after its receipt.

(Sent following precept No 114.)

Read letter dated 27th December 1845 from the Session Judge of Chingleput submitting for the final sentence of the Court of Enquiry Adalut the proceedings in case No 8 of 1845.

(Here enter No 53)

Read also letter dated 29th December 1845 from the Session Judge of Chingleput reporting the death of the 1st Prisoner (Boy Mundoo) on the 27th of 1845.-

(Here enter No 35)

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

2nd Pandoo Namely

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on her own confession of the crimes of Highway robbery, do acquit her thereof, and direct that she be unconditionally released.-

(Sent following letter No 115.)

Read statement dated 9th January 1845 Submitted by the Session Judge of Chingleput, of the actual produce of the labor of the prisoners, and the application of the Fund arising therefrom from 1st October to 31st December 1845 furnished with

22nd January 1845. with reference to the Circular order No 88 dated 9th June 1837.

(Here enter No 141.)

Read letter dated 9th January 1845 from the Session Judge of Chingleput submitting Copy of a letter from Mr Ward stating Subordinate Judge of Chingleput stating that the Statement called for in Enquiry Adalut Circular order No 50 and 65 dated 25th August 1835 and 8th March 1836 is not furnished in remark as there were no disbursements made during the last Quarter of the returns referred to in the said orders.-

(Here enter No 142)

Read Report dated 11th January 1845 submitted by the Session Judge of Cuddalore of the labor of Convicts in the Gaol at Cuddalore for the Month of December 1845.-

(Here enter No 145.)

Read Statement dated 11th January 1845 submitted by the Session Judge of Cuddalore of the Estimated value of the produce of the Prisoners labor for the Month of December 1845.-

(Here enter No 146.)

Read letter dated 9th January 1845 from the Magistrate of Coimbatore stating that the powers vested in the Magistrates by Section LIV Act VII of 1843 were not exercised in

22d January 1845 in his District in December 1844.

(Here enter No. 150)

Read Supplemental return dated 9th January 1845 from the Principal Sub Assistant of Masulipatam to the Precept of the Foujdaree Udalut dated 27th December 1844 requiring information as to why the case No. 46 entered in the Criminal Reports of this court for November 1844 was returned to the Zegarah Board of Police after it had been called up by the Head Assistant Magistrate

(Here enter No. 152)

by

Read Extract from the Proceedings of the Sessions Court of Rajahmundry dated 2d Janry 1845 on the review of Case No. 52 of 1844 as it stood in the Monthly Criml. Report for Novr last, agreeably to the Orders of the Foujdaree Udalut conveyed in their Proceedings dated the 20th December 1844.

(Here enter No. 71)

Thursday.

23d January 1845.

At a Court of the Foujdaree Udalut.

Present.

Henry Dickinson Esquire 1st Puisne Judge.

Malcolm Lewin Esquire 3d Puisne Judge.

Read Calendar of Case No. 32. on the File of the Session Court at Trichinopoly.

(Here enter No. 110 of 1845.)

Read also letter dated 4th Instant from the Magistrate of Trichinopoly.

(Here enter No. 96 of 1845.)

1. Adverting to the release by the Session Court at Trichinopoly of David Pillay, Head Police of Vrittoocully, who was, charged with having knowingly set at liberty a runaway Convict, the Magistrate of Trichinopoly in the above communication has submitted his opinion that under circumstances stated, the retention of David pillay in the public service will be highly detrimental to the interests of Government, and accordingly he solicits the orders of this Court, and recommends the dismissal of the said Police Officer fro...

the

the Imployment he holds.

2. The Magistrate argues that David Pillay has shown himself to be utterly incompetent to perform the duties devolving on him in the police department and declares that with the Knowledge which he possesses of David Pillay's proceedings he cannot satisfactorily conduct the business of the Magistrate's office.

3. The Magistrate also observes that David Pillay's release of the convict in question must have resulted either from ignorance of his duties or from corrupt motives but that past experience clearly exhibits the non-existence of the former cause.

4 Fully appreciating the motives which have induced the Magistrate, Mr A. P. Onslow, to solicit in this matter the authority of the Fouydaree Udalut to remove a police officer of David Pillay's standing, the Judges are nevertheless of opinion that the papers before them do not justify a compliance with the request which the Magistrate has preferred and which also

also would be at complete variance with the result of the trial held before the Sessions Court where David Pillay was criminally arraigned.

5. The Judges resolve to point out to Mr Onslow that if on general grounds he sees reason to consider that David Pillay does not possess the qualifications requisite for the situation in which he has been officially placed, it is competent to the head of the department in which he is employed to ensure its efficiency by the adoption of such measures as may be deemed by him advisable and necessary, without awaiting distinct proof of any specific act of delinquency.

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

(Sent in No. 117.)

Read report dated the 31st Ultimo submitted by the Session Judge of Madura of Cases pending on the 30th

Govern

November and committed for trial during the month of December 1844.

(Here enter No. 59 of 1845.)

Read letter dated the 3d Instant from the Acting Magistrate of Guntoor, reporting that there have been no cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the month of December 1844.

(Here enter No. 60 of 1845.)

Read letter dated the 4th Instant from the Magistrate of Tschinopoly stating that the powers vested in him by Section LIV Act VII of 1843 was not exercised during the month of December 1844.

(Here enter No. 63 of 1845.)

Read letter dated the 3d Instant from the Sessions Judge of Tellicherry reporting that no works of the nature described in the Foujdarry Adalut's Circular Order No. 15 of 1835 were constructed under the supervision of the Zillah Court during the last half year of 1844.

(Here enter No. 66 of 1845.)

Friday 24th January 1845.

F. Vo.

At a Court of the Foujdarree Adalut

Present

Henry Dickinson Esqre 1st Puisne Judge

Malcolm Lewin Esqre 3d Puisne Judge

Read Calendar of Cases No. 46 of 1844 on the Bellary Calendar.

(Here enter F. Vo. No. 82)

The Court of Foujdarree Adalut observe that though the Prisoner in this case appears to have been convicted by the Mahommedan Law Officer of the Offence of Manslaughter, the translation of the futwa fails to declare Dejut or price of blood to be the whole or part of the legal punishment incurred by him.

2 The Acting Sessions Judge will accordingly refer to the original futwa with the view of ascertaining whether the translation forwarded to the Foujdarree Adalut is correct, and in the event of its proving so, he will call on the Mahommedan Law Officer to explain on what grounds he has omitted to specify Dejut as part of the legal punishment, and will submit

submit the explanation both in original and translated together with a copy in Persian of the 1st Tittoa delivered by the Law Officer.

Ordered, that Extract from these Proceedings be sent to the Acting Assistant Judge of Bellary for his information by precept returnable in 3 days from and after its receipt.

(Sent following precept No. 122.)

Read the Criminal Reports for the month of December 1844, submitted by the Acting Principal Sudder Ameen of Vizagapatam under date the 31st Ultimo.

(Here enter T. No. No. 172.)

Report No. V Case No. 39.

The Court of Foujdaree Udalut are of opinion that the evidence against the 1st and 2nd Prisoners in this case as stated in the report, is quite sufficient for their conviction.

Ordered that copy of these Proceedings be forwarded to the Acting Principal Sudr Ameen of Vizagapatam for his information and guidance.

(Sent in No. 123.)

Read

Read the Report of persons apprehended in the Districts of Kurnool and Bunganapully and delivered to the Agents for trial during the month of December 1844, forwarded by the Agent to the Governor at Kurnool under date the 6th Instant.

(Here enter T. No. No. 116.)

Report No. II. Case No. 85.

The Prisoner in this case is charged with having on the night of the 17th December last, opened a Tittie of Jowaree, and stolen therefrom a quantity of grain.

2. The Court of Foujdaree Udalut observe that the use of local terms such as "Tittie" instead of their synonymous English expressions, is objectionable in a Criminal charge, which cannot be too clearly and explicitly laid, and they suggest the expediency of their being discontinued in future.

Case No. 88.

3. The Court of Foujdaree Udalut remarks that the sentence in this case is wrong. The Prisoner admitted the fact of having given birth to a child as a

was

was punishable under the circumstances of the case, as provided for by Foujdaree Adalut Circular Order 18th January 1843, No. 151.

Ordered that a copy of these proceedings be forwarded to the Agent to the Governor at Kurnool for his information and guidance.

(Sents in No. 124)

Read letter dated 8th January 1845 from the Acting Magistrate of Rajahmundry, forwarding a Report from the Head of Police of Mundapettah explaining the cause of the reference to the Head Assistant Magistrate in Case No. 57, on the Rajahmundry Criminal Reports for the month of November last.

(Here enter P. Vo. No. 151)

1. The Court consider that sufficient cause has been shown by the Police Officer in question for the reference in this case and that he acted correctly in soliciting the instructions of the Head Assistant before forwarding the case

case to the Subordinate Court.

2. It would appear however that the Head of Police is in ignorance of and requires some instruction regarding the light in which the evidence of prosecutors is to be viewed. The Acting Magistrate will therefore be pleased to explain to him the instructions of the Court contained in their Circular Order 25th February 1829, and to inform him that the evidence of a prosecutor whether denominated as a witness or not, is admissible and should in every instance be received; the only question to be determined is as to the credit due to it, and this can only be done by the Examining Officer. It must be also pointed out to this Police Officer that he erred in rejecting the evidence of the Husband of the Prosecutrix who was a perfectly competent witness. It is only in the case when the evidence of the wife is given against or in favor of her husband prosecutor, vice versâ, that any bar is placed to the reception

reception of it, but in the Circular Order 4th March 1830 this rule of English Law is declared not to be unrestrictedly applicable to this Presidency.

Ordered that Extracts from these Proceedings be sent to the Acting Magistrate of Rajahmundry for his information.

(Sentence No. 125.)

Read letter dated the 10th Instant from the Sessions Judge of Masulipatam, requesting permission to offer a conditional pardon to the 3rd and 4th Prisoners in Case No. 14 of the Calendar for the years 1844.

(Here enter No. 162.)

The Court of Foujdaree Udalut having maturely considered the circumstances represented in the above letter from the Sessions Judge of Masulipatam, resolve under the authority vested in them by Section XII Regulation XIII of 1832, to sanction the offer of a pardon to the prisoners.

3rd Yakoola Guntiah and
4th Boreddy Reddy

on

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

Ordered that Extracts from these Proceedings be forwarded to the Sessions Judge of Masulipatam for his information and guidance.

(Sentence No. 126.)

Read the Criminal Reports dated the 30th November 1844, submitted by the Principal Sudder Ameen of Vizagapatam for the month of November 1844.

(Here enter No. 3408 of 1844.)

Read the Criminal Reports dated the 30th November 1844, submitted by the Principal Sudder Ameen of Cochin for the month of November 1844.

(Here enter No. 3410 of 1844.)

Read return dated the 14th Ultimo, submitted by the Principal Sudder Ameen of Cochin, to the precepts of the Foujdaree Udalut under date the 7th December 1844, on the Review of the Criminal Reports for the month of October 1844.

(Here enter No. 3479 of 1844.)

Read letter dated the

16th

24th January 1845.

16th Ultimo from the Principal Sudr Ameen of Trichinopoly, replying to the Extract to the Proceedings of the Court of Fouzdaree Udalut dated the 7th Instant, containing orders and observations on the Criminal Reports for the month of October 1844.

(Here enter No. 3481 of 1844.)

Read Return dated the 1st Ultimo submitted by the Joint Magistrate of Dotacaumund, of the Convicts in the Jail at that Station for the month of November 1844.

(Here enter No. 3485 of 1844.)

Read Calendar of Case No. 64 of 1844 submitted by the Session Judge of Combaconum under date the 19th Ultimo.

(Here enter No. 3491 of 1844.)

E. B. M.

F U.

Saturday 25th January 1845.

At a Court of the Fouzdaree Udalut.

Present.

Henry Dickinson Esquire 1st Puisne Judge

Malcolm Lewin Esquire 3d Puisne Judge

Read again letter dated the 13th Ultimo from the Session Judge of Mangalore forwarding the record of the trial in Case No. 63 on the Calendar of the Session Court of Mangalore for 1844.

(Here enter No. 3473 of 1844.)

Read also letter dated the 6th Instant from the same Officer forwarding the record of the trial in Case No. 74 on the Calendar of the Session Court of Mangalore for 1844.

(Here enter No. 120 of 1845.)

Before passing any final orders in the matter of the trial referred with the above communication, the Court adverting to the declaration made by the Assessor Mam Beary that "he had been of opinion" the three Prisoners concerned

in

in Case 63 of the Mangalore Calendar" were not guilty," desire to have before them evidence regarding the circumstances which attended the delivery by Mam Beary of the opinion considered by the Session Judge to have been unfavorable to the Prisoners in that Case: accordingly the Court request the Session Judge will with the least practicable delay examine the officers of the Session Court Establishment who were present when the verdict in that trial was recorded, together with any other persons observant of the circumstances under which it was delivered, and submit their depositions for the consideration of the Foujdaree Udalut.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Mangalore by Precept returnable in VIII days from and after its receipt.

(Sent following Precept No. 130.)

Read the Criminal Reports for the Month of December last, submitted by

by the Principal Sudr Ameen of Guntoor under date the 10th instant.

(Here enter F.U. No. 169.)

Supplemental Report. Case No. 47.

With regard to this Case it is observed that it is stated in the last Monthly Report to have been "brought to "the Court under the orders of the Session Judge" but as it nowhere appears how or wherefore the Case was forwarded, the Session Judge is required to submit a full explanation on these points for the information of the Foujdaree Udalut.

Ordered that Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Guntoor for his information and guidance.

(Sent in No. 131.)

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

(Sent following precept No. 132.)

Read the Criminal Report for the Month of December last submitted by the Principal Sudr Ameen of Trichinopoly

25th January 1845.

Tjichnopoly under date the 11th instant.

(Here enter F.A. № 178.)

Report № V.
Case № 124.

1. The Court of Foujdaree Udalut direct that the commitment of this Case to the Session Court be suspended, and a copy of the indictment together with an abstract of the particulars of the Case be submitted for their consideration.-

2. A full explanation of the unwarrantable delay on the part of the Puttadar in forwarding the Prisoner in this Case to the Polia Ameen is required for the information of the Court of Foujdaree Udalut.

Ordered that copy of these Proceedings be forwarded to the Principal Sudr Ameen of Tjichnopoly for his information and guidance by precept, returnable in VII days from and after its receipt.

(Sent following precept № 133)

Read the Criminal Reports submitted by the Principal Sudr Ameen of Cochin for the Month of December 1844.

(Here enter № 179)

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

Ordered.

F.A.

25th January 1845.

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

(Sent in № 134.)

Read Calendar in Case № 34 of 1844, on the file of the Session Court of Nellore forwarded by the Session Judge under date the 17th instant.

(Here enter F.A. № 205.)

1. The Prisoner in this Case is charged with having entered the Prosecutor's house and stolen therefrom jewels valued at Rupees 558-8-0.

2. The Futwah of the Law Officer declares the Prisoner liable to Cotkoobut and he is sentenced by the Session Judge to 7 Years imprisonment under Clause Seventh Section II Regulation XV of 1803.

3. The Court of Foujdaree Udalut direct that the Session Judge be called upon to state under what circumstances the Regulation he has quoted, is applicable

to

to the offence of the Prisoner, which is a theft and otherwise provided for.-

Ordered that Copy of these Proceedings be forwarded to the Session Judge of Nellore for his information and guidance by precept returnable in IV days from and after its receipt.-

(Sent following precept No. 135.)

Read letter dated 11th January 1845, from the Session Judge of Tinnevelly submitting for the final sentence of the Court of Toiydaree Udalut the proceedings in Case No 39 of 1844.

(Here enter No. 199.)

Mr. M. Lewin.

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

1st Innamalay,

2d Coottalum

3d Aronachellum

and

4th Shodalamoottoo,

are not convicted on presumptive proof, or on the

the evidence of credible witnesses, or on their own confession of the crime of Arson, do acquit them thereof, and direct that they be unconditionally released.-

The Toiydaree Udalut do not think any advantage would accrue from calling for the records mentioned in the 6th para of the above letter, but they are prepared to receive any representation the Session Judge may desire to make and which he considers necessary for their information; meantime his communication to the Magistrate ought to check the evil he states to exist.

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

(Sent following letter No. 136.)

Work

F. 11.

Monday
27th January 1845 At a Court of the Tongaroo Adalut

Present

Henry Dickinson Esqre 1st Puisne Judge.

Malcolm Lewin Esqre Acting 2d Puisne Judge.

Read Miscellaneous petition presented by Chelvarayer Pillay on behalf of his brother in law David Pillay Prisoner in case No 32 on the Calendar of the Sessions Court at Trincomalie for 1844.

(Vide Judicial P. No 148 of 1844)

Adverting to the Release by the Sessions Court at Trincomalie of David Pillay as order seems now to be called for on the above address which is accordingly rejected.

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

Read Miscellaneous Petition presented on the 3d January 1845 by Nemmanemtoo late a Police Peon in the

Sub

27th January 1845.

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

Read Criminal Reports for the Month of December 1844 submitted on the 13th January 1845 by the Subordinate Judge of Combaconum but received only on the 18th Idem.

Here Enter Fle. No. 197.

Case No. 235
Report No. V.

Unless "breaking" was proved in this case which does not appear from the Report the provisions cited by the Moonsiff Sudr Ameen in support of the sentence passed by him are inapplicable and must be amended.

2 Clause fourth Section II and Clause sixth Section III Regulation VI of 1822 provides for the punishment of simple theft.

3 Adverting to the date on which these Reports were received the Court of Fouzdaree Adalat direct that the attention of the Subordinate Judge be recalled to para 6 of their Circular Order No. 40.

Ordered

F.H.

27th January 1845.

Ordered that Extract from these Proceedings be furnished to the Subordinate Judge of Combaconum for his information.

(Sent in No. 138.)

Read letter dated 14th Instant from the Acting Sessions Judge of Rajahmundry acknowledging the receipt of the Fouzdaree Adalat proceedings of the 8th idem directing that the sentence passed on the Prisoner in No. 10 of 1844 be enforced and stating that he awaits the orders in regard to the place to which the prisoner is to be banished.

(Here Enter Fle. No. 211)

The Court of Fouzdaree Adalat direct that the prisoner

Dantla Venkatapaty raze

in Case No. 10 of the Rajahmundry Calendar for 1844 be banished to the Zillah of Nellore to undergo in the Jail of that place the punishment of six years' imprisonment awarded him under date the 27 September 1844.

Ordered

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

(Sent in N° 139)

Ordered also that Copy of these Proceedings be furnished to the Session Judge of Nellore for his information.

(Sent in N° 140)

Read Criminal Reports for the month of December 1844 submitted by the Acting Subordinate Judge of Cuddapah.

(Here enter F.R. N° 186 of 1845)

1 Adverting to the Report of the Labor of the Convicts in the Cuddapah Jail the Court of Foujdaree Adalat observe that during the month of December 40 Convicts were employed in repairing Condapully Tank and 20 in repairing Badolla Shaheb Shahan

2 The Acting Subordinate Judge will be pleased to submit some further explanation of the nature of the works on which these Convicts are stated to have been employed. It does not appear that they can be characterized as "Strictly public works"

3 The Court further desire that the attention of the Acting Subordinate Judge may be recalled to their Circular Letter of the 19th January 1838 communicating Copy of Extract from the Minutes of Consultation dated 9th idem and directing the discontinuance of the construction of butts for Ball practice and that the Labor of the Convicts be not made available for such works in future.

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

(Sent following precept N° 141)

Read Calendar in case N° 1 of 1845 on the file of the Sessions Court of Cuddalore forwarded by the Sessions Judge under date the 11th Instant.

(Here enter Ellore N° 157)

1 In this case the Prisoner stands charged with having on the night of the 18th November last stolen two young buffaloes' value at

at Rupees 2-8-.

2 The Law officer in his Intwah declared the Prisoner guilty of Theft and liable to ostracism and the Sessions Judge concurring in the above finding sentenced the Prisoner under clause Fourth Section II Regulation VII of 1822. to 5 years imprisonment and to receive 150 lashes.—

3 The Sessions Judge will be pleased to state for the information of the Court of Poydaree Adalut what proof he has of the Prisoner having been twice before convicted and punished for cattle stealing and of his being a man of notorious bad character.

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

(Sent following precept No. 142.)

Tuesday
28th January 1845.

At a Court of the Poydaree Adalut.

Present,

Henry Dickinson Esq^re — 1st Puisne Judge,
Malcolm Lewin Esq^re — 3d Puisne Judge,

Read the Criminal Reports for the Months of December 1844 forwarded by the Subordinate Judge of Madura under date the 12th instant.—

(Here enter J. Us No. 180 of 1845)

Report No. & Case No. 173.

The Sessions Judge of Madura is required to revise the proceedings in this Case, and to report to the Court of Poydaree Adalut what orders he may have deemed it necessary to pass therein.—

Ordered that Copy of these proceedings be forwarded to the Subordinate Judge of Madura for his information and guidance, and for communication to the Sessions Judge of Madura.—

(Sent in No. 148.)

Read letter dated the 11th instant

28th January 1845.

instant from the Governor's Agent at Kurnool.

(Here enter F.H. No. 185 of 1845)

In the above communication the Agent reports that a Prisoner "Chinna Krishnamah" in Case No. 2 of 1845 asserted on Solemn affirmation before him that he had never before seen any of the Prisoners in Criminal Case No. 84 of 1844. whereas he afterwards acknowledged that he had appeared as a witness against the said Prisoners in a Case tried before the Head of Police of the Jummalamuddagoo Taluk in the Cuddapah Zillah.

2. He states that the Prisoner "Chinna Krishnamah" was accordingly placed upon his trial charged with wilful and corrupt Perjury - and he recommends that a Sentence of 5 years' imprisonment should be passed upon him.

3 The Court of Foujdaree Udalut observe that a deposition given by the Prisoner in another Case four Months before cannot be

28th January 1845. be material to the issue of the Case No. 2 of 1845 abovementioned.

4. Though therefore the Prisoner "Chinna Krishnamah" was guilty of false swearing the offence committed by him did not amount to perjury as defined by Clause First Section IV Regulation VII of 1832.

5. The Court of Foujdaree Udalut therefore resolve to direct that the Prisoner "Chinna Krishnamah," be forthwith set at liberty.

Ordered that Copy of these proceedings be forwarded to the Governor's Agent at Kurnool for his information and guidance.

(Sent in No. 149.)

Read Calendar submitted by the Acting Agent to the Governor of Fort St George in Gunjam, of Prisoners committed before him, during the Month of December 1844.

(Here enter F.H. No. 117 of 1845)

Read letter dated the 10th Instant

28th January 1845.

Instant from the Magistrate of South Arcot, reporting that no return required by the Act VII of 1843 is sent for the month of December last.—

(Here enter F.C. No 118 of 1845)

Read letter dated the 9th Instant from the Acting Magistrate of Nellore, reporting that no Cases cognizable under Section XIV, Act VII of 1843 were disposed of during the months of December 1844.

(Here enter F.C. No 119 of 1845)

Read Statement dated the 6th Instant from the Sessions Judge of Cuddapah, of batta paid to Prosecutors and witnesses during the 2d half of 1844.—

(Here enter F.C. No 120 of 1845)

Read the Criminal Reports submitted by the Sessions Judge of Guntoor for the months of December 1844.—

(Here enter F.C. No 134 of 1845)

End 7th.

F.C.

Wednesday,
29th January, 1845.

At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esqre — 1st
Malcolm Lewin Esqre — 3rd — Puisne Judges.

Read Calendar in Case No 23 of 1844 before the Sessions Court of Tellicherry forwarded by the late Sessions Judge in charge of the Sessions Court at that Station, under date the 23rd Instant.—

(Here Enter F.C. No 238)

1. The Prisoner in this Case is charged with having on the 11th December last mixed arsenic with fried muscles and maliciously given them to the Prosecutrix' younger brother to eat as a condiment with his rice, from the effects of which he died during the night of the 14th of the same month.—

2. The Futwah of the Law Officer acquits the Prisoner, and the Sessions Judge coincides on the whole, with the finding of the Law Officer; but being

29th January 1845.

Judge of Tellicherry for his information & guidance.—

/Sent in No. 155./

Read report dated the 2nd Ultimo submitted by the Sessions Judge of Cumbaconum of Cases pending on the 31st October and committed for trial during the month of November 1844.—

/Here enter No. 3329 of 1844/

Read report dated the 2nd Ultimo submitted by the Sessions Judge of Guntoor of Cases pending on the 31st October and committed for trial during the month of November 1844.—

/Here enter No. 3330 of 1844/

Read Calendar dated the 3d Ultimo submitted by the Sessions Judge of Chittoor of Cases No. 52 of 1844.—

/Here enter No. 3339 of 1844/

Read return dated the 2d Ultimo from the Sessions Judge of Mangalore in reference to the Precept of the Foujdaree Adawlut under date the 26th November 1844 on

29th January 1845.—

being of opinion that strong suspicion though not amounting to presumptive proof exists against the Prisoner he requires him to find Security in 2 Sureties, each in the Sum of Rupees 250 for one Year.—

3. It is stated in the Report that the certificate of the Medical Officer and the test made by him show that the deceased died from the effects of poison.—

4. The Court of Foujdaree Adawlut are of opinion that it would have been right on the part of the Sessions Judge to have delayed the commitment of the Prisoner for trial for a time in order to see whether evidence could not be obtained of the Prisoner having by some means or other obtained Arsenic.—

5. On the evidence on which he was committed it was not possible that he should be convicted.—

Ordered, that copy of these Proceedings be forwarded to the Sessions Judge

29th January 1845

review of the Calendar in Case No. 47 of 1844.—

(Here enter No. 3348 of 1844)

Read report dated the 2nd Ultimo submitted by the Acting Agent to the Governor of Fort St. George at Ganjam of Cases pending on the 31st October and committed for trial during the month of November 1844.—

(Here enter No. 3371 of 1844.)

Read the Criminal Report dated the 30th November 1844 submitted by the Sessions Judge of Chicacole for the month of November 1844.—

(Here enter No. 3383 of 1844)

Read return dated the 11th Instant from the Sessions Judge of Cuddalore to the precept of the Fajdaree Adalut under date the 3d Instant directing that the suspended sentence in Case No. 20 of 1844 on the file of the Sessions Court of Cuddalore be carried into effect.—

(Here enter No. 143 of 1845.)

Thursday,
30th January 1845

71

At a Court of the Fajdaree Adalut

Present

Henry Dickinson Esqr 1st
Malcolm Lewin Esqr 3d
} Puisne Judges

Read letter dated 22d Instant from the Sessions Judge of Combaconum submitting for the final Sentence of the Court of Fajdaree Adalut the proceedings in Case No. 73 of 1844.—

(Here enter No. 200)

Mr. Dickinson
and
Mr. Lewin

The Court of Fajdaree 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,

Eyteten gom

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.—

The Court of Fajdaree Adalut resolve to point out for the information and future guidance of the Sessions Judge of Combaconum that it was incumbent on him to examine on oath the

the

30th January 1845. the Surgeon whose certificate has been referred to in the 9th para of the above letter.

Ordered, That Extract of these proceedings be sent to the Session Judge of Combaconum for his information.

/Sent following letter No:160/

Read report of Criminal and Magisterial Cases decided by the Acting Principal Assistant to the Governor's Agent in Ganjam during the Month of April 1845 - forwarded by the Acting Principal Assistant under date the 31st Ultimo.

/Here enter L.L: No:84/

Case No:8.

The Acting Principal Assistant has omitted to state in the abstract of the charge in this Case, whence and in what manner the silver Cord was stolen by the Prisoner.

Ordered That Copy of these Proceedings be forwarded to the Acting Agent to the Governor in Ganjam for his information and guidance by precept returnable in 5 days from and after its receipt.

/Sent following Precept No:161/

Read Calendar in Case No:111 of 1845 on the file of the Session Court of Cuddapah, forwarded by the late Session Judge under date the

30th January 1845. the 18th instant.

/Here enter L.L: No:221 of 1845/

1. The Prisoner in this case is charged with having in the afternoon of the 30th November last in company with another person armed with a hunting hatchet, attacked the Prosecutrix and robbed her of Jewels to the value of Rupees 45 - " 4

2. The late Session Judge concurs with the second Futwah of the Law Officer which convicts the Prisoner and declares him liable to Ashoobut - and sentences him to 14 years imprisonment under Clause 2nd Section IV. Regulation XV of 1803.-

3. The Court of Foujdaree Adalut observe, that it is stated in the Calendar as well as in the Futwah of the Law Officer that the Prosecutrix and the 3rd & 4th witnesses declared that the Prisoner took the stolen property produced on the trial from his cloth and gave it up, whereas the 1st & 2nd witnesses are represented to have stated that the Prisoner having taken them to his thatched house, took the Articles from the roof and gave them to them.

4. These contradictions are not noticed by either

30th January 1845. either the Judge who presided, or the Law Officer of the Court of Foujdaree Udalut therefore require that the late Session Judge be called upon to account for this omission, and that the Law Officer be desired to declare whether his judgment is in any way affected by the Contradictions pointed out to him, and if not, how he can connect on such conflicting evidence.—

Ordered that Copy of these Proceedings be forwarded to the late Session Judge of Cuddapah for his information and guidance by Express, returnable in 7 days from and after its receipt.—

Sent following Receipt No 167.

Endt.

R

Saturday,
1st February, 1845.

F. U.

At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esqre 1st
Malcolm Lewin Esqre 3rd } Puisne Judges

Read again Report of Cases pending on the 30th September and committed for trial during the month of October 1844 submitted by the Session Judge of Cuddalore.—

(Here enter No 2975 of 1844)

Read also letter dated the 30th November 1844 from the late Acting Session Judge of Cuddalore submitting for the consideration of the Judges a Statement of the causes for the delay in the disposal of the cases alluded to in the Extract from their proceedings of the 11th November last, in the hope that by a review of the matter the Judges may be induced to withdraw the censure recorded.—

(Here enter No 3352 of 1844)

Read also return dated the 2d Ultimo from the Session Judge of Cuddalore to

to the Precept of the Fouzdaree Udalut dated the 19th December last requesting that the Mahomedan Law Officer may be called upon to state the number of days and hours he sat at trial within the period embraced in Mr Lascelles' report and further requesting to be informed whether the records of the Sessions Court show the causes of delay in the disposal of the Criminal Cases adverted to.—

/Here enter No. 31 of 1845/

1. On a deliberate perusal of the
30th November 1844. explanatory observations furnished by Mr
Lascelles in respect of the operations of the
Session Court at Cuddalore when recently under
2nd January 1845. his charge, and of the information now sub-
=mitted by the Session Judge Mr Babington,
the Court of Fouzdaree Udalut find no
sufficient reason for a modification of the
opinion they originally expressed regarding
the dilatoriness apparent in the conduct
of the criminal functions with which
Mr Lascelles was temporarily vested.—

2. They think not only that they were

were neglected by Mr Lascelles but on a
2nd January 1845. consideration of the Return from the Session
Judge above recorded, they see grounds for
the belief that in extenuation of such
neglect pleas have been advanced by
Mr Lascelles which are not supported by
subsequent enquiry.—

3. Under this impression the
circumstances brought to notice in the
papers now before the Fouzdaree Udalut
are regarded as constituting a case of mis-
=conduct such as is contemplated by Section
XXIV Regulation VIII of 1802 and which
the Judges are bound to report for the
information of the Most Noble the
Governor in Council.—

Ordered, therefore that for
the above purpose Extract from these Proceedings
together with transcript of the papers
referred to therein be forwarded to the
Secretary to Government in the Judicial
Department for submission to the Most
Noble the Governor in Council.—

/Sent in No. 163./

Read

to the Precept of the Tanjadore Udalut dated the 19th December last requesting that the Mahomedan Law Officer may be called upon to state the number of days and hours he sat at trial within the period embraced in Mr Lascelles' report and further requesting to be informed whether the records of the Sessions Court show the causes of delay in the disposal of the Criminal Cases adverted to.—

/Here Enter No 31 of 1845/

1. On a deliberate perusal of the

30th November 1844.- explanatory observations furnished by Mr Lascelles in respect of the operations of the Sessions Court at Cuddalore when recently under

2d January 1845. his charge, and of the information now submitted by the Sessions Judge Mr Babington, the Court of Tanjadore Udalut find no sufficient reason for a modification of the opinion they originally expressed regarding the dilatoriness apparent in the conduct of the criminal functions with which Mr Lascelles was temporarily vested.—

2. They think not only that they were

were neglected by Mr Lascelles but on a consideration of the Return from the Sessions Judge above recorded, they see grounds for the belief that in extenuation of such neglect excuses have been advanced by Mr Lascelles which are not supported by subsequent enquiry.—

3. Under this impression the circumstances brought to notice in the papers now before the Tanjadore Udalut are regarded as constituting a case of misconduct such as is contemplated by Section XXIV Regulation VIII of 1802 and which the Judges are bound to report for the information of the Most Noble the Governor in Council.—

Ordered, therefore that for the above purpose Extract from these Proceedings together with transcript of the papers referred to therein be forwarded to the Secretary to Government in the Judicial Department for submission to the Most Noble the Governor in Council.—

/Sent in No 163./

Read

1st February 1845.-

Read letter dated the 20th Ultimo from the Acting Session Judge of Rajahmundry submitting for the final sentence of the Court of Foujdaree Udalut the proceedings in Case No. 16 of 1844.-

/Here enter No. 284/

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 proof against the Prisoner

Yeddlapully Chinniah alias Rajahlingum.

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 of Foujdaree Udalut resolve to draw the attention of the late Acting Sessions Judge of Rajahmundry to the irregularity of putting various questions to the Prisoner when on his defence.-

2. The object that the Acting Sessions

2/

No. 16.

1st February 1845.-

Session Judge may have had in view when he asked the Prisoner whether or not he had been ill is not apparent.-

Ordered, that Extract from those proceedings be forwarded to the Sessions Judge of Rajahmundry for communication to the late Acting Sessions Judge.-

/Sent following letter No. 164/

Read letter dated the 23d Ultimo from the Sessions Judge of Cuddalore submitting for the final sentence of the Court of Foujdaree Udalut the proceedings in Case No. 64 of 1844.-

/Here Enter No. 306/

Mr. M. Lewin.

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

1st Vellian

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of Gang Robbery do acquit him thereof, but considering that

1st. February 1845.—

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

/Sent following letter No. 165./

Read letter dated the 22nd Ultimo from the Sessions Judge of Caliacut forwarding the record of the trial in Case No. 1 on the Calendar of the Sessions Court of Caliacut for 1845.—

/Here enter No. 283./

The Court of Sujdaree Adalut

Mr. Dickinson and Mr. Lewin.

on a deliberate consideration of all the circumstances of the case in evidence before them, bring of opinion that the proof against the Prisoner

Kolapaat Athen Mayen

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. 166./

Read Calendar dated the 21st January

1st. February 1845.—

that strong suspicion, though not amounting to conviction, attaches to him, they direct that he be required under Clause Sixth, Section II, Regulation XV of 1803, to find surety in an amount to be determined at the discretion of the Sessions Judge, for his good behaviour and appearance when required, within a period which that Officer will define, or in default thereof, that he be detained for a similar period in confinement.—

1. On an attentive consideration of the record received with the above address, the Court of Sujdaree Adalut are unable to arrive at the conclusion in respect of the evidence adduced which has been taken by the Sessions Judge who presided at the trial.—

2. They think that the testimony to the recognition of the Prisoner is worthless and that the remaining proof is insufficient for a conviction. They accordingly resolve to require the Sessions Judge to place the Prisoner under a requisition of security.—

Ordered

January 1845 Submitted by the Sessions
Judge of Juddapak in Case No. 104 of 1844.-
/Here enter T.M. No. 244 of 1845./

1. The Prisoner in this case has
been acquitted of the charge of having at
10 o'Clock on the night of the 27th October
1843 gone in company with the Prisoners
in Case No. 32 of the Calendar for 1843
and with some others in a gang to the
veranda of Ramasawmy Pagoda in the
street, in the village Wooboolamay Amedtah
in the Zillah of Juddapak, where the
pt. 2nd. and 3rd. Prosecutors and some others
were sleeping, thrown stones at them struck
and wounded the 1st and 2nd Prosecutors
with sticks and with having at the same
time gone to the 4th and 5th prosecutors
houses, broken open the doors of their shop
with axes and stones, dragged and beaten
the 5th Prosecutor with a stick and hands
made a light with straw, burned cloths
and stolen property belonging to the 1st,
2d, 4th and 5th Prosecutors consisting of Gold
and Silver Jewels. Cloths &ca. valued at
Rupees

Rupees 163-10-0-

2. The result of this trial appears to the Court of Foujdaree Udalut to be most unsatisfactory. The Law Officer acquitted the prisoner because he had denied the crime, and did not himself give up the stolen property from his house. With this futwah the Sessions Judge concurred, but he has not stated the grounds of his concurrence.

3. The Prisoners wife is declared to have given up various articles of stolen property from his house which are proved to belong to the Prosecutors. If the Sessions Judge, believed this evidence, it was the Court consider sufficient for the conviction of the Prisoner and he should have referred the trial.

4. The Sessions Judge will now be pleased to explain at full his grounds of concurrence on the futwa of his law Officer - and his reasons for rejecting the evidence of the 3rd 4th and 5th Prosecutors and the 2d 3d and 4th witnesses

the month of December 1844.—

/Here enter No. 156/

Read Statement dated the 8th Ultimo submitted by the Acting Sessions Judge of Rajahmundry of Batta paid to Prosecutors and Witnesses attending before the Sessions Court during the 2nd Half of 1844.—

/Here enter No. 164/

Read the Criminal Reports dated the 6th Ultimo submitted by the Principal Sudr Ameen of Ichapoor for the month of December 1844.—

/Here enter No. 181/

Read the Criminal Reports dated the 1st Ultimo submitted by the Principal Sudr Ameen of Cuddalore for the month of December 1844.—

/Here enter No. 188/

Read letter dated the 17th Ultimo from the Sessions Judge of Calicut certifying the execution of the Sentence of death passed on the Prisoner in Case No. 66 on the Calendar of the Sessions Court

for

who depose to the wife of the Prisoner having given up certain property claimed to have been the property of the person robbed on the night specified in the charge.—

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

/Sent following precept No. 167/

Read the Criminal B Report No. 6 dated the 11th Ultimo submitted by the Sessions Judge of Cuddalore for the month of December 1844.—

/Here enter No. 144/

Read Statement dated the 1st Ultimo submitted by the Sessions Judge of Cuddalore, of Extra Peons &c employed in the Jail at Cuddalore during the month of December 1844.—

/Here enter No. 147/

Read the Criminal B Report No. 6 dated the 7th Ultimo submitted by the Sessions Judge of Masulipatam for the

for 1844.—

/Here enter No. 234/

Read return dated the 15th Ultimo from the Subordinate Judge in charge of the Session Court of Madura to the precept of the Fouzdaree Udalut dated the 9th Ultimo sanctioning under Clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Session Judge in Case No. 48 of the Calendar for 1844.—

/Here Enter No. 249/

Read return dated the 21st Ultimo from the Session Judge of Guntoor to the precept of the Fouzdaree Udalut dated the 17th Ultimo authorizing him to annul the sentence of the Principal Sudr Ameen in Case No. 43 of 1844 on his file and to direct that the Prisoners be committed for trial to the Court of Session.—

/Here enter No. 253/

Monday
3d. February 1845.

At a Court of the Fouzdaree Udalut.

Present,

Henry Dickinson Esqre. 1st Judge
Malcolm Lewin Esqre. 3d Judge } Puisne Judges.

Read Miscellaneous Petition presented on the 30th September last by Valayooda Pillay of South Arcot.—

/Here Enter M. P. No. 126 of 1844/

As the above address refers to matter of a civil nature the Court of Fouzdaree Udalut decline to bring it under consideration.—

Ordered accordingly that it be removed from the File of the Court.—

Read again Miscellaneous Petition presented on the 4th November 1844 by Shenkaracharry the 1st Prisoner in Case No. 33 of 1844 on the file of the Subordinate Court of Cuddapah complaining of the false imprisonment to which he was subjected by his improper commitment by the Muddenpully Tahsildar on a false charge of robbery and praying that

for 1844.—

/Here enter No. 234./

Read return dated the 15th Ultimo from the Subordinate Judge in charge of the Session Court of Madura to the precept of the Fouzdaree Udalut dated the 9th Ultimo sanctioning under Clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Session Judge in Case No. 48 of the Calendar for 1844.—

/Here enter No. 249/

Read return dated the 21st Ultimo from the Session Judge of Guntoor to the precept of the Fouzdaree Udalut dated the 17th Ultimo authorizing him to annul the sentence of the Principal Sudr Ameen in Case No. 43 of 1844 on his file and to direct that the Prisoners be committed for trial to the Court of Session.—

/Here enter No. 253/5

Monday 3d February 1845.

At a Court of the Fouzdaree Udalut.

Present,

Henry Dickinson Esqre. 1st
Malcolm Lewin Esqre. 2d } Puisne Judges.

Read Miscellaneous Petition presented on the 30th September last by Valayoda Pillay of South Arcot.—

/Here enter M. P. No. 126 of 1844./

As the above address refers to matter of a civil nature the Court of Fouzdaree Udalut decline to bring it under consideration.—

Ordered accordingly that it be removed from the File of the Court.

Read again Miscellaneous Petition presented on the 4th November 1844 by Shenkaracharry the 1st Prisoner in Case No. 33 of 1844 on the file of the Subordinate Court of Cuddapah complaining of the false imprisonment to which he was subjected by his improper commitment by the Muddenpully Tahsildar on a false charge of robbery and praying that

that due notice may be taken of the oppressive conduct of the Police Officer and Prosecutor.—

/Here enter F. N. P. No 1141 of 1844/

Read also again return dated 5th December 1844 from the Sessions Judge of Cuddapah to the precept of the Faujdaree Adalut of the 26th November preceding forwarding a copy of the foregoing Petition to the Sessions Judge and directing him to call for and revise the proceedings held by the lower Court in Case No. 33 of 1844 and submit a report thereon to the Faujdaree Adalut.—

/Here enter F. H. No. 3359 of 1844/

Read also return dated 20th January 1845 from the Sessions Judge of Cuddapah to the precept of the Faujdaree Adalut of the 9th idem directing him to call on the Acting Subordinate Judge for any explanation he may have it in his power to offer in regard to the delay which has permitted to occur in the final disposal of the case above referred to.—

/Here enter F. H. No. 233 of 1845/

Thus

1. From these papers the Head of Police seems to have done his duty; and had not the late Magistrate insisted on having the case forwarded to the Court notwithstanding that the Head of Police declared in his Report to him that there was no evidence to support it, none of the oppression to which the Petitioner and his followers were exposed would have occurred. the Court therefore exculpate the Head of Police from all blame and see no necessity for interfering in the manner prayed for by the Petitioner who if he considers himself aggrieved by the conduct of the Prosecutor is at liberty to bring an action of damages against him or prosecute him criminally for preferring a false complaint.—

2. The delay which the Subordinate Judge allowed in disposing of the case was altogether unjustifiable. The Sessions Judge has offered every possible excuse for such neglect but the Court on a perusal of the Subordinate Judge's explanation are of opinion

opinion that it is altogether inexcusable.—

3. Had the Subordinate Judge devoted but a moderate portion of energy to the discharge of his duties, there could have been no reason why the decision of this case should have been delayed for so long a period as 40 days.—

4. The Court regard the case as one of cruel oppression which they are scarcely justified in withholding from the Knowledge of the Most Noble the Governor in Council.—

5. The Court direct that the Sessions Judge will communicate these remarks to the Subordinate Judge and inform him that if a similar instance of neglect of his duty should come before them they will not fail to report his conduct to higher authority.—

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

/Sent in No. 178/

Ordered also, that Extract from

from these proceedings (para. 1) be furnished to the Petitioner on his application.—

Read Miscellaneous Petitions presented on the 16th and 24th December last by Doraisamy Mohunt.—

/Here enter M. P. Nos. 180 and 183 of 1844/

The petitioner prays to be furnished with an attested copy of the order passed by this Court on his Miscellaneous Petition No. 95 of 1844.—

The Court of Sudder Adalut direct that a copy of the order in question be granted to the Petitioner.—

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

Read Miscellaneous Petition presented on the 24th December last by Parrygennum Naick of the Zillah of Tinnevelly.—

/Here enter F. M. P. No. 185 of 1844/

1. The Petitioner requests, with reference to an order of the Sessions Judge of Tinnevelly on a petition praying him to

to review the Proceedings of the late Provincial Court of Circuit for the Southern Division, in Case No.2 on the Tinnevelly Calendar for the 1st Session of 1843, that the Court of Fouzdaree Udalut will be pleased to order the transmission to the Session Judge of Tinnevelly, of the records connected with the Sentence passed upon the Prisoners in the said Case.—

2. The Court of Fouzdaree Udalut remark that no grounds are shown in this petition for their interference as prayed for by Petitioner - and they therefore direct that it be dismissed.—

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

Read Miscellaneous Petition presented on the 3rd January 1845 by Mohummud Khasim late a Police Peon of the Sub Division of Cuddapah.—

/Here enter F.M. M.P. No.1 of 1845/

1. The Petitioner complains of the Joint Magistrate of Cuddapah having refused to

to restore him to his situation notwithstanding his acquittal by the Fouzdaree Udalut of the charge of Bribery falsely and maliciously brought against him and he prays the Court to order his reinstatement.—

2. An application of this kind to the Fouzdaree Udalut is irregular the Court therefore decline interfering.—

Ordered, that the Petition be rejected, and that copy of these proceedings be furnished to the Petitioner on his application.—

Read Miscellaneous Petition presented on the 3rd January 1845 by Dana Sing Elder brother of Pooma Sing late Letter Peon in the Post Office at Vellore and Prisoner in Case No.46 of 1844 in the Chittoor Calendar.—

/Here enter F.M. M.P. No.2 of 1845/

1. The Petitioner repeats his complaint of the injustice of his brothers conviction and punishment and again prays the Court to call for the proceedings in

the

the case and order his release.—

2. The Court of Fouzdaree Udalut are of opinion that the Petitioner's Brother was convicted on the most conclusive evidence of the crime of having purloined a letter containing 100 Rupees and that the sentence passed upon him is just.—

3. The Court refuse to interfere in the matter and dismiss this Petition.—

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

Read Miscellaneous Petition presented on the 3rd January 1845 by Chennuppah brother in law of Gnanaven Nagappah prisoner in Case No. 60 on the Cuddapah Calendar for 1844.—

/Here enter F.U. No. 4 of 1845/

1. The object of this Petition is to induce the Court of Fouzdaree Udalut to issue orders for the release from confinement of Petitioner's brother in law who he alleges being prisoner in Case No. 60 on the Cuddapah Calendar for 1844 was on a false and malicious

malicious charge unsupported by evidence convicted of theft and sentenced to imprisonment Vza for fourteen Years.—

2. The Court having referred to the Calendar of the trial alluded to in this Petition find that the Prisoner was clearly convicted on the evidence of two Prosecutors and one witness all of whom positively swear to his identity

3. The Court cannot doubt the justice of the conviction and sentence of the Prisoner.—

4. Petition dismissed.—

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

Read Miscellaneous Petition presented on the 11th Ultimo by Nogojee Row of the Zillah of Cuddalore, praying the Court of Fouzdaree Udalut to direct the Sessions Judge of Cuddalore to furnish him with a copy of the report submitted by the late Acting Sessions Judge to the Fouzdaree Udalut under date the 27th Ma
last

last, relative to the Sentence passed upon his brother the 1st Prisoner in Criminal Cases Nos. 6 and 9 on the file of the Sessions Court for 1844.-

/Here Enter T. M. P. No 8 of 1845./

The Petitioner is instructed that the Court of Foujdaree Adalut have already under date the 16th December last declared their opinion that the cases above alluded to, were properly disposed of by the late Acting Sessions Judge of Cuddalore, and that no further orders on the subject will be passed by them.-

Ordered therefore that petition be rejected and copy of these proceedings be furnished to the Petitioner on his application.-

Mohamud Khasim of Cuddapah, moves the Court to return the enclosures in his Miscellaneous Petition No 1 of 1845.-

Ordered accordingly.-

Read return dated the 22d January 1845 from the Subordinate Judge of Rajahmundry to the precept of the Foujdaree Adalut

Adalut of the 17th idem calling for an explanation of the purpose for which the bribe was proved to have been tendered by the Prisoner in Case No 56 of 1844 on the Rajahmundry Criminal file.-

/Here Enter F. M. No 27./

The Court of Foujdaree Adalut feeling doubtful regarding the propriety of the decision and Sentence passed in the above case resolve to direct the Sessions Judge to call for the proceedings held in it and make a report thereon for the information of the Foujdaree Adalut.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Rajahmundry together with a copy of Case No 56 as entered in the Report for his information by precept returnable in 10 days from and after its receipt.-

/Sent following precept No 179/

Read the Criminal Reports submitted by the Acting Agent to the Governor of Fort St George at Ganjam

for

for the Months of April, May, September, October and November 1844.-

/Here enter №84/

1. The attention of the Acting Agent is called to the Fouzdaree Udalut Circular Order dated the 8th December 1831 which requires that whenever the name of a Prisoner is entered in the Report submitted under the provisions of Section XXXV Regulation X of 1816, in more than one case, it should on the 2d and other cases be inserted in red ink.-

2. His attention is also further directed to the Fouzdaree Udalut Circular Order of the 4th September 1820 directing the discontinuance of the practice of forwarding Blank Returns to this Court.-

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 №180/

Read letter dated the 21st Ultimo from the Sessions Judge of Honore forwarding

4/ FH.

3d February 1845.-

forwarding the record of the trial in Case №23 on the Calendar of the Sessions Court of Honore for 1844.-

/Here enter №293/

Mr. H. Dickinson.

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

Ramaya

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 №181/

Ent FH.

Read Miscellaneous Petition presented on the 14th January 1845 by Tolada Ummal of the Zillah of Chittoor and mother of Venkatadawmy late Prisoner in Case №50 on the Chittoor Calendar for 1844.-

/Here Enter F.H. M.P. №9 of 1845/

1. The Petitioner complains of the Sentence

Sentence of 14 Years imprisonment passed on her Son the 1st prisoner in the above case who she alleges has been unjustly punished on a false and malicious charge preferred against him by a woman formerly under his protection and her paramour and this notwithstanding that in his defence he had established an alibi.—

2. She prays the Court to call for the record and order his release.—

3. Before disposing of this Petition the Court of Sudder Adawlut desire to have before them translations of the depositions given by the 4th and 5th witnesses before the Sessions Court and they accordingly desire that the Sessions Judge will have them prepared and submitted with the least practicable delay.—

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

Ordered also, that Extract from these proceedings be sent 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. 182./

Read the Criminal Report dated the 8th Ultimo submitted by the Sessions Judge of Honore for the Months of December 1844.—

/Here Enter No. 180./

Read report dated the 14th Ultimo submitted by the Acting Sessions Judge of Trichinopoly of Casualties and of Prisoners released in the Zillah of Trichinopoly in the Month of December 1844.—

/Here Enter No. 191/

Read letter dated the 13th Ultimo from the Magistrate of Salem reporting that the powers vested by Section LIV Act VII of 1843 have not been exercised in December 1844.—

/Here Enter No. 194/

Read letter dated the 14th Ultimo from the Magistrate of Bellary reporting that the powers vested by Section LIV Act VII of 1843 have not been

3d. February 1845.-

been Exercised in December 1844.-

/Here enter No. 202/

Read Calendar dated the 8th Ultimo submitted by the Sessions Judge of Salem in Cases Nos. 1 and 2 of 1845.-

/Here enter No. 207/

Read letter dated the 15th Ultimo from the Magistrate of Tinnevelly reporting that the powers vested by Section LIV Act VII of 1843 have not been Exercised in December 1844.-

/Here enter No. 213/

Read report dated the 22d Ultimo 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 December 1844.-

/Here enter No. 269/

Read Calendar dated the 9th Ultimo submitted by the Sessions Judge of Salem in Case No. 3 of 1845.-

/Here enter No. 280/

DDM

PS

in 74

Tuesday
4th February
1845.-

DD

MM

Mr. Lewin.

F. 116.

At a Court of the Foujdaree Adalut

Present,

Henry Dickinson Esqre. 1st
Malcolm Lewin Esqre. 3d } Puisne Judges

Read letter dated the 27th Ultimo from the Acting Session Judge of Trichinopoly forwarding the record of the trial in Case No. 31 on the Calendar of the Session Court of Trichinopoly for 1844.-

/Here Enter No. 334/

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,

Sitteram,

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 Mahommedan law, as declared in fatwas of their law officers, do convict him

him thereof, and with reference to the provi-
sions of Clause third Section VII Regulation
XV of 1803, do sentence him to be im-
prisoned and kept to hard labor in
irons on the public roads, or other public
works, for, and during the period of
seven years.-

/Sent following letter No. 186/

Read Calendar dated the 17th
December 1844 submitted by the Acting Sessions
Judge of Trichinopoly in Case No. 33 of 1844.-

/Here enter No. 189/

Read Calendar dated the 14th
Ultimo submitted by the Acting Sessions
Judge of Chittoor in Case No. 3 of 1845.-

/Here enter No. 206/

Read Calendar dated the 19th
December 1844 submitted by the Acting
Sessions Judge of Trichinopoly in Case No. 34
of 1844.-

/Here enter No. 222/

Read Calendar dated the 16th
Ultimo submitted by the Sessions Judge of
Calicut in Case No. 69 of 1844.-

/Here enter No. 243/

Read

Read return dated the 22d
Ultimo from the Sessions Judge of Nellore
to the precept of the Foujdaree Adalut
dated the 20th Ultimo directing him to
set at liberty the Prisoners in No. 21
on the Calendar for 1844.-

/Here enter No. 254/

Read Calendar dated the
30th December 1844 submitted by the Sessions
Judge of Mangalore in Case No. 71 of 1844.-

/Here enter No. 256/

Read Calendar dated the
20th Ultimo submitted by the Sessions
Judge of Tinnevelly in Case No. 41 of 1844.-

/Here enter No. 261/

Read Statement dated the
20th Ultimo submitted by the Sessions Judge
of Masulipatam, of Batta paid to the
Prosecutors and Witnesses attending before
the Sessions Court for the 2d half of 1844.-

/Here enter No. 264/

Read return dated the 22d
Ultimo from the Sessions Judge of Guntoor
to the Precept of the Foujdaree Adalut
dated

dated the 18th Ultimo ordering a reduction of the punishment awarded by the Sessions Court on the Prisoners in Case No. 22 of 1844 on its file.—

/Here enter No. 266/

Read Statement dated the 1st Ultimo submitted by the Subordinate Judge of Salem showing the amount realized by the labor of the Prisoners in the fourth Quarter of 1844.—

/Here enter No. 267/

Read return dated the 20th Ultimo from the Subordinate Judge of Calicut to the precept of the Foujdaree Adalut dated the 3d Ultimo desiring to be informed why five days delay in the Examination of the Witnesses in Case No. 189 of Report No. V for November 1844 was permitted to take place.—

/Here enter No. 275/

Read Calendar dated the 25th Ultimo submitted by the Acting Sessions Judge of Chittoor in Case No. 4 of 1845.—

/Here enter No. 330/

HH

Ent HH.

J. U.

Thursday 6th February 1845.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esqre.—1st. } Puisne Judges.
Malcolm Lewin Esqre.—3d. }

HH

Read Calendar dated the 27th Ultimo in Case No. 2 of 1845 submitted by the Sessions Judge of Cuddapah.—

/Here enter No. 315 of 1845/

1. In the column of remarks the Sessions Judge has observed that had the Head of Police caused the respectable inhabitants of the Village to conduct the Search for the stolen property instead of making use of the Police People alone there might have been fewer exceptions to the Evidence and the 5th Prisoner might not so readily have accused him of violence and oppression—and has notified his intention of sending a copy of his remarks to the Acting Magistrate with a request that he will caution the Head of Police of the Doovoor Talook to be more circumspect

circumspect in his proceedings in future.-

2. With this remarks the Sessions Judge will forward to the Magistrate a copy of the remarks of the Subordinate Judge that the Head of Police had omitted to number the articles of stolen property produced before him and to refer to these numbers in the depositions taken from the witnesses.-

3. This is an instance of neglect of positive orders for which the Court conceive that the Head of Police is deserving of severe censure.-

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

/Sent in No. 188./

Read Statement dated the 8th Ultimo submitted by the Sessions Judge of Tellicherry of Batta paid to Prosecutors and Witnesses in attendance before the Sessions Court during the 2d half year of 1844.-

/Here Enter No. 276/

Read

Read Statement dated the 1st Ultimo submitted by the Acting Sessions Judge of Chittoor of Batta paid to Prosecutors and Witnesses in attendance before the Sessions Court during the 2d half year of 1844.-

/Here Enter No. 300./

Read Calendar dated the 28th Ultimo submitted by the Acting Sessions Judge of Bellary in Case No 2 of 1845.-

/Here Enter No. 335./

Read Statement dated the 31st December 1844 submitted by the Sessions Judge of Chingleput of Batta paid to Prosecutors and Witnesses in attendance before the Sessions Court during the 2d half Year of 1844.-

/Here Enter No. 339/

Read return dated the 25th Ultimo from the Sessions Judge of Mangalore to the precept of the Sirdar Vaalut dated the 20th Ultimo sanctioning a mitigated Sentence on the prison-

6th February 1845.

prisoner Gopanda in Case No. 70 of 1844 on the Mangalore Calendar.—

/Here enter No. 352/

Read Calendar dated the 30th Ultimo submitted by the Sessions Judge of Cuddalore in Case No. 6 of 1845.—

/Here enter No. 376/

Read Calendar dated the 27th Ultimo submitted by the Sessions Judge of Tinnevelly in Case No. 36 of 1844.—

/Here enter No. 377/

Read Calendar dated the 31st Ultimo submitted by the Sessions Judge of Combaconum in Case No. 74 of 1844.—

/Here enter No. 392/

Read Calendar dated the 30th Ultimo submitted by the Acting Sessions Judge of Bellary in Case No. 3 of 1845.—

/Here enter No. 402/

F.U.

Friday 7th February 1845. At a Court of the Tanjore Udalut

Present,

Henry Dickinson Esqre. 1st.
Malcolm Lewin Esqre. 3rd. } Puisne Judges

Read return dated the 25th Ultimo from the Principal Sudr Ameen of Cuddalore to the precept of the Tanjore Udalut under date the 22d idem stating that the Prisoner in Case No. 131 of 1844 persevered in his complaint after it was referred by the Joint Magistrate of Cuddalore to the Head of Police.—

/Here enter F.U. No. 286 of 1845./

1. The Prisoner in this case was charged "with having preferred a false com-
"plaint before the Magistrate against the
"Village Moonsiff of Parea Coreby stating
"that he had cut and taken away the
"indigo crop on his land."—

2. In the Criminal Report the Principal Sudr Ameen observed that the record of the trial before the Head

of Police clearly shewed that the complaint
of the Prisoner is wilfully false and
Malicious. The Prisoner was therefore on
the 8th November 1844 sentenced to one
months imprisonment under Section II
Regulation IX of 1832.—

3. In reviewing the reports in
question the Court of Sudder Adalut
noticed that the Regulation under which
the Prisoner had been sentenced by the
Principal Sudr Ameen is inapplicable as
the false complaint with which the Prisoner
is charged was preferred before the Ma-
=gistrate and not before a District Police
Officer to whom Regulation IX of 1832
has reference; and they therefore directed
the Prisoner to be let at liberty.—

4. It now appears from the re-
=turns submitted by the Principal Sudr
Ameen that the Prisoner originally pre-
=ferred his complaint by a Tuppal Petition
addressed to the Joint Magistrate and
that he was referred by that authority
to the Head of Police; that he repeated
before

"before the Head of Police in substance the
"whole of his complaint formerly preferred
"before the Joint Magistrate and thus per-
=severed in the false complaint before the
"Head of Police" by whom "the charge was
"regularly recorded and examined". It
further appears that the Prisoner was
released on the 8th December on the ex-
=piration of his sentence.—

5. Under this explanation the
Court are of opinion that the sentence of
the Principal Sudr Ameen was in con-
=formity with the instructions laid down
in the Circular Order No. 140.—

6. The Court however would
point out that the Principal Sudr
Ameen has omitted to observe the in-
=junctions contained in the Circular Order
No. 109 which requires that errors or
defects in charges sent up by Police Officers
should be corrected by the Criminal
Court. Had the Principal Sudr Ameen
attended to this Circular Order the corre-
=spondence which has occupied so much
time

of Police clearly shewed that the complaint of the Prisoner is wilfully false and malicious. The Prisoner was therefore on the 8th November 1844 sentenced to one months imprisonment under Section II Regulation IX of 1832.—

3. In reviewing the reports in question the Court of Foujdaree Udalut noticed that the Regulation under which the Prisoner had been sentenced by the Principal Sud Ameen is inapplicable as 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; and they therefore directed the Prisoner to be let at liberty.—

4. It now appears from the returns submitted by the Principal Sud Ameen that the Prisoner originally preferred his complaint by a Tuppal Petition addressed to the Joint Magistrate and that he was referred by that authority to the Head of Police; that he repeated before

"before the Head of Police in substance the "whole of his complaint formerly preferred "before the Joint Magistrate and thus per- "severed in the false complaint before the "Head of Police" by whom "the charge was "regularly recorded and examined". It further appears that the Prisoner was released on the 8th December on the expiration of his sentence.—

5. Under this explanation the Court are of opinion that the sentence of the Principal Sud Ameen was in conformity with the instructions laid down in the Circular Order No. 140.—

6. The Court however would point out that the Principal Sudr Ameen has omitted to observe the injunctions contained in the Circular Order No. 109 which requires that errors or defects in charges sent up by Police Officers should be corrected by the Criminal Court. Had the Principal Sudr Ameen attended to this Circular Order the correspondence which has occupied so much time

time might have been avoided.—

Ordered, that Extract from these proceedings be sent to the Principal Sudr Ameen of Cuddalore for his information.—

/Sent in No. 198./

Read return dated the 25th January 1845 from the Magistrate of Madura to the precept of the Foujdaree Udalut of the 20th Idem 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 December 1844.—

/Here enter F.U. No. 303/

Adverting to the 2d para. of the foregoing return the Court of Foujdaree Udalut observe that the abstract of the evidence on the grounds of the Sentence should be always inserted in the same column as the Sentence.—The abstract being first given with the view of the presiding Officer, and then the Sentence.—

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

/Sent in No. 199/—

F.U.

Saturday, 8th February 1845.

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqre 1st
Malcolm Lewin Esqre 3d
} Puisne Judges

Read letter dated 28th Ultimo from the Magistrate of Salem submitting for determination by the Foujdaree Udalut the question whether in conforming with an application from the Joint Magistrate the Sessions Judge of Salem should not furnish to that Officer the record of a trial disposed of in the Sessions Court which the Joint Magistrate is anxious to peruse in order to be informed of the causes which have led to the failure of the prosecution in the case.—

/Here enter No. 320/

The Court of Foujdaree Udalut are of opinion that the record of the trial referred to may, without objection, be forwarded for the purpose required, to the Joint Magistrate of Salem

time might have been avoided.—

Ordered, that Extract from these proceedings be sent to the Principal Sudr Ameen of Cuddalore for his information.—

/Sent in No. 198./

Read return dated the 25th January 1845 from the Magistrate of Madura to the precept of the Foujdaree Adalut of the 20th Instt. 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 December 1844.—

/Here enter F.U. No. 303/

Adverting to the 2d para. of the foregoing return the Court of Foujdaree Adalut observe that the abstract of the evidence or the grounds of the sentence should be always inserted in the same column as the sentence. The abstract being first given with the view of the presiding Officer, and then the sentence.—

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

/Sent in No. 199/

F.U.

Saturday, 8th February 1845.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esqre 1st } Puisne Judges
Malcolm Lewin Esqre 3d }

Read letter dated 28th Ultimo from the Magistrate of Salem submitting for determination by the Foujdaree Adalut the question whether in conforming with an application from the Joint Magistrate the Sessions Judge of Salem should not furnish to that Officer the record of a trial disposed of in the Sessions Court which the Joint Magistrate is anxious to peruse in order to be informed of the causes which have led to the failure of the prosecution in the case.—

/Here enter No. 326/

1. The Court of Foujdaree Adalut are of opinion that the record of the trial referred to may, without objection, be forwarded for the purpose required, to the Joint Magistrate of Salem

Salem, to whom they think it should in the first instance have been furnished.

Vide proc. Fd. 21st Jany 1845.

2. The Court again point out for the information and future guidance of the Magistrate of Salem that the submission of the reference now under reply should properly have been made through the medium of the Sessions Judge as pointed out in their proceedings dated 21st Ultimo.—

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Salem for his information and communication to the Magistrate of Salem.—

(Entries No. 202.)

Read Half Yearly Statement dated the 16th Ultimo submitted by the Acting Subordinate Judge of Cuddapah shewing the manner in which the Convicts under his charge were employed during the half year ending the 31st December 1844.—

(Here enter No. 209.)

Read Report dated the 20th Ultimo submitted

submitted by the Agent to the Governor of Fort St. George in Vizagapatam of Persons apprehended in the Separate Tracts of Vizagapatam and delivered to the Agency in the month of December 1844.—

(Here enter No. 287.)

Read Supplemental Report dated the 20th Ultimo submitted by the Agent to the Governor of Fort St. George in 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 November 1844.—

(Here enter No. 288.)

Read Statement dated the 1st Ultimo submitted by the Subordinate Judge of Combaconum of the amount realized by the labor of the Prisoners in the 4th Quarter of 1844.—

(Here enter No. 312.)

End 7th.

F. U.

Monday
10th February 1845.

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqre 1st } Puisne Judges
Malcolm Lewin Esqre 2d }

ML

Read again Miscellaneous petition presented on the 9th December last by T. Appiah Vakeel on behalf of P. Venkatuppah of the Zillah of Cuddapah, complaining of the acquittal by the Acting Subordinate Judge of Cuddapah, of the Prisoners in Cadroo Nos. 210. and 211 of 1844 on his file, who were charged with wilful and corrupt Perjury.—

/ Here enter F. Mi. P. No. 172 of 1844. /

Read return dated the 23d ultimo from the Sessions Judge of Cuddapah forwarding an Extract from the Proceedings held by him in the Criminal cases alluded to in the foregoing petition.—

/ Here enter F. U. No. 282. /

1. It appears from the Proceedings of the Sessions Judge that after a full examination of all the circumstances connected with the cases in question, he concurs with the Subordinate Judge in the propriety of acquitting the Prisoners.—

2. The Court of Foujdaree Udalut see no grounds for doubting the correctness of the decision in the Cases Nos. 210 and 211 of 1844 on the file of the Subordinate Court of Cuddapah, and do accordingly

F. U.

Monday 10th February 1845. At a Court of the Toydaree Udalut

— Present —

Henry Dickinson Esqre 1st }
Malcolm Lewin Esqre 2nd } Puisne Judges

Read again Miscellaneous petition presented on the 9th December last by T. Appiah Vatien on behalf of P. Vencatuppah of the Zillah of Cuddapah, complaining of the acquittal by the Acting Subordinate Judge of Cuddapah, of the Prisoners in Cases Nos. 210 and 211 of 1844 on his file, who were charged with wilful and corrupt Perjury.—

/ Here enter F. M. P. No. 172 of 1844 /

Read return dated the 23d ultimo from the Sessions Judge of Cuddapah forwarding an Extract from the Proceedings held by him in the Criminal cases alluded to in the foregoing petition—

/ Here enter F. U. No. 282 /

1. It appears from the Proceedings of the Sessions Judge that after a full examination of all the circumstances connected with the cases in question, he concurs with the Subordinate Judge in the propriety of acquitting the Prisoners.—

2. The Court of Toydaree Udalut see no grounds for doubting the correctness of the decision in the Cases Nos. 210 and 211 of 1844 on the file of the Subordinate Court of Cuddapah, and do accordingly

accordingly direct that the petition of P. Venkatuppah be dismissed.—

Ordered accordingly and that Copy of these Proceedings be furnished to Petitioner on application.—

Read Miscellaneous Petition presented on the 9th December 1844 by Dhurma Royadoo and 15 others of the Tillah of Rajahmundry.—

/Here enter F.H. Dn. P. No. 173 of 1844./

The Petitioners who are the prisoners in case No. 12 of 1844 on the Rajahmundry Calendar, complain of the Sentence passed by the Sessions Judge in that Case on the ground that the affray which was the subject of the trial was occasioned by the unlawful conduct of the prosecutors in trespassing on the land belonging to the 1st prisoner and in carrying away some saplings belonging to him, and that the witnesses and Prosecutors had perjured themselves.—

They pray the Court to set aside the order of the Sessions Court directing the 1st 15th and 16th prisoners to furnish Security and to order the punishment of the Prosecutors as well as of those who assisted them in the trespass the Zemindar who gave an illegal cowl which was the Original cause of the trespass and the 1st and 2nd Prosecutors as well as the 1st 2d 3d 4th 5th 6th 7th 8th 9th 10th 11th and 15th witnesses for perjury.

The Court of Foujdaree Udalut see

no

no reason to question the sentence of the Sessions Court in this case.—

The Petition is accordingly dismissed.

Ordered that Extract from these Proceedings be furnished to the Petitioners on their respective applications.—

Read Miscellaneous petition presented on the 11th ultimo by Chinna Appavoo Pillay alias Appavoo Pillay of the Tillah of Coumbaconum.—

/Here enter F.H. P. No. 13 of 1845./

1. The Petitioner is a near relative of the 2nd 3rd 4th and 5th Prisoners in Case No. 72 of 1844 on the file of the Coumbaconum Sessions Court who were sentenced by the Sessions Judge to terms of imprisonment varying from Six months to 5 years for culpable Connivance in a theft committed by the 1st Prisoner in the case.—

2. He complains of the injustice of the punishment awarded to the said Prisoners, and prays the Court of Foujdaree Udalut to call for and peruse the whole record of the case and render the Prisoners justice.—

3. The Court of Foujdaree Udalut seeing reason to entertain much doubt as to the correctness of the conviction of the prisoners in the case alluded to by Petitioner and consequently of the justice of the Sentence passed upon them, resolve to call for a translation of the whole record of the

Case,

case, and to direct that the Sentence be suspended until they shall have recorded their judgement on the trial.—

Ordered that Copy of these Proceedings be forwarded to the Sessions Judge of Combaconum for his information and guidance by precept returnable in 10. Days from and after its receipt.—

Ordered also that Copy be furnished to Petitioner on his application.—

/ Sent following Precept No. 210. /

Read Miscellaneous Petition presented on the 20th ultimo by Vencatachellum late Police Peshcar in the Talook Cutcherry of Lummudorgoo in Zillah Cuddapah.—

/ Here enter M. P. No. 18 of 1845. /

The Petitioner appeals from an order passed by the late Acting Magistrate of Cuddapah, directing his dismissal from the situation, he held in the Magisterial department, in consequence of his having written a letter to that Officer, intimating that he was in the habit of paying bribes to Vencatacharloo the Magistrates Moonshee.—

This matter is not cognizable by the Foujdarree Udalut.—

The Petitioner may apply to the Board of Revenue.—

Petition dismissed.— Ordered

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

Read Miscellaneous petition presented on the 20th ultimo, by Poojary of the Zillah of Tinnevelly.—

/ Here enter F. M. P. No. 16 of 1845. /

1. The Petitioner adverting to Foujdaree Udalut proceedings of the 9th December last on his former petition No. 130 of 1844. prays the Court of Foujdaree Udalut to call for and peruse the whole of the record of the trial in case No. 1. of the 3d Tinnevelly Calendar for 1844. and issue orders for the release of his brother in law the Prisoner in the said case.—

2. The Court of Foujdaree Udalut observe that if the Petitioners brother in law the Prisoner in the case above alluded to is capable of furnishing approved bail, he will doubtless be permitted on application to the proper authority, to go at large on such bail.—

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

Read Miscellaneous petition presented on the 20th ultimo by Seddoo Chetty of the Zillah of Tinnevelly.—

/ Here enter F. M. P. No. 17 of 1845. /

The

1. The Petitioner complains of the injustice of the Sentence of 18 months' imprisonment passed upon his Son the Prisoner in Case No. 21 on the file of the Sessions Court of Tinnevelly for 1844, for having struck the Prosecutor in the case with a Bamboo club on the left arm and broken it.—

2. He prays the Court of Foujdaree Udalut to call for and consider the record of the case, and order the release of his Son.—

3. The Court of Foujdaree Udalut see no reason to doubt the justice of the punishment awarded by the Sessions Judge to the Prisoner who was convicted with the concurrence of the Law Officer on sufficient Evidence — and they therefore direct that this petition be rejected.—

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

Read Miscellaneous petition presented on the 20th ultimo by Coorumma and Seetummah of the Pillah of Vizagapatam.

/ Here enter F.M.P. No. 15. of 1845 /

1. The Petitioners state themselves to be the mothers of the 5th and 6th Prisoners in a case of Highway Robbery tried by the Agent to the Governor — — — at Vizagapatam, who convicted the said Prisoners and proposed that

that they should be sentenced to 14 years' imprisonment.

2. This Sentence was approved and sanctioned by the Foujdaree Udalut under date the 15th April last.—

3. The Petitioners complain of the injustice of the Sentence, and pray the Court of Foujdaree Udalut to call for and consider the Record of the case, and order the release of the Prisoners Nedigunty Sadasivoodoo and Daramasinghy Rajanah.—

4. The Court of Foujdaree Udalut resolve to direct that a copy of this petition be forwarded to the Government Agent at Vizagapatam and that he be requested to State whether he is induced by it to doubt the propriety of the Sentence passed on the 2 prisoners abovementioned.—

Ordered that copy of these proceedings be forwarded to the Agent to the Governor — — at Vizagapatam for his information and guidance, by Precept returnable in 7 days from and after its receipt and that copy be furnished to the Petitioners on their application.—

/ Sent in No. 211. /

Poojary of Trichinopoly moves the Court to return the enclosures in his Miscellaneous Petition No. 136 of 1844.—

Ordered accordingly.

Read

10th February 1845.

Read letter dated the 22d ultimo from the Acting Magistrate of Canara.

/ Here enter F.U. No. 273 of 1845 /

1. The Acting Magistrate reports that the two Prisoners who were placed upon their trial charged with murder in the case in which a conditional offer of pardon was sanctioned by the Sudr Udalut under date the 6th November last, to one Menjoo have been acquitted and unconditionally released by the Session Judge of Canara, notwithstanding the full confession of one of them the direct and positive testimony of an Eye witness and the most satisfactory corroborative Evidence.—

2. He submits a copy of the Futwa of the Law Officer, and requests the Court of Foujdaree Udalut to review the proceedings and take such notice of them as the magnitude and importance of the case deserves.—

3. The Court of Foujdaree Udalut are of opinion that the Acting Magistrate of Canara has shown sufficient grounds for a review of the judgment passed in the case referred to in his communication, and they accordingly resolve to direct that the Sessions Judge of Canara be called upon to forward for their consideration, a translation of the Record of the said case No. 65. of 1844 on the Mangalore Calendar.—

Ordered

F.U.

10th February 1845.

Ordered that a copy of these Proceedings be forwarded to the Session Judge of Canara for his information and guidance, and for communication to the Acting Magistrate of that District, by Precept returnable without delay.—

/ Sent following Precept No. 212 /

Bellary
Cuddapah
Chittoor
Chingleput
Cuddalore
Nellore
Guntoor
Masulipatam
Rajahmundry
Chicacole
Trichinopoly
Combaconum
Madura
Tinnevelly
Salem.
Mangalore
Honore
Caliout
Tellicherry.

The Report of the Sessions Judge of ——— for the year 1844 not having as yet been forwarded to the Court.—

Ordered that, that Officer be required by Precept returnable in XV Days from and after its receipt, to submit the required Reports, and to explain, for the information of Government, the causes which have prevented him from earlier conforming to the provisions of Section XXXVII Regulation VII of 1802; and to the requisition contained in para 10. of the Proceedings of the Sudr Udalut of the 21st August 1843.—

/ Sent in No. 213. /

WDG
HG

£3 0 0

J. U.

Tuesday 11th. February 1815.

At a Court of the Tonjdaree Udalut.

Present

Henry Dickinson Esqre. 1st
Malcolm Lewin Esqre. 3rd } Puisne Judges.

NL

Read letter dated the 21st. ultimo, from the Session Judge of Chicacole, transmitting the record of the trial in case No. 10 on the Calendar for 1814.-

/ Here Enter No. 383. /

Mr. Dickinson and Mr. Lewin

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

1st. Vennalacotta Mulliah

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.

1. The guilt of the 1st. Prisoner is clearly established,- he should be sentenced to suffer death.-

2. In the 2nd. para. of the Sessions

Sessions Judge's opinion, he expresses surprise that the 2nd Prisoner should have been shut up by the Police, and that she was committed for trial.

2. The Tondaree Adalut may in like manner express astonishment that the Session Judge should have arraigned this Prisoner. It is clear that he did not read the proceedings of the Police or of the Principal Sudr Ameen, or he must have discovered that there was not a tittle of evidence on which to support the charge against this Prisoner.

4 The Court also direct that the attention of the Session Judge be recalled to Section XXII, Regulation VIII. of 1802, which requires the opinion of the presiding Judge to be embodied in the letter to accompany the trial, and not to be stated in a separate proceeding.

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

/ Sent following letter No. 217 /

Read letter dated 29th ultimo from the Session Judge of Cuddalore, transmitting the record of trial in Case No. 67 of 1842.

/ Here Enter No. 355 /

The Court of Tondaree Adalut

on

Mr. Dickinson
and
Mr. Lewin

11th February 1843.

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

Tirmalley

when labouring under temporary insanity put to death the deceased Aurayee, do acquit him of the charge of Murder, but considering that his release would be unsafe and improper, they direct that he be placed in Custody and that the Session Judge be desired to forward at the close of each six months a report upon his conduct from the Medical Officer attached to the Jail.

1. The attention of the Session Judge will be directed to the correction of an error which has occurred in the first page of the Records proceedings of the Session Court describing the case now transmitted as Case 64 of 1842 on the file of the Session Court.

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

/ Sent following letter No. 218 /

Read letter dated the 21st ultimo from the Acting Session Judge of Trichinopoly forwarding the record of the trial in Case No. 26

on

on the Calendar of the Session Court for 1844—

/ Here enter N.o 307 /

Mr. Dickinson
and
Mr. Lewis—

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. Marodamalayittan

2d. Allagappacatarau

and

3d. Iyacouttymalayittan

is sufficient to convict them of the crime of assault and wounding, for which, according to the Mahommedan 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 XII. 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 one year—

1. The Court observe that there are no doubt discrepancies in the evidence, but notwithstanding these they think that it is sufficient for the conviction of the Prisoners of having assaulted and wounded the deceased—

2. The deceased dies from a fracture of his leg, but he would in all probability have recovered if he had been allowed to remain in the hospital—

3. Under these circumstances they have resolved to sentence the Prisoners to imprisonment with hard labor in irons for one year—

4. The Court further desire that the Magistrate be directed to take Security from all such persons as were engaged in the affair in view to prevent a further breach of the peace; and with this view the Session Judge will be pleased to furnish the Magistrate with such information as may enable him to carry out the orders of the Foujdaree Udalut—

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

/ Sent in N.o 219 /

Read Criminal Reports for the month of December 1844 submitted under date 31st December by the Subordinate Judge of Salem but not received in this Office till the 23d January 1845—

/ Here enter I. U. N.o 231 /

Supplemental Report Case N.o 194

1. The Prisoner in this case being a female should have been sentenced "to labor suited to her sex"—

2. It is also observed that the Acting Subordinate Judge has omitted to specify the regulation

regulation under which the sentence was passed.
It is irregular to refer the Tonjdaree Adalut to former
reports each report should in itself be complete.

Report No. V.

Case No. 157.

3. Adverting to the allegation of the
1st prisoner in this case that his Police confession was
extorted from him the Court of Tonjdaree Adalut
resolve to direct that a copy of the case as it stands
in the Report be furnished by the Subordinate Court
to the Magistrate of Salem who will be pleased to
ascertain what credit is due to the assertion of the
Prisoner and should it be found true to take such
notice of the conduct of the offending parties as may
prevent similar pernicious irregularities in future
reporting the result to the Tonjdaree Adalut.

Case No. 165.

4. It is stated in the Report that the
prisoners in this case were apprehended on the 29th
December by the Police Duffadar, but that they
were not produced before the Subordinate Police
Officer till the 24th.

5. The Magistrate will be pleased to
ascertain and report when the prisoners were between the
date of their apprehension and that of their production
before the Subordinate Police Officer and the cause of
the delay in their appearance.

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

/ Sent in No. 220. /

Read

Read monthly report of cases pending &c.
and tried by the Session Judge of Cuddapah during
the month of January 1845.
/ Here enter F. 21. No. 388. /

Case No. 104 of 1844.

1. In this case it appears that the trial
was closed on the 9th January but that the sentence
was not passed till the 20th idem.

2. The Session Judge will therefore be
pleased to explain the cause which prevented the
passing of the sentence till 11 days after the termi-
nation of the trial.

Ordered that Extract from these
proceedings be sent to the Session Judge of Cuddapah
for his information by Precept returnable in 2 days
from and after its receipt.

/ Sent following Precept No. 224 /

Read Blank Report submitted by
the Session Judge of Cuddalore of cases pending trial
before the Session Court for a period exceeding 26 days
calculated from the date of commitment.

/ Here enter at No. 389. /

The attention of the Session Judge
of Cuddalore is directed to Tonjdaree Adalut Circular
Order of the 16th September 1820 directing the discontinu-
ance of the practice of forwarding Blank Returns to
this Court.

Ordered that Extract from these
proceedings

11th February 1845.

proceedings be forwarded to the Sessions Judge of Cud-
-dalore for his information.—

/ Sent in No. 222. /

Read Calendar dated 31st Ultimo,
of Case No. 1. of 1845 submitted by the Acting Session
Judge of Tinchinopoly.—

/ Here enter No. 390 of 1845. /

1. This Calendar is very imperfectly
drawn up. It should have contained an abstract of
the Statements of the Prosecutor witnesses, and
prisoners, as given before the Principal Sudr Ameen.

2. It is not sufficient to state in a
Calendar in a comprehensive way "It is proved &c."
an abstract of the Statements should be given to
enable the Foujdaree Udalut to exercise their judg-
-ments as to what is proved and what is not proved.

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

/ Sent in No. 223 /

Read Statement dated the 11th
January 1845 from the Sessions Judge of Cuddalore
shewing the instances in which the powers of punish-
-ment created by Regulation X of 1832 have been exer-
-cised in the month of December 1844.

(Here enter F. C. No. 148 of 1845)

F. C.

Wednesday
12th February 1845.

At a Court of the Foujdaree Udalut

Present,

Henry Dickinson Esqre — 1st
Malcolm Lewin Esqre — 3rd } Puisne Judges

Read return dated 29th
January 1845 from the Sessions Judge of
Mangalore to the precept of the Foujdaree
Udalut of the 22d idem directing him
to call for the proceedings in Case No. 20
of 1844 on the Criminal file of the
Subordinate Court and pass such orders
thereon as appear to him proper report-
-ing the result for the information of
the Foujdaree Udalut.—

/ Here enter F. C. No. 354 /

1. In the case in question the
Prisoner was charged with having entered
the prosecutors house and stolen therefrom
-from a Rattan and Button valued at
Rupees 1-2.—

2. The Button was discovered
in the Prisoner's house and it was proved
that he took it out of the Prosecutor's
house

house during his absence. The prisoner also admitted that having lent 4 Rupees to the Prosecutor he went to his house to demand payment and that on finding the Prosecutor had concaled himself he took away the buttoo but he denies having stolen it.—

3. The Prosecutor denied that the Prisoner ever came to his house except on the day specified in the charge and there were no witnesses to prove the loan. Notwithstanding the Punditt Sudr Ameen did not think it could be inferred from the evidence of the witnesses that the Prisoner had committed a theft inasmuch as the prisoner has been in the habit of frequenting the Prosecutor's house to drink toddy and may have lent him the 4 Rupees out of friendship and as the Prosecutor is a cunning man, the fact of the Prisoner's having taken away the Buttoo appears to have been enhanced by him into a charge of theft and evidence got up in its support. On these grounds the

the prisoner was released.—

4. The Acting Magistrate objecting to the acquittal of the Prisoner brought the case to the notice of the Sessions Judge who on review of the proceedings of the Sudr Ameen recorded his opinion that the finding of the Sudr Ameen was directly opposed to the evidence and that from this error of judgment on the part of the Sudr Ameen the prisoner has escaped the punishment which he ought justly to have suffered.—

5. Under these circumstances the Court of Sudr Adalut are of opinion that the proceedings of the Sudr Ameen should be set aside and the Prisoner re-apprehended and tried, and they accordingly resolve to authorize the Sessions Judge to issue the necessary orders for his recommitment and trial.—

6. The Sessions Judge will at the same time point out to the Punditt the consequences of this glaring case of want

count of judgment exhibited by him and warn him to be more circumspect and attentive in future.—

Ordered, that Extract from these proceedings be sent to the Sessions judge of Trichinopoly for his information.—

/Sent in No. 224./

Read report of Cases pending before and tried by the Sessions Judge of Trichinopoly during the month of January 1845.—

/Here Enter F.M. No. 387/

Case No. 35 of 1844. 1. The Court of Tanjadaree Vakeel regret to observe a delay of 21 days between the commitment of this case and the commencement of the trial which is not at all satisfactorily explained by the plea of the Court being engaged with other cases and the intervention of Native Holidays. But as the Sessions Judge allowed the parties to proceed to their houses till the 11th he might with great propriety have extended that leave till the 24th January as the days intervening between

between the 15th and 23d were likewise Native Holidays. The omission of the Sessions Judge to extend the indulgence must have subjected the parties in the case to very great unnecessary inconvenience and loss by compelling them to be in attendance at the Court for 8 days this it was quite clear that they could not be required.—

2. This disregard to the convenience of parties sufficiently harrassed by being obliged to attend the prosecution of a case disposed of with the greatest despatch is much to be lamented and deprecated.—

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

/Sent in No. 225./

Read return dated the 24th Ultimo from the Sessions Judge of Trichinopoly to the precept of the Tanjadaree Vakeel dated

30th Ultimo from the Subordinate Judge in charge of the Sessions Court of Madura to the precept of the Foujdaree Adalut dated the 22d Ultimo directing the Sessions Judge to reduce the punishments of prisoners in Case No. 39 of the Calendar for 1844.—

(Here Enter No. 397)

Read report dated the 1st Instant submitted by the Subordinate Judge in charge of the Sessions Court of Madura, of Cases pending on the 31st December and committed for trial during the months of January 1845.—

(Here Enter No. 398)

Read report dated the 1st Instant submitted by the Sessions Judge of Masulipatam, of Cases pending on the 31st December 1844 and committed for trial during the months of January 1845.—

(Here Enter No. 399.)

F. C.

Thursday. 13th February 1845.

At a Court of the Foujdaree Adalut.

Present:

Henry Dickinson Esqre. — 1st
Malcolm Lewin Esqre. — 3d
} Puisne Judges.

Read letter dated the 28th Ultimo from the Subordinate Judge in charge of the Sessions Court of Madura, transmitting the Sessions Report prescribed by Section XXXVII Regulation VII of 1802 for the year 1843.—

6th March 1844.

(Here enter F. C. No. 369)

1. The above Report does not appear to call for any remark from the Court of Foujdaree Adalut.

2. The Judges regret to find that owing to the report now under observation having been mislaid unusual delay has occurred in its being disposed of by the Foujdaree Adalut.—

Ordered, that Extract from these proceedings, together with a Copy of the above Report be forwarded to the Secretary to Government in the Judicial Department, for the purpose of being laid before the Most Noble the Governor in Council.—

(Sent in No. 227)

Read.

Read Calendar of case No. 2 on the Combaconum Calendar for the Session of 1845.-

(Here enter F. C: No. 415)

1. The prisoner in this case a female, was convicted by a jury of perjury and was sentenced by the Session Judge of Combaconum to four years imprisonment with labor suited to her sex under clause first Section III Regulation VI of 1811.- But with reference to the circumstances of the case he recommends under Section V Regulation I of 1825 that this sentence may be mitigated to 2 years.-

2. The Court of Foujdaree Adalut having fully considered all the circumstances of the case are of opinion that a sentence of one months imprisonment would fully meet the ends of justice in this instance, and they according resolve under the power vested in them by Section XXXV Regulation VII of 1843 to direct that the sentence be reduced accordingly.-

3. Considering the sex of the Prisoner the Judges are of opinion that the false swearing only contained a charge of assault and putting into a well. robbery not having been included and as it was a mere ebullition of passion the punishment prescribed by Section XXXV Regulation IX of 1816. would have been sufficient without bringing the prisoner to trial.-

The

5. The Court even doubt the legality of a commitment in trifling cases of false charge. In arming the Magistracy with the power of punishing in such cases, it was intended that such power should be used, and that no cases but those which were accompanied with aggravated circumstances should be committed.-

Ordered, that Extract from these Proceedings be sent to the Session Judge of Combaconum for his information.-

(Sent in No. 228).

Read letter dated 9th. Ultimo from the Magistrate of Bellary, Submitting explanations for delay and references to the Magistracy in certain cases of the Bellary Criminal Reports for the months of October and November 1844, as called for in the Proceedings of the Foujdaree Adalut under dates the 2nd. and 20th. December 1844.-

(Here enter F. C: No. 165 of 1845)

Read Report dated 31st. December 1844 Submitted by the Magistrate of Malabar, of Cases tried by him under the provisions of Section LIV Act VIII of 1843, during the Month of December 1844.-

(Here enter F. C: No. 166 of 1845).

Read.

13th February 1845.

Read letter dated 10th Ultimo from the Acting Magistrate of Canara, intimating that no Cases were disposed of by the Magistracy under Section LIV Act VII of 1843 in the Months of December 1844.

(Here enter F: U: No: 167 of 1845)

Read Statement dated 11th Ultimo submitted by the Session Judge of Nellore, of Additional Peons, Convict labor Report, and the Report VI. for the Months of December 1844, with the exception of the Statement of Information required by Circular No: Order No: 80 dated 6th December 1836, there being no Cases of the description to be entered in it.

(Here enter F: U: No: 184 of 1845)

2.

F. U.

Friday.
14th February 1845.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esquire 1st Puisne Judge.
Malcolm Lewin Esquire 2d Puisne Judge.

Read Calendar in Case No: 3. of 1845 submitted by the Session Judge of Cuddapah.

(Here Enter No: 435.)

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

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

(Sent m. No: 233)

Read letter dated the 30th Ultimo from the Session Judge of Rajahmundry reporting that upon the recommendation of the Native Surgeon he has made over the Prisoner in Case No: 1 of 1844 to his parents and recommending that the Sentence of the Prisoner be remitted

(Here Enter F. U. No: 383)

The

1 The Prisoner alluded to by the Sessions Judge was sentenced by him to 14 years' imprisonment for the Crime of robbery by open violence.—

2 From the above Communication it appears, that he is a young Brahmin of about 17 years of age who has never before been implicated in the Commission of any crime and that the prospect of the dreadful punishment awarded to him has affected him so much as to induce a severe attack of Epilidy which according to the opinion of the Zillah Surgeon will terminate in death, Madness, or palsy— Under these Circumstances the Session Judge has, upon his own responsibility removed the Prisoner from the Jail to the Care of his Parents taking from the Mother of the young man an agreement to produce him whenever required, and requesting the Magistrate of Rajahmundry to take a similar bond from the prisoner's

father.

father.—

3 The Session Judge further suggests that the sentence awarded to the Prisoner be remitted, and that the bonds taken from his parents be retained in the light of security.—

4 The Court of Foujdaree Adalut are of opinion that Mr. Neave was very culpable in not alluding to the youth of the Prisoner in his remarks in the Calendar on the Case submitted to them for review— and also in not recommending a mitigation of the very severe sentence that he passed, there being no aggravating circumstances attending the case.—

5 They Consider the Conduct of Mr. Auskrather most reprehensible in adopting a course of proceeding so irregular and utterly unwarrantable as that of releasing from Jail, without any previous sanction, merely on the score of ill health, a Prisoner whose period of sentence had not expired, instead of placing him in the Jail Hospital.

The

The Court of Foujdaree Udalut do not think the circumstances of the Case form any grounds whatever for recommending the entire remission of the punishment awarded to the prisoner, but being of opinion that a more lenient Sentence than that of 14 years' imprisonment would have satisfied the claims of Justice in the Case, they resolve to reduce the term of imprisonment forthwith to 7 years.

7 They direct too that the Sessions Judge of Rajahmundry be requested to cause the Prisoner to be re-apprehended and to be placed in the Hospital attached to the Jail.—

Ordered that a Copy of these Proceedings be forwarded to the Sessions Judge of Rajahmundry for his information and guidance by precept, returnable in VII days from and after it's receipt.—

Sent following precept No 1.—

No 16.

Monday, 17th February, 1845. At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqre ——— 1st Puisne Judge

Malcolm Lewin Esqre ——— 3d Puisne Judge

Read Miscellaneous petition presented on the 2d instant by Coondalum Chetty and others of the Zillah of Madura.

(Here enter Fl. M. P. No 14 of 1845)

1 The object of this petition is to obtain from the Court of Foujdaree Udalut an order for the release of the Prisoners in Case No 39 of 1844 on the file of the Sessions Court of Madura who were sentenced to various terms of imprisonment for having contrary to the Magistrates order and in breach of the peace riotously assembled together armed with Cudgels &c and repulsed with stones a large body of Peons collected to put them down.—

2. The Court of Foujdaree Udalut have already considered the Sentences passed on the Petitioners and other Prisoners in the Trial in question, and have passed such orders respecting them as they considered necessary

necessary— They refuse to interfere further in the matter—

3. The Petitioners acknowledge that they did not disperse when called upon by the Assistant Magistrate to do so. This alone rendered them liable to the sentences passed upon them.—

4 The Petition is dismissed—

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

Read Miscellaneous petition presented on the 2d December last by Soobaraya Pillay of the Zillah of Combaconum requesting that as no orders have yet been passed by the Court of Sudder Adalut on his former petition No 58 of 1844 presented on the 6th May last praying for the release of the Prisoners in Case No 30 of 1844 on the Combaconum Calendar, the said petition may now be taken into the Courts consideration.—

(Here enter F.H. M.P. No 168 of 1844)

The Court of Sudder Adalut observe that an order was passed under date the 24th June last, rejecting the foregoing petition

petition as not setting forth any reasons for doubting the guilt of the Prisoners charged or of the justice of the Sentence passed upon them.—

2. The Petitioner is referred to the abovementioned order on his former petition, which is final.—

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

Read Miscellaneous Petition presented on the 24th December 1844 by Goolam Rajah Vakeel in behalf of Coorungoden Ramen and another of the Zillah of Tellicherry.—

(Here enter F.H. M.P. No 182 of 1844)

The Petitioners who are the 3d and 5th Prisoners in Case No 16 on the Tellicherry Calendar for 1844 complain of the Sentence of 4 and 3 years imprisonment passed on them and which they assert is unjust and illegal: their conviction being opposed to the proofs and facts of the case—

They accordingly pray the Court to call for the proceedings and order their release—

The Court of Sudder Adalut having referred to the Calendar to which the Petitioners have referred see no reason to question the

17th February 1845.

either the justice of their conviction or the propriety of the Sentence passed upon them -

They decline therefore interfering in the manner prayed for -

Ordered that this Petition be rejected and that copy of these proceedings be furnished to the Petitioners on their respective applications. -

Read Miscellaneous petition presented on the 20th Ultimo by Canasvarmme and Chanchiah of the Zillah of Cuddapah -

(Here enter F.H. M.P. No. 19 of 1845)

1 The Petitioners complain that the Sessions Judge of Cuddapah improperly altered a fine imposed upon them by the Acting Magistrate, for having preferred a charge against two persons who beat, stabbed and wounded them and pray the Court of Foujdaree Udalut to direct the Sessions Judge to return the said fines to them (Petitioners) and to punish their opponents. -

2. The Court of Foujdaree Udalut refuse to interfere in the matter. -

3. It is clear, they observe, from the order of the Sessions Judge submitted with the above petition, that the Petitioners committed a trespass on the property of their adversaries,

which

17th February 1845

which led to a breach of the peace - and for this they have been, most properly punished by the Magistrate. -

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

Read Miscellaneous Petition presented on the 27th January 1845 by Peraya Peroomal Reddy of the Zillah of Madura -

(Here enter F.H. M.P. No. 21 of 1845)

The Petitioner complains of several acts of violence and aggression committed against him by certain individuals named in the Petition and states that on complaining to the Assistant Magistrate they were each fined 5 Rupees and 3 Rupees given to him and that this decision was confirmed by the Magistrate but that on his opponents appealing to the Sessions Court at the instigation of the Head Criminal Jawabnavees - the decisions of the Magistracy were set aside and his house and property made over to his opponents. -

He prays the Court to order due punishment to be awarded to his adversaries and to cancel the Sessions Judges order. -

The Court of Foujdaree Udalut observe

observe that the Petitioner must produce a copy of the order of the Sessions Judge against which he complains.-

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

Read return dated the 4th Instant from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 30th Ultimo calling upon him to explain his omission to notice certain contradictions in the statements of the witnesses in case No. III of the Calendar for 1845.-

(Here enter P.M. No. 427 of 1845)

1 In the 3d. paraks of their proceedings of the 30th January 1845 the Court of Foujdaree Adalut remarked that it was stated in the Calendar as well as in the Futwah of the Law Officer that the Prosecutrix and the 3d. and 4th witnesses declared that the Prisoner took the stolen property produced on the trial from his cloth and gave it up, whereas the 1st and 2d. witnesses were represented to have stated that the Prisoner having taken them to his thatched house, took the articles from the roof and

and gave them to them.-

2 With his return the Sessions Judge submits a translation of the answer received from the Mahomedan Law Officer from which he states it will be seen that there was no real inconsistency or contradiction in the evidence of the four witnesses who deposed regarding the discovery and production of the property stolen from the Prosecutrix.- The 1st and 2d. witnesses stated that they were present when the Prisoner took the articles from the roof of his house and the 3d. and 4th witnesses deposed that they saw him produce the same articles from his waist cloth in the village Chauttay.- The witnesses he adds evidently speak of different times and places in which they saw the same articles produced by the Prisoner, who must have put them into his waist cloth after he had taken them from the roof of his house in order to convey them to the Chauttay, where he was examined previous to his being forwarded to the Head of Police.

3 The Court consider this explanation satisfactory but they observe that the words in the Calendar are "that the Prisoner took

took him (1st witness) and the 2d witness to his "thatched house and gave up the articles Nos 1 "and 2 from the roof" The wording of this part of the Calendar is erroneous or some explanation was necessary to shew that the articles were not given up at the very moment of their being taken from the roof.-

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

(Sent in No 241).

Read letter dated the 31st Ultimo from the Sessions Judge of Bellary transmitting the record of the trial in Case No 1 on the Bellary Calendar for 1845.

(Here enter F.H. No 437 of 1845)

Mr Dickenson and Mr Levin

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

Vencata Challa

is sufficient to convict him of the crime of Murder, do convict him thereof; and under the provisions of Section X. Regulation XVII of 1802, Sentence him

him to suffer death by being hanged at the usual time and place of execution.-

The Court of Foujdaree Adalut on a consideration of the record of the above trial, do not discover any sufficient grounds to justify their sanctioning the proposition made by the Sessions Judge to have the Sentence of death passed on the prisoner Vencata challa carried out at other than the usual place of execution.-

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

(Sent for above letter No 242)

Read Report of cases tried by the Magistracy under the provisions of Section XLIV Act VII of 1843 during the month of January 1845.-

(Here enter F.H. No 466 of 1845)

The Court observing that the Joint Magistrate has called on the Joint Magistrate to submit an explanation of the extraordinary delay which has been permitted to occur in the disposal of the two cases entered in this Statement desire that the reply of the Joint Magistrate may be

forwarde

forwarded to them:-

Ordered that Extracts from these proceedings be sent to the Magistrate of Madura for his information by precept returnable in 5 days from and after its receipt:-

(Sent following precept No 243.)

Read return of prisoners in the Jail of Mangalore for the year 1844:-

(Here enter J.H. No 374 of 1845)

In the first column of this return it is stated that the prison is capable of containing 500 prisoners while in the note in the margin it is recorded "upwards of this number of the wards at present appropriated for a Hospital and Dispensary were available, otherwise not 400:-

2. The Courts of Sudder Adalut desire that the discrepancies observable in this Statement may be explained - and they regret that greater care was not bestowed on the Supervision of the return previous to its Submission to the Sudder Adalut:-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Mangalore for his information by precept returnable in

in 5 days from and after its receipt:-

(Sent following precept No 244)

Read again Miscellaneous Petition presented on the 14th Ultimo by Solasee Ammaval of the Zillah of Chittoor and mother of Venkata Sawmy 1st Prisoner in Case No 50 on the Chittoor Calendar for 1844 - complaining of the Sentence of 14 years imprisonment passed on her Son the 1st Prisoner in the above case and praying the Court to order his release:-

(Here enter J.H. Mis. P. No 9 of 1845)

Read also return dated the 11th Instant from the Acting Sessions Judge of Chittoor to the precept of the Sudder Adalut of the 3d Instant calling for translations of the depositions of the 4th and 5th witnesses for the prosecution in Case No 50 on the Chittoor Calendar of 1844:-

(Here enter J.H. No 490 of 1845)

A consideration of the depositions Submitted with this Return, as well as of the other papers before the Court lead them to doubt the correctness of the conviction of the Prisoners:-

2. They accordingly resolve to direct that an English translation of the whole record of the trial be prepared and submitted for their consideration in

forwarded to them.—

Ordered that Extract from these proceedings be sent to the Magistrate of Bradur for his information by precept returnable in 5 days from and after its receipt.—

(Sent following precept No 243.)

Read return of prisoners in the Jail of Mangalore for the year 1844.—

(Here enter F.H. No 374 of 1845)

1. In the first column of this return it is stated that the prison is capable of containing 500 prisoners while in the note in the margin it is recorded "upwards of this number of the wards at present appropriated for a Hospital and Dispensary were available, otherwise not 400."

2. The Courts of Sudder Adalut desire that the discrepancies observable in this Statement may be explained — and they regret that greater care was not bestowed on the Supervision of the return previous to its Submission to the Sudder Adalut.

Ordered that Extract from these proceedings be sent to the Session Judge of Mangalore for his information by precept returnable in

in 5 days from and after its receipt.—

(Sent following precept No 244)

Read again Miscellaneous Petition presented on the 14th Ultimo by Solasse Ammanel of the Zillah of Chittoor and mother of Venkata Sawmy 1st Prisoner in Case No 50 on the Chittoor Calendar for 1844 — complaining of the Sentence of 14 years imprisonment passed on her Son the 1st Prisoner in the above case and praying the Court to order his release.—

(Here enter F.H. Misc. No 9 of 1845)

Read also return dated the 11th Instant from the Acting Sessions Judge of Chittoor to the precept of the Sudder Adalut of the 3d Instant calling for translations of the depositions of the 4th and 5th witnesses for the prosecution in Case No 50 on the Chittoor Calendar of 1844.—

(Here enter F.H. No 490 of 1845)

1. A consideration of the depositions Submitted with this Return, as well as of the other papers before the Court leads them to doubt the correctness of the conviction of the Prisoners.—

2. They accordingly resolve to direct that an English translation of the whole record of the trial be prepared and submitted for their

consideration

forwarded to them.—

Ordered that Extract from these proceedings be sent to the Magistrate of Kadura for his information by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 243.)

Read return of prisoners in the Jail of Mangalore for the year 1844.—

(Here enter F.H. No. 374 of 1845.)

1 In the first column of this return it is stated that the prison is capable of containing 500 prisoners while in the note in the margin it is recorded "upwards of this number of the wards at present appropriated for a Hospital and Dispensary were available, otherwise not less.

2. The Courts of Sanjdaree Adalut desire that the discrepancies observable in this Statement may be explained — and they regret that greater care was not bestowed on the Supervision of the return previous to its Submission to the Sanjdaree Adalut.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Mangalore for his information by precept returnable in

in 5 days from and after its receipt.

(Sent following precept No. 244.)

Read again Miscellaneous Petition presented on the 14th Ultimo by Solasee Ummaul of the Zillah of Chittoor and mother of Vencata Sawmy 1st Prisoner in case No. 50 on the Chittoor Calendar for 1844 — complaining of the Sentence of 14 years imprisonment passed on her son the 1st Prisoner in the above case and praying the Court to order his release.—

(Here enter F.H. Mis. P. No. 9 of 1845.)

Read also return dated the 11th Instant from the Acting Sessions Judge of Chittoor to the precept of the Sanjdaree Adalut of the 3d Instant calling for translations of the depositions of the 4th and 5th witnesses for the prosecution in Case No. 50 on the Chittoor Calendar of 1844.

(Here enter F.H. No. 390 of 1845.)

1 A consideration of the depositions Submitted with this Return, as well as of the other papers before the Court leads them to doubt the correctness of the conviction of the Prisoners.

2. They accordingly resolve to direct that an English translation of the whole record of the trial be prepared and submitted for their consideration in

forwarded to them:-

Ordered that Extract from these proceedings be sent to the Magistrate of Bradura for his information by precept returnable in 5 days from and after its receipt-

(Sent following precept No 243.)

Read return of prisoners in the Jail of Mangalore for the year 1844.-

(Here enter F.H. No 374 of 1845)

In the first column of this return it is stated that the prison is capable of containing 500 prisoners while in the note in the margin it is recorded "upwards of this number of the wards at present appropriated for a Hospital and Dispensary were available, otherwise not 400."

2. The Court of Sudder Adalut desire that the discrepancies observable in this Statement may be explained - and they regret that greater care was not bestowed on the Supervision of the return previous to its Submission to the Sudder Adalut.

Ordered that Extract from these proceedings be sent to the Session Judge of Mangalore for his information by precept returnable in

in 5 days from and after its receipt-

(Sent following precept No 244)

Read again Miscellaneous Petition presented on the 14th Ultimo by Solasee Ammanah of the Zillah of Chittoor and Mattam of Vudata Sawmy 1st Prisoner in Case No 50 on the Chittoor Calendar for 1844- complaining of the Sentence of 14 years imprisonment passed on her Son the 1st Prisoner in the above case and praying the Court to order his release.-

(Here enter F.H. Mis. No 9 of 1845)

Read also return dated the 11th Instant from the Acting Sessions Judge of Chittoor to the precept of the Sudder Adalut of the 3d Instant calling for translations of the depositions of the 4th and 5th witnesses for the prosecution in Case No 50 on the Chittoor Calendar of 1844.

(Here enter F.H. No 490 of 1845)

1 A consideration of the depositions Submitted with this Return, as well as of the other papers before the Court leads them to doubt the correctness of the conviction of the Prisoners.

2. They accordingly resolve to direct that an English translation of the whole record of the trial be prepared and submitted for their

consideration

consideration without delay.

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Chittoor for his information by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 245)

Read letter dated 4th Instant from the Sessions Judge of Tellicherry, recommending for discharge from custody Durman Cooriku[illegible], a prisoner in the Jail at Tellicherry, tried for culpable homicide, but acquitted on the ground of insanity, and detained for default of Security, the said prisoner not being able to produce any Security, and having been for a considerable time rational and peaceable.

(Here enter F.Rc. No. 450 of 1845)

Adverting to all the circumstances of the case, the Court of Foujdaree Adalut deem it proper to direct that inquiry be made as to whether Kakeroy Chinnoothy Cooriku[illegible], the individual reported in the Acting Joint Criminal Judge's letter of the 8th December 1845 as willing to stand Security for Durman Cooriku[illegible] or any other of his relations, is willing to undertake the responsibility of

F.Rc.

17th February 1845.

of taking such charge of him as shall secure the public safety in respect of him.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Tellicherry for his information by precept returnable in 15 days from and after its receipt.

(Sent following precept No. 246)

Read letter dated the 3d instant from the Subordinate Judge of Salem requesting instructions regarding the disposal of 5 Convicts forwarded without warrants of Sentence by the Deputy Superintendent of Government Roads and stating that the said Prisoners appear to belong to the Zillah of Chittoor and to have been erroneously forwarded to Salem.

(Here enter F.R. No. 410 of 1845)

The Court of Foujdaree Adalut resolve to direct that the list of the Prisoners forwarded, which accompanied the above communication be sent to the Acting Subordinate Judge of Chittoor and that that Functionary be called upon to state whether the Prisoners mentioned

mentioned therein were forwarded from the Jail under his charge.—

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

(Sent following precept No. 247.)

Ordered also that copy of these proceedings be forwarded to the Subordinate Judge of Salem for his information

(Sent in No. 248.)

Read letter dated the 1st Instant from the Sessions Judge of Chingleput, reporting that no cases, required by the Circular letters dated the 16th October 1844 and 21st January 1845, were pending during last month before the Sessions Court.

(Here enter F.H. No. 367 of 1845)

Read Statement dated the 1st January 1845 from the Sessions Judge of Bellary, of cases referred to and called up by the Court of Foujdaree Adalut during the half year ending the 31st December 1844.—

(Here enter F.H. No. 371 of 1845)

Read

Read letter dated the 3d Instant from the Acting Sessions Judge of Chittoor, stating as there were no cases before the Sessions Court pending for a period in excess of 25 days in last month the required report is not transmitted.

(Here enter F.H. No. 401 of 1845)

Read letter dated the 1st Instant from the Sessions Judge of Calicut, stating that there is no case during the past month to be entered in the Report required by the Foujdaree Courts Circular letter of the 16th October last.—

(Here enter F.H. No. 416 of 1845)

Read letter dated the 1st Instant from the Sessions Judge of Calicut, stating that the Subordinate Judge of Calicut and Principal Sudr Ameen of Cochin have reported that nothing was realized by the labor of the Prisoners under them during the 4th quarter of 1844.—

(Here enter F.H. No. 418 of 1845)

Read report dated the 1st Instant from the Sessions Judge of Tinnevelly of cases pending before him on the 31st December 1844 in which the Trial has been delayed beyond 25 days.—

(Here enter F.H. No. 424 of 1845)

Read letter dated the 3d Instant from

17th February 1845.

from the Acting Head Assistant Magistrate in charge of Vizianagram, stating that the power vested in the Magistrate by Section VII Act VII of 1843 was not exercised during the month of January 1845.—

(Here enter F.C. No. 426 of 1845)

Read return dated the 30th Ultimo, from the Sessions Judge of Monore, to the precept of the Sunjdaree Adalut under date the 18th idem, directing that the Law Officer be called upon to explain the cause of the delay in delivering the Futwah in Case No. 25 of 1844 on the Calendar.—

(Here enter F.C. No. 428 of 1845)

Read report dated the 1st Instant from the Sessions Judge of Chicacole, of cases pending on the 31st December 1844 and committed for trial during the month of January 1845 before the Sessions Judge of Chicacole—

(Here enter F.C. No. 434 of 1845)

Read Calendar in case No. 7 of 1845, submitted by the Sessions Judge of Cuddalore.

(Here enter F.C. No. 439 of 1845)

Read the Criminal Report submitted by the Sessions Judge of Chicacole for the month of January 1845.—

(Here enter F.C. No. 459 of 1845)—

Tuesday,
18th February,
1845.

F.C.

At a Court of the Sunjdaree Adalut

Present,

Henry Dickinson Esqre 1st
Malcolm Lewin Esqre 3d } Puisne Judges.

Read letters dated respectively the 29th and 30th Ultimo from the Sessions Judges of Combaconum, Guntoor, Salem and Tinnevelly reporting on the manner in which the Sudr Ameens attached to their Courts respectively exercised the Criminal jurisdiction vested in them by Section II Regulation III of 1833 during the 1st half of 1844.—

(Here Enter Nos. 342, 356, 369, 383 and 386 of 1845)

Read also letters dated the 30th Ultimo and 1st Instant from the Sessions Judges of Masulipatam, Cuddalore and Calicut on the subject of whether the Sessions Judge or Principal Sudr Ameen should submit the Report upon the manner in which the Sudr Ameen exercised the Criminal jurisdiction vested in him

(Here Enter at Nos. 384 and 417 of 1845.)

The

17th February 1845.

from the Acting Head Assistant Magistrate in charge of Trichinopoly, stating that the power vested in the Magistrate by Section VII Act VIII of 1843 was not exercised during the month of January 1845.

(Here enter F.H. No. 426 of 1845)

Read return dated the 30th Ultimo, from the Session Judge of Madura, to the precept of the Foujdaree Udalut under date the 18th idem, directing that the Law Officer be called upon to explain the cause of the delay in delivering the Futwah in Case No. 25 of 1844 on the Calendar.

(Here enter F.H. No. 428 of 1845)

Read report dated the 1st Instant from the Session Judge of Chicacole, of cases pending on the 31st December 1844 and committed for trial during the month of January 1845 before the Sessions Judge of Chicacole.

(Here enter F.H. No. 434 of 1845)

Read Calendar in case No. 7 of 1845, submitted by the Sessions Judge of Cuddalore.

(Here enter F.H. No. 439 of 1845)

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(Here enter F.H. No. 459 of 1845)

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Ex F.H.

Tuesday,
18th February,
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At a Court of the Foujdaree Udalut.

Present,

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Read also letters dated the 30th Ultimo and 1st Instant from the Sessions Judges of Masulipatam, Cuddalore and Chicacole on the subject of whether the Sessions Judge or Principal Sudr Ameen should submit the Report upon the manner in which the Sudr Ameen exercised the Criminal jurisdiction vested in him.

(Here enter Nos. 384 and 417 of 1845.)

The

1.

The Court of Foujdaree Udalut having observed that much misconception and difference of practice prevails regarding the authority by whom the report required under this Courts order of the 27th November 1839 should be prepared, deem it proper to circulate these observations and to direct that in future the Report be invariably prepared by the Session Judge.—

2.

By Section XXXVI Act VII of 1843 it is declared that "the authority to "overrule judgments passed by Sudr Ameens "in Criminal Cases shall be vested in the "Session Judges."—

3.

As therefore the Session Judge alone possesses full control over the proceedings of the Sudr Ameens and is therefore the only person competent to form a correct judgment of their efficiency, the delegation of the duty require under the orders of the 27th November 1839 to the Subordinate Judge or Principal Sudr Ameen is wholly irregular and improper.—

4.

It is moreover incumbent on the Sessions Judges at all times to exercise

the authority vested in them by the provision of the Act above quoted. They are at liberty at all times when they see fit to call for the proceedings of the Sudr Ameens under them and bring always on the spot that revision may be effected which the proceedings of this Court of the 15th March 1844 point out.—

Ordered, that Extract from these proceedings be forwarded to the Session Judges for their information and Guidance.—

(Stat Cir: No. 249.)

Read the Criminal Report for the month of January 1845 submitted under date 1st February 1845 by the Subordinate Judge of Rajahmundry.—

(Were entered Fo. 16. No. 430)

Report No. 1.
Cases No. 1 2 & 5.

In the last Column of the Report it is stated with regard to Cases Nos 1 and 2 that they were "stopped "by the Head of Police who explained "the delay by stating that he made a "reference to the Assistant Magistrate" and it is added by way of explanation

"which

1. The Court of Foujdaree Udalut having observed that much misconception and difference of practice prevails regarding the authority by whom the report required under this Courts order of the 27th November 1839 should be prepared, deem it proper to circulate these observations and to direct that in future the Report be invariably prepared by the Session Judge.—

2. By Section XXXVI Act VII of 1843 it is declared that "the authority to "overrule judgments passed by Sudr Ameens "in Criminal cases shall be vested in the "Session judges".—

3. As therefore the Session judge alone possesses full control over the proceedings of the Sudr Ameens and is therefore the only person competent to form a correct judgment of their efficiency the delegation of the duty require under the orders of the 27th November 1839 to the Subordinate Judge or Principal Sudr Ameen is wholly irregular and improper.—

4. It is moreover incumbent on the Session judges at all times to exercise the

the authority vested in them by the provision of the Act above quoted.— They are at libirty at all times when they see fit to call for the proceedings of the Sudr Ameens under them and being always on the spot that revision may be effected which the proceedings of this Court of the 15th March 1844 point out.—

Ordered, that Extract from these proceedings be forwarded to the Session judges for their information and Guidance.—

(Stat Cir: No. 249.)

Read the Criminal Report for the month of January 1845 submitted under date 1st February 1845 by the Subordinate Judge of Rajahmundry.—

(Here Entr: F. 16. No. 430)

Report No. 1 Cases No. 1285.

In the last Column of the Report it is stated with regard to Cases Nos 1 and 2 that they were "untraced "by the Head of Police who explains "the delay by stating that he made a "reference to the Assistant Magistrate" and it is added by way of explanation "which

17

"which is correct."—

2. It is not clear however to what this latter Clause refers whether to the fact of a reference having been made or to the reference itself. The Subordinate Judge will therefore be pleased to explain this point and at the same time ascertain and report what was the exact point of reference in the three cases noted in the margin.—

3. The attention of the Magistrate should also be drawn to Circular Order No. 62.—

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Rajahmundry for his information by precept returnable in 5 days from and after its receipt.—

/Sent following precept No. 230/

Read Calendar of Case No. 9 of 1845 on the Cuddalore Calendar submitted under date the 8th Instant by the Sessions Judge.—

/Here Enter F.H. No. 477/

The Court of Sunjdaree Adalut

desire

desire it may be explained whether the Futwah declared the prisoner in the above case guilty of wounding as it is this circumstance alone which brings the offence of the prisoner under the Regulation quoted in the Calendar.—

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Cuddalore for his information by precept returnable in 2 days from and after its receipt.—

/Sent following precept No. 231/

Read return dated the 3rd Instant from the Sessions Judge of Cuddapah to the precept of the Sunjdaree Adalut under date the 1st Instant calling upon the Sessions Judge to explain the grounds of concurrence in the Futwah of the Law Officer and his reason for rejecting evidence of certain witnesses in No. 104 of 1844.—

/Here Enter No. 421/

Read Calendar dated the 24th December last submitted by the Acting Sessions Judge of Trichinopoly in

Case

18th February 1845.

Case No. 35 of 1844.—

/Here enter No. 422/

Read Calendar dated the 8th Instant submitted by the Acting Sessions Judge of Bellary in Case No. 4 of 1845.—

/Here enter No. 474/

Read Calendar dated the 12th Instant submitted by the Sessions Judge of Combaconum in Case No. 1 of 1845.—

/Here enter No. 524/

Read the Criminal Reports dated the 10th Instant submitted by the Principal Sudr Ameen of Machlipatam for the month of January 1845.—

/Here enter No. 526/

Read Criminal Report No. 6 dated the 1st Instant submitted by the Sessions Judge of Cuddalore for the months of January 1845.—

/Here enter No. 533/

Read Statement dated the 1st Instant submitted by the Sessions Judge of Cuddalore of Extra Peons &c. employed in the Jail at Cuddalore during the months of January

January 1845.—

/Here enter No. 537/

Read Criminal Report No. dated the 31st January 1845 submitted by Sessions Judge of Nellore for the month of January 1845.—

/Here enter No. 539/

Read return dated the 11th Instant from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut dated the 10th Instant calling for the Reports of the Sessions Judge for the Year 1844.—

/Here enter No. 550/

Read letter dated the 10th Instant from the Magistrate of Rajahmundry reporting that the powers vested in the Magistracy under Section 4 Act VII of 1843 have not been exercised in January 1845.—

/Here enter No. 551/

Read return dated the 11th Instant from the Sessions Judge of Cuddapah to the precept of the Foujdaree Adalut dated

dated the 11th Instant calling upon the Sessions Judge to explain the cause which prevented the passing of the sentence till 11 days after the termination of the trial in Case No. 104 of 1844.-

/Here enter No. 552/

Read return dated the 14th Instant from the Sessions Judge of Guntoor to the precept of the Foujdaree Adalut dated the 10th Instant calling for the Reports for the Year 1844.-

/Here enter No. 554/

Read Calendar dated the 10th Instant submitted by the Sessions Judge of Tinnevelly in Case No. 4 of 1845.-

/Here enter No. 559/

Read Calendar dated the 12th Instant submitted by the Sessions Judge of Cuddalore in Case No. 10 of 1845.-

/Here enter No. 560/

Read Calendar dated the 12th Instant submitted by the Sessions Judge of Rajahmundry in Case No. 1 of 1845.-

/Here enter No. 561/

End 11th

Wednesday
19th February 1845

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esquire ——— 1st Puisne Judge

Malcolm Lewin Esquire ——— 3d Puisne Judge

Read letter dated the 29th January 1845 from the Acting Agent to the Governor of Fort St. George at Ganjam forwarding the record of trial in Case No. 1 of 1845 on the file of the Agent's Court at Ganjam for the final sentence of Foujdaree Adalut.

/Here enter F.W. No. 440 of 1845./

Mr. H. Dickinson
Mr. M. Lewin

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

1st Mycoo Aunajeroo
and
2d Semoodoo Soobbaraidoo

is sufficient to convict them of Manslaughter, for which the penalty of Deyut is awardable under

19th February 1845

under the Mahomedan Law, as declared in futwahs of their Law Officers, do convict them thereof, and, with reference to the provisions of Clause Second, Section XV Regulation III of 1802, do sentence the Prisoners,

1st Myeroi Annajeerow,

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 prisoner,

2d Simoodoo Soobbaraidoo,

to be imprisoned and kept to hard labor in irons on the public roads or other public works, for, and, during the period of (2) two years.

(Sent following letter No 252)

Read Calendar dated the 31st December 1844 of Cases Nos 66, 67, 68, 69, and 70 of 1844, submitted by the Sessions Judge of Combaconum.

Here Enter No 64 of 1845.

1 In this Case 5 prisoners were convicted by a Jury of having proceeded in an

19th February 1845

armed Gang to the house of the Prosecutor, assaulted and robbed the inmates of property worth 34 Rupees 3 annas and bound and carried off the Prosecutor's son Nallenmen who was only set at liberty 3 days afterwards and were sentenced to 14 years' imprisonment under Clause third Section XV Regulation XII of 1803.

2 The Sessions Judge explains that the Prosecutor and the Prisoners have been at variance with each other for a long time in consequence of the 1st and 2d Prisoners father having taken away and kept as his wife the Sister in law of the 1st Prosecutor and of the 2d Prosecutor having acted as a spy or informer in certain instances in which the Prisoners had been concerned in — Robberies &c &c.

3 As the object of the Prisoners does not appear to have been like thieves to rob the Prosecutor's house but to revenge themselves upon him, the Sessions Judge is of opinion, that the ends of justice will

19th February 1865.

will be fully met by a sentence of 7 years' imprisonment. and accordingly recommends that that mitigated sentence be awarded.-

The Court of Fajdaree Adalut having maturely considered all the circumstances of the case concur with the Sessions Judge in opinion that the ends of justice would be fully met in this case by a sentence of 7 years' imprisonment, and they accordingly under the power vested in them by Clause Second, Section III, Regulation I of 1825, and Section XXXIII, Act VII of 1843, authorize the Sessions Judge to reduce the sentence passed on the Prisoners in this case to that extent.

Ordered that Extract of these Proceedings be forwarded to the Sessions Judge of Combaconum for his information.-

/ Sent in No 253. /

End Pt.

No.

Friday 24th February 1865.

At a Court of the Fajdaree Adalut.

Present,

Henry Dickinson Esqre 1st } Puisne Judges.
Malcolm Lewin Esqre 2d }

Read letter dated the 25th Ultimo from the Sessions Judge of Honore.

/ Here enter No. 333. /

1. The Sessions Judge submits for determination by this Court whether it is competent to the Sessions Judge of Honore, on receiving a case from the Police or Magistracy, to take down examinations and proceed as in a case cognizable by the Subordinate Court, and afterwards to commit it for trial before the Sessions Court if there appear grounds for the committal.-

2. The Sessions Judge states that it has hitherto been the practice in the Sessions Court at Honore on examination of the Police Proceedings, at once to place the case for trial either in the Sessions or Subordinate Court according to the nature of

of the charge as shewn on the Police Proceedings.—

3. Under ordinary circumstances the Court of Fujdaree Udalut coincides the mode of proceeding adverted to in para: 2 of the Sessions Judge's communication, to be unobjectionable:— with particular reference, however, to the case in which the present reference has originated, the Court would observe, admitting as a general rule that a case should be tried by the Court to which, on a perusal of the police or Magisterial proceedings, a Prisoner appears amenable, that if, subsequent to Enquiry, accused is discovered not to be amenable to the lower Court and consequently not to be punishable by it, the trial should proceed under a distinct arraignment and charge according to the forms of that Court which has power to adjudicate.—

4. In order to the Sessions Judge being placed in possession of the Courts further sentiments on the point now disposed of, it is resolved to furnish that Officer with

with an Extract from the proceedings of the Fujdaree Udalut held under date 15th April 1844, on a reference from the Sessions Judge of Chicacole.—

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

/Sent in No. 259./

Read again letter dated 13th December 1844 from the Sessions Judge of Mangalore forwarding the record of the trial in Case No. 63 on the Calendar of the Sessions Court of Mangalore for 1844.—

(Here Enter F.R. No. 3473 of 1844)

Read also again letter dated the 6th January 1845 from the same Officer forwarding the record of the trial in Case No. 74 on the Calendar of the Sessions Court of Mangalore for 1844.—

(Here Enter F.R. No. 120 of 1845)

Read also return dated 1st February 1845 from the Sessions Judge of Mangalore to the precept of the Fujdaree Udalut

Udalut of the 25th January preceding calling for evidence regarding the circumstances which attended the delivery of his opinion by Assessor Mam Beary in Case No. 63 on the Mangalore Calendar and therefore directing the Sessions Judge to examine and submit the depositions of the officers of this Court establishment, who were present when the verdict on that case was recorded, together with any other persons observant of the circumstances under which it was declared.—

/Here enter F.R. No. 406/

1. It appears to the Court of Sudders Udalut from the depositions that accompanied the foregoing return, that both the Assessors did originally find the prisoner in Case No. 63 guilty; but that Mam Beary afterwards forgot the opinion he had given and recorded one opposed to it.—

2. The judgment of the Court, however, is by no means affected by this alteration in Mam Beary's finding and they

they direct that the sentence passed by the Court on the 2nd January in the trial in Case No. 63 be now carried into effect.—

3. The present case shews the necessity of extreme caution being exercised in the record of the verdict of Assessors and has led the Court to resolve on the issue of circular instructions requiring that a question be put to each Juror as to his finding and that his answer be recorded and his signature taken thereto.—

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. 260./

Read Calendar in Case No. 1 of 1845 dated the 5th Instant Submitted by the Sessions Judge of Cuddapah.

/Here enter F.R. No. 438 of 1845./

The prisoner is convicted of having taken the 1st Prosecutrix an inhabitant

inhabitant of Cudsah Budwil in the Zillah of Cuddapah to his house, promising to pay her money, attacked her on the road near the wall of one Chennapah's house, in the said Village, and cut and wounded her on the head and other parts of her body with a crooked sickle and the Session Judge testifies that the Prosecutrix has suffered severely from her wounds and has for a time been deprived of the use of her right hand; but as it does not appear that her life was in danger he was of opinion that there was no occasion to call for a heavier punishment than he is empowered to inflict and accordingly, agreeably to Clause Seventh Section II Regulation XV of 1803, has sentenced him to Seven Years imprisonment with hard labour in irons—

Adverting to the aggravated nature of the assault and the bad character of the Prisoner the Court of Foujdaree Udalut consider it a matter of deep regret that stripes were not awarded

in this case.—

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

Sent in No. 261.

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

Sent in No. 262.

Read letter dated 5th February 1845 from the Government Agent at Kurnool submitting a Summary of the evidence taken in a case of House-breaking and recommending that the 1st and 2d Prisoners be sentenced to 4 Years imprisonment with hard labor in irons.—

Here enter F.H. No. 492

1. In the above letter the offence charged against the prisoners is not stated, nor is any distinct opinion recorded as to the exact crime proved against them respectively.—

2. In the 7th para. it is stated that the 2d Prisoner confesses that he

(and

"and Naga and Lik Rawat to rob the pre-
"-mises house by entering it thro' the roof."

3. In the 9th para: the Agent records his opinion that "though there is no "proof of the first prisoner having been "actually engaged in the robbery there can "be no doubt about his ultimate partici-
-"pation in the spoil, or of his knowledge "of the concealment of the property."—

4. And he concludes by recom-
-mending "that both the prisoners be sen-
"-tenced to 4 years imprisonment with hard "labor in irons under Sections II and IV "Regulation VII of 1822."—

5. The Court direct that this letter be returned and that the attention of the Agent be recalled to Circular Orders 21st December 1821, 4th March 1822 and 14th March 1834 to which he is required strictly to conform in future.—

Ordered, that Extract from these proceedings be sent to the Govern-
-ment Agent at Kurnool for his informa-
-tion by precept returnable in 3 days from

and after its receipt.—

/Sent following precept No. 263/.

Read return dated the 4th November 1844 from the Principal Sudr Ameen of Cochin to the precept of the Foujdaree Udalut of the 23d October last requiring him to state what record he possessed of the punishment stated to have been awarded by the Dewan of Cochin to the Prisoner in Case No. 33 of 1844 on his Criminal file, and direct-
-ing that the sentence of lashes passed upon the said Prisoner be meanwhile suspended.—

/Here enter F.W. No. 3075 of 1844/

Read letter dated the 7th Instant from the Principal Sudr Ameen of Cochin reporting that the sentence of lashes awarded to the Prisoner in Case No. 33 of 1844 is still suspended, pending further orders from the Foujdaree Udalut.

/Here enter F.W. No. 307 of 1845./

1. From the return of the Prin-
-cipal Sudr Ameen above recorded, it appear

appears that on reference to the Diwan of Cochin it was ascertained that the Prisoner in Case No. 33 of 1844 had been punished by that authority with 10 Lashes with a Rattan for stealing a Canoe.—

2. The Court of Sujdaree Adalut are induced, under all the circumstances of the case and in consideration of the Prisoner having been 5 months under sentence, to direct that the punishment of Stripes awarded to him by the Principal Sudr Ameen, be remitted.—

Ordered, that copy of these proceedings be forwarded to the Principal Sudr Ameen of Cochin for his information and guidance.—

(Sent in No. 264.)

Read letter dated the 1st Instant from the Session Judge of Tellicherry reporting that no case was committed for trial during the month of January 1845.—

(Here enter No. 420)

Read Statement dated the 1st July last submitted by the Session Judge

Judge of Combaconum of Datta paid to Prosecutors and witnesses attending before the Session Court during the 1st half of 1844.—

(Here enter No. 433)

Read Statement dated the 1st Instant submitted by the Session Judge of Cuddalore shewing the instances in which the powers of punishment created by Regulation X of 1832 have been exercised in the month of January 1845.—

(Here enter No. 538.)

Read Calendar dated the 14th Instant submitted by the Session Judge of Combaconum in Case No. 3 of 1845.—

(Here enter No. 562)

Read Calendar dated the 7th Instant submitted by the Session Judge of Coimbatore in Case No. 2 of 1845.—

(Here enter No. 563)

Read Calendar dated the 14th Instant submitted by the Session Judge of Combaconum in Case No. 5 of 1845.—

(Here enter No. 565)

Read

21st February 1845.-

Read the Criminal Reports dated the 8th Instant submitted by the Sessions Judge of Honore for the month of January 1845.-

(Here enter No. 567)

Read the Criminal Reports dated the 6th Ultimo submitted by the Principal Sudr Ameen of Mahapore for the month of January 1845.-

(Here enter No. 568)

Read the Criminal Reports dated the 1st Instant submitted by the Sessions Judge of Tinnevelly for the months of January 1845.-

(Here enter No. 572)

Read letter dated the 12th Instant from the Magistrate of Malabar reporting that no Cases were disposed of by the Magistracy under Section 6. IV Act VII of 1843 during the months of January last.-

(Here enter No. 584)

J. U.

Saturday 22d February 1845.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre — 1st
Malcolm Lewin Esqre — 3d
} Puisne Judges

Read letter, dated the 10th Instant from the Session Judge of Coimbatore, forwarding translations of the Record in Case No. 109 on the Calendar for 1844.

(Here enter No. 449)

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

1st. Polla Abbegandoo

and

2d Hurreddoola Polla Abbegandoo

are not convicted on presumptive proof, or on the evidence of Credible witnesses, or on their own confessions, of the crime of highway Robbery, do acquit them thereof; and direct that they be unconditionally released

The Foujdaree Adalut

22d February 1845.

Madras agree with the Law officer in the acquittal of the Prisoners.

2 They do not believe that any robbery took place, the parties are of the same Caste, Gerrie Kalawars. They drank and became intoxicated, and had a violent quarrel, and a fight, and they then complained of each other to the Reddy of the Village, the Prisoners were the first to lodge their Complaint, which it is not to be believed they would have done, had they just committed a serious highway robbery

3 The evidence of the witnesses on the subject of the money, which the prosecutor states he had with him, is so contradictory, that in the opinion of the Court it shews the charge of robbery to be utterly false

4 It is declared by the Reddy and several witnesses that when the parties appeared before him immediately after the fight they were so drunk that he was compelled to postpone the investigation until the following morning.

5 Nothing was at that time said

said either robbery or of the bearing of ears &c. and the prosecutor when asked why he had not mentioned them said that he had been so intoxicated at the time that he had forgotten them.

6 The Court directed that the Prisoners should be set at liberty.

Ordered that Extracts of these proceedings be sent to the Sessions Judge of Cuddapah for his information.

Sent following letter No. 272. 5

H.

4th

J.W.

Monday
24th February 1845

At a Court of the Tondaree Adalut

Present

Henry Dickinson Esqr ——— 1
Malcolm Lewin Esqr ——— 3d } Puisne Judges

Read Calendar in case
No 72 of 1844 submitted by the Sessions
Judge of Mangalore.

(Here Enter No 564)

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

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

(Sent in No 1)

Read Calendar of case No 1
of 1845 on the Masulipatam Calendar
for 1845.

(Here Enter J.W. No 481 of 1845)

The Sessions Judge having
convicted the prisoner in this case
of Forgery recommends a mitigation
of the punishment to which he has
rendered himself liable on the ground
that

that the act committed by the Prisoner has neither inflicted any injury on the parties whose names were forged, or secured any profit to himself that it has caused a loss of 49 Rupees to the Government.

2 The Court of Sonjdaree Adalut having maturely considered the circumstances of the case represented in the Calendar Sanction under Clause third Section III Regulation I of 1825 and Section XXXV Act VII of 1863 the mitigated punishment recommended by the Sessions Judge and accordingly direct that the Prisoner "Bodanapulley Mulliah" 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 Masulipatam for his information.

/ Sent in A /

Read Miscellaneous petition presented on the 14th Ultimo by Govinda Pariachy of South Arcot.

(Here Enter the Pet.r & of 1865)

24th February 1865.

1 The Petitioner was Prosecutor in Case No 128 on the Supplemental Criminal Reports for the Month of October last submitted by the Principal Sudr Ameen of Cuddalore—He complains that the Prisoners in the case burnt a heap of Indigo dust belonging to him, and were unjustly released without punishment by the Principal Sudr Ameen—and prays the Court of Sonjdaree Adalut to call for and peruse all the proceedings held in the Case, and after recovering from the prisoners for him the value of the indigo, to order that they be punished, and that a fine imposed upon him by the Sessions Judge be refunded.

2 The Court of Sonjdaree Adalut are of opinion upon reference to the Calendar that the Charge against the Prisoners in the Case above alluded to has been properly disposed of.

3 The Petitioner is instructed to file a copy of the Sessions Judge's order imposing upon him the fine complained against.

Ordered that Copy of these

these Proceedings be furnished to the Petitioner on his application."

Read Miscellaneous petition presented on the 20th Ulto by T. Ramachendrayah Vakeel on behalf of Koneechoonkunday Moodyodeen Vahia Rayen Kan and Colour Moideen the 1st & 2d Prisoners in case No. 15 of 1844 on the file of the Sessions Court of Tellicherry who were sentenced to 7 Years' Imprisonment by the Sessions Judge for the Crime of Wounding.

[Here Enter Ft. M.P. No. 13 of 1845]

The Petitioners Complain of the punishment awarded them by the Sessions Judge, and repeat the prayer prayed in a former petition that the Court of Foujdaree Udalut will be pleased to call for and peruse all the proceedings connected with the case No. 15 of 1844, and reverse the sentence of the Sessions Judge.

2 The Court of Foujdaree Udalut have already maturely considered and disposed of the subject of the above petition, and they direct that the Petitioners be referred to Foujdaree Udalut's order under date the

F.C.

the 24th December last which are final.

Ordered that the petition be rejected, and a copy of these Proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petition presented on the 27th January 1845 by Jottum, father in law & the Prisoner in case No. 27 and representative of prisoners in cases Nos. 28, 29, and 30 of 1844 on the Madura Calendar for 1844.

[Here Enter Ft. M.P. No. 23 of 1845]

The Petitioner complains of the sentences passed on the prisoners in the above cases who were convicted by the Sessions Judge of Madura of perjury and sentenced to 5 Years' imprisonment.

2 He prays the Court to consider the case and order the release of the Prisoners.

3 The Court of Foujdaree Udalut having fully considered the Calendars of the trials referred to in this Petition can entertain no doubt whatever of the guilt of the Prisoners or of the correctness of the sentences passed upon them.

The

4

The Court therefore refuse to interfere in the matter.

Ordered accordingly 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 27th January 1845 by Ammanne Ammal of the Zillah of Chittoor.

/Here Enter M. P. No. 24 of 1845./

1 The Petitioner alluding to certains acts of ill treatment and robbery represents that in accordance with the advice of this Court she brought the same to the notice of the Magistrate who referred the case to the Police by whom only one of her opponents was summoned and fined one Rupee.

2 She avers that she appealed to the Magistrate regarding the insufficiency of the enquiry instituted by the Police and the inadequacy of the punishment inflicted; but that after waiting for some time she has been enabled to obtain no redress. She accordingly prays for the interference of the Zoujdaree Adalut.

3 The Court of Zoujdaree Adalut observe

observe that if the Petitioner have any appeal to make against the proceedings of the Magistrate she must prefer it to the Sessions Judge.

Ordered that Extract of these Proceedings be furnished to the Petitioner on her application.

Read Miscellaneous Petition presented on the 27th January 1845 by Soondrammal and two others of the Zillah of Cuddalore.

/Here Enter Z. A. No. 22 of 1845./

The Court of Zoujdaree Adalut observe that the subject of this petition was disposed of in their proceedings of the 2d September and 4th November 1844 and 3d January 1845 to which orders the Petitioners are accordingly referred. — They are also warned against obtruding on the Court Petitions on matters fully considered and finally disposed of.

Ordered that Extract from these proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petition presented on the 3d February 1845 by

Chingammal

24th February 1845.

Chengammanadar another of the Prisoners in Cases Nos 10 and 11 on the Chittoor Calendar for 1844.-

(Here Enter T.R. & P. No 26 of 1845)

1 The Petitioner complains that notwithstanding the orders of the Foujdaree Adalut to the contrary her son has been subjected to corporal punishment and she prays that they will therefore call for the Proceedings in his case and order his release.-

2 The Court of Foujdaree Adalut observe that the Petitioner's son was flogged in accordance with the sentence passed upon him and which was in the Proceedings of this Court of the 24th May 844 approved and confirmed.-

Ordered that this Petition be rejected and that copy of these Proceedings be furnished to the Petitioner on her application.-

Read Miscellaneous Petition presented on the 3d Febuary 1845 by Anantanaial of the Zilleah of Cuddalore.

(Here Enter T.R. & P. No 27 of 1845)

The Petitioner again prays for

24th February 1845.

for the release of her husband the 1st Prisoner in Case No 38 of 1844.

2 The Court have already passed orders on the Subject of this Petition and have no other orders to pass.-

Ordered that the Petition be rejected and that copy of these Proceedings be furnished to the Petitioner on her application.-

Read Miscellaneous petition presented on the 3d instant by Collia Chengamanadar of the Zilleah of Chittoor.-

(Here Enter T.R. & P. No 28)

1 The object of the above petition is to obtain from the Court of Foujdaree Adalut an order for the return to Petitioner, of a fine of 10 Rupees imposed upon him by the Head Assistant Magistrate of Chittoor.-

2 From the Extract from the Proceedings of the Acting Sessions Judge which accompanied this petition it appears, that the Petitioner was convicted before the Head Assistant Magistrate of Chittoor of having threatened

to

to set fire to the house of one Krishnareddy.

3 The Court of Zoujdaree Udalut are of opinion that the Petitioner was liable for this offence to even a more severer sentence than that passed upon him by the Head Assistant Magistrate.

4 They refuse to interfere in the matter of the above petition and dismiss the Petition.

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

Read Miscellaneous Petition presented on the 14th January 1845 by Alemalvo of the Zillah of Combaconum.

(Here Enter Fl. M. P. N° 7 of 1845)

1 The object of this Petition is to induce the Court of Zoujdaree Udalut to direct the release of her daughter who she asserts has been unjustly sentenced by the Sessions Judge of Combaconum to five years' imprisonment.

2 The Prisoner in whose behalf this Petition is presented is the 2d Prisoner in Case N° 68 on the Combaconum Calendar for 1844 wherein she was convicted

convicted of having with another enticed the 2d Prosecutrix into their house frightened her, given her betle nut mixed with some bitter drugs and taken from her jewels worth 11 7/8 Rupees, and locked her in a room.

3 The Court of Zoujdaree Udalut having maturely considered the report of the trial referred to in this Petition as given in the Calendar, can discover no ground for supposing that the Prisoners have as alleged been improperly convicted and punished.

4 The Court therefore refuse to disturb the sentence passed.

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

Read the Criminal Reports for the month of January 1845 submitted by the Principal Sudr Ameen of Vellore under date the 12th Instant.

(Here Enter Fl. N° 504)

Suppl. Report Case N° 126

The Court of Zoujdaree Udalut see reason to doubt the correctness of the Prisoner's release in this Case. They therefore resolve to call upon the Sessions Judge

Judge to look into the proceedings held in the case, and to report for the information of the Foujdaree Adalut what orders he may have deemed it necessary to pass thereon.

Case Nº 13ª

2 The Sentence passed upon the 1st and 2d Prisoners in this case, appears to the Court of Foujdaree Adalut to be far too severe. They desire that it be suspended, and the Sessions Judge directed to look at the case, and to pass such orders thereon as he may think proper, reporting the result for the information of the Foujdaree Adalut.

Report Nº V
Case Nº 8

3 The Court of Foujdaree Adalut observe that the Kazee Head of Police erred in examining the Complainant and witnesses in this Case in the absence of the Prisoner who, as stated in the report, had been already sent up to the Court for trial in Criminal Cases Nos 134 135, and 136 of 1844 on the Supplemental Report.

Ordered that Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Nellore for his information and guidance, and for communication

communication of para 3 to the Magistrate of Nellore.

(Sent in Nº)

Ordered also, that Extract from these Proceedings paras 1 and 2 be forwarded to the Sessions Judge of Nellore for his information and guidance by Precept returnable with the least practicable delay.

(Sent following precept Nº)

No further return having been received from the Acting Subordinate Judge of Salem to the precept of this Court under date the 27th December 1844 requiring information as to what has been done in consequence of the Sripathy Tahsildar's irregularity in forwarding to the Subordinate Court the Prisoners in Cases Nos 135 and 136 of 1844, and in what measure his misconduct has been noticed

Ordered that the Subordinate Judge of Salem be required to make a full return to the Precept aforesaid within X days.

(Sent in Nº)

Rd

Read return dated the 1st
Instant from the Sessions Court of Nellore
to the Precept of the Foujdaree Adalut
of the 25th Ultimo, calling upon him
to state under what circumstances
the Regulation quoted by him as
authority for the sentence in Case No
34 of 1845 on the Calendar of the
Sessions Court of Nellore is applicable
to the offence committed by the
Prisoner which is a theft and other-
wise provided for.

(Here enter Pl. No. 353 of 1845)

1 The Sessions Judge explains
that it appeared from the Trial of
the Law Officer in the above Case that
the Prisoner was convicted only of taking
away jewels which he found in front of
the Prosecutor's house, and not stealing
them - There was no evidence beyond the
Prisoner's Confession to show from what
place he took the jewels - And though
the prosecutor asserted that they were
placed by him inside his house yet he
did not see them removed -

The

2 The Sessions Judge considers
this as dishonest an act as what is
usually denominated theft, and sentenced
the Offender to suffer the full punish-
ment awardable under the Clause and
Regulation quoted by him, and thereby
he states, gave him as much as he would
have had for theft, short of Stripes.

3 The Court of Foujdaree
Adalut require the Sessions Judge of
Nellore to call upon the Law Officer
of his Court to specify the Crime of
which the Prisoner is convicted, and
if theft, on what grounds and it
passed in favour of the Prisoner.

Ordered that Copy of
these Proceedings be forwarded to the
Sessions Judge of Nellore for his inform-
ation and guidance by precept return-
able in 7 days from and after its re-
ceipt -

(Sent following precept No.)

Ent'd

F. No.

Tuesday,
25th February 1845.

At a Court of the Foujdaree Udalut

Present.

H. Dickinson, Esqre, 1st Puisne Judge

M. Lewin, Esqre, 2d Puisne Judge.

Read letter dated the 1st Instant from the Sessions Judge of Honore submitting for the final sentence of the Foujdaree Udalut the record of the trial in Case No. 12 on the Honore Calendar for 1844.

Here enter No. 458.

1. The prisoners in this case were charged with murder and were acquitted by the Law Officer. The Acting Sessions Judge recorded his dissent from this verdict, but having been removed from Honore before the record was ready to be transmitted to the Foujdaree Udalut the usual letter was not forwarded by him setting forth his opinion on the trial under the impression that "it would be of no use."

The

25th February 1845.

2. The Court are of opinion that the order of the 21st March 1842 referred to by the late Acting Judge does not justify his omission to submit the usual letter. If the express words of Section XXVI Regulation VII of 1802 are not clear as to the person by whom the letter containing the required opinion on the merits of a reserved trial should be submitted, the latter clauses of the Circular Order 27th December 1815 most obviously explain it to be the Judge under whose immediate eye the whole trial was conducted and who alone can be conversant with all the circumstances of the case the mere change of situation cannot absolve a person from executing those duties which from the rules of his former office he is individually bound to complete.—

3. In the present instance the omission of the Session Judge is the more to be regretted as the case is one of very great difficulty involving a capital sentence and as the Law Officer acquits the prisoners and the

25th February 1845.

main evidence in the case has been accepted to.—

4. The Court accordingly resolve to direct that the record be returned and the late Acting Session Judge be required to conform to the provisions of Regulation VII of 1802 above quoted.

Ordered, that Extract from these proceedings be sent to the Session Judge of Bonore by precept returnable in 15 days from and after its receipt.—

[Seal] [Seal following precept No. 285.]

Read letter dated 11th February 1845 from the Session Judge of Rajahmundry forwarding Copy of a letter from the Subordinate Judge relative to the proceedings of the Fouzdaree Adalut of the 1st February held on case No. 16 of 1844 on the Rajahmundry Calendar.—

Were enter F.M. No. 545 of 1845.—

The Subordinate Judge

1. adverting to the 1st parah of this Court's proceedings above quoted, wherein

wherein the irregularities of putting various questions to a prisoner when on his defence, is pointed out. Observes that "the remarks of the Foujdaree Udalut "would seem to imply that a Judge "ought not to assist a prisoner in his defence by putting such questions as may lead him to detect circumstances "which might tell in mitigation of "the offence" committed by him.—

2. And after reiterating the object he had in view viz^z to ascertain whether the "accused was of a "sound mind when he committed the "crime" he goes on to remark that "he "never yet heard that it was irregular "to question a prisoner in his defence "tho' he believes it is generally held "improper in the Judge to endeavour to "extract from the Prisoner matter to "be used against — — himself. "He therefore requests the Judges to "reconsider their remark as it is evi- "dent that many unschooled prisoners "cannot see what would tell toward

"exc

"exc
"cusing them and the Judge can only
"obtain the information from the
"accused".—

3. The Court of Foujdaree Udalut see no reason whatever for modifying their opinion. The questions asked by the Acting Sessions Judge had no relevancy to the case of the Prisoner whose long defence clearly indicated that he was himself able to state any thing that could be urged in his defence. The Proceeding of the Sessions Judge was not warranted by the circumstances of the case. It is doubtless the duty of a Judge presiding at a trial to assist a prisoner by all legitimate means to defend himself, but this does not authorize the suggestion of pleas to secure the escape of guilty men from punishment.—

4. The Court can find in nothing in the record of the trial now under consideration which could lead to a suspicion of the prisoner having

having ever been of unsound mind and they cannot recognize the necessity or propriety of questions having been put to him on that point.—

5. The question put to a prisoner on his defence should be merely "what have you to say on your defence," though the Judge would be bound to question him on any part of his statement or any other part of the trial, the explanation of which would be likely to turn to the prisoner's advantage.—

Ordered, that Extracts from these Proceedings be sent to the Sessions Judge of Rajahmundry for his information.—

/Sent in No. 286./

Read Criminal Reports for the month of January 1845 submitted under date the 12th February by the Subordinate Judge of Combaconum.—

/Here enter J. C. No. 529./

Report No. V. 1
Case No. 6—

The Court observe that the Subordinate Judge has omitted to

to specify the Regulation under which sentence has been passed on the 1st prisoner in this case.—

2. The omission must now be supplied.—

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Combaconum for his information by precept returnable in 5 days from and after it's receipt.—

/Sent following precept No. 287./

Read letter dated the 13th Instant from the Sessions Judge of Mangalore submitting for the consideration and final sentence of the Judges of the Foujdaree Adalut, the Proceedings in Case No. 1 on the Calendar for 1845.—

/Here enter No. 590./

Mr. H. Dickinson.
Mr. M. and 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,

Kaishiva,

5th February 1845.

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 288./

Wednesday

P.M.

26th February 1845. At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre ——— 1st
Malcolm Lewin Esqre ——— 3d
} Puisne Judges.

Circular Order.

No 164.

The Foujdaree Adalut resolve to direct that whenever a Sessions Judge may avail himself of the provisions of Section XXXII Act VII of 1843, to dispose, with the assistance of Assessors, of a case committed for trial by the Sessions Court, each Assessor at the close of proceedings shall be requested to declare a Verdict in respect of each Prisoner, which after being reduced to writing and read over to the Assessor, shall receive his signature in token of its correctness and be deposited with the record of the trial.—

/Sent following C. O. No 290./

Read

Read the Sessions Criminal Reports dated the 4th Ultimo, submitted by the Sessions Judge of Tanjore for the Month of December 1844.

(Here Enter Dft. No. 187 of 1845.)

Read report dated the 14th Ultimo, submitted by the Acting Sessions Judge of Trichinopoly, of Convict Labor for the Month of December 1844.

Here Enter Dft. No. 190 of 1845.

Read letter dated the 14th Ultimo from the Acting Sessions Judge of Trichinopoly, transmitting usual Statement of the Actual produce of the Labor of prisoners in the Jail at that station, for the 4th Quarter of 1844.

(Here Enter Dft. No. 192 of 1845.)

Read Communication under date the 14th Ultimo, from G. J. Waters Esqr in charge of the Civil and Sessions Court of Trichinopoly, certifying, with reference to the Proceedings of the Foujdaree Adalat of the 9th Instt, the release of the Prisoners

in Cases Nos. 17 and 18 of 1844, on the Calendar of the Sessions Court of Tellicherry.

(Here Enter Dft. No. 201 of 1845.)

Read letter dated the 18th Ultimo from the Magistrate of Bellary, reporting that the powers vested in the Magistracy under Section XLIV Act VII of 1843 have not been exercised during the Month of December 1844.

(Here Enter Dft. No. 235 of 1845.)

Read letter dated the 21st Ultimo, from the Acting Magistrate of Cuddapah, reporting that the powers vested in the Magistracy under Section XLIV Act VII of 1843, have not been exercised during the Month of December 1844.

(Here Enter Dft. No. 236 of 1845.)

Read letter dated the 20th Ultimo, from the Magistrate of South Arcot, Submitting the Explanations called for in Cases Nos. 139 and 142 by the Foujdaree Adalat, in their Proceedings of the 27th December 1844

(Here Enter Dft. No. 237 of 1845.)

J. W.

Tuesday
27 February 1845 At a Court of the Tonjdaree Adalat

Present

Henry Dickinson Esquire 1st Puisne Judge

Malcolm Lewin Esquire 3d Puisne Judge

Read letter dated the 5th Instant from the Sessions Judge of Salem submitting the record of trials in Cases Nos 4 and 5 of 1845 on the file of the Sessions Court of Salem for the final Sentence of the Tonjdaree Adalat

/ Vide Letter Dte No 606 /

The Court of Tonjdaree Adalat 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 Coolla Cooman

2d Nullein

3d Arnachella Assary

4th Vannara Tandan
(and)
5th Coolla Comdem

is sufficient to convict them of the crime

of Gang robbery, do convict them thereof; and
under the provisions of Clause third Section
IV Regulation XV of 1803 Sentence them to be impri-
soned 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 295/

Read report of cases tried by
the Magistracy of Salem under the provisions
of Section LIV Act VII of 1843 during the Month
of January 1845.

/Here Enter No 560/

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

Ordered therefore that Extract
from these Proceedings be forwarded to the
Joint Magistrate in charge of Salem for his
information.

/Sent in No 296/

Read the Criminal Reports
for the Month of January 1845 forwarded by
the acting Subordinate Judge of Mangalore
under

under date the 1st Instant.

/Here Enter Ft No 496/

Report No V Case No 6

The attention of the Sudr Ameen
is directed to Zoujdaree Adalat Circular
Order 15th May 1841 No 139. from which he will
learn that every offender Sentenced under
the Section and Regulation quoted by him
in this case, should be punished with
imprisonment in excess of six Months.

Ordered that Copy of
these Proceedings be forwarded to the acting
Subordinate Judge of Mangalore for his inform-
-tion and guidance.

/Sent in No 297/

Read Criminal Reports for the
Month of January 1845 forwarded by the
Principal Sudr Ameen of Cochin under date
the 31st Ultimo.

/Here Enter Ft No 527/

Case No 2. The Principal Sudr Ameen is
instructed that the clause and Regulation
under which Sentence has been awarded
in this case is not applicable to the
Prisoners

Prisoner's offence.

2 She is further informed that it has been ruled by the Court of Foujdaree Adalut that hard labor cannot legally be awarded to offenders punished under the provisions of Clause Third, Section V Regulation VII of 1822.

Ordered that a Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Cochin for his information and guidance.-

/Sent in No 290./

Read the Criminal Reports for the Month of January 1845 submitted under date the 10th February following by the Principal Sudr Ameen of Coimbatore.-

/Here Enter File No 569./

Cas No 11 Report No V

1 The Prisoner in this case a female has been convicted of theft and has been sentenced by the Principal Sudr Ameen under the provisions of Clause fourth Section III Regulation VII of 1822 "to one year's imprisonment with hard labor"

2 The Court of Foujdaree Adalut observe

observe that the terms of this sentence are irregular and improper- they should have been "labor suitable to her sex"- The Principal Sudr Ameen will therefore be pleased to amend his sentence accordingly.-

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

/Sent in No 299./

Read again letter dated the 4th Ultimo from the Magistrate of Malabar reporting gross neglect of duty on the part of the Coutwaal Head of Police and recommending his suspension for 6 months.

/Here Enter File No 115./

Read return dated the 27th Ultimo from the Magistrate of Malabar to the precept of the Foujdaree Adalut dated the 22d Ultimo directing that an opportunity be afforded to the Coutwaal Head of Police to answer the charge brought against him, and that a translation of his defence be for-

with

with the least practicable delay.

(Here Enter Ft. No. 532)

Read also further return dated the 6th Instant from the Magistrate of Malabar & Foujdaree Adalut proceedings of the 22d Ultimo above alluded to, and forwarding translation of an Arzee from the Cottanad Tasildar relative to the charge of neglect of duty brought against him, and copies of an Extract from the Proceedings of the Sessions Court of Calicut on the subject of the Cottanad Tahsildar of the Magistrate's return thereto.

(Here Enter Ft. No. 467)

1 The Cottanad Tahsildar in the Arzee submitted by the Magistrate of Malabar, asserts that not even one day's delay in the disposal of the trial for Affrauth and Robbery is attributable to himself. that up to the day on which the decision in the case was passed he had continually deputed Peons to search throughout the town and its neighbourhood for the parties concerned

in the case, but that he could not succeed earlier in procuring the attendance of Defendants and Witnesses before him.

2 It is observed from the Copy of the Correspondence between the Sessions Judge of Calicut and the Magistrate of Malabar, which accompanied the Magistrates return of the 6th Instant, that the Sessions Judge concurs with Mr Connolly in considering the explanation offered by the Cottanad Head of Police for the extraordinary delay in the disposal of the case above alluded to, to be unsatisfactory.

3 Upon mature consideration of all the Circumstances connected with the Cottanad Tahsildar's case, the Court of Foujdaree Adalut concur with the Local Authorities in thinking that the Head of Police is deserving of the punishment recommended by the Magistrate of Malabar.

Ordered that Copy of these Proceedings be forwarded to the Magistrate of Malabar for

for his information and guidance.-

/Sent in at. 300./-

Read the Criminal

Reports for the Month of January 1845

forwarded by the Acting Subordinate

Judge of Bellary under date the 10th Instant

/Here Enter F.R. at. 503./

Report at. V Cases 5- 1 The Court of Foujdaree Adalut direct

that a copy of the Remark relative to the

delay in forwarding this case to the Court

be furnished to the Magistrate of Bella-

ry who is required to Report direct

for their information, what notice he may

have thought proper to take of the neglect

on the part of the Curnum Govindapah and in

what way the delay in sending up the case

is to be attributed to a village Curnum.-

case at. 10. 2 The Moofty Sudr Ameen

has omitted to state in the abstract

of the charge in this case, before what

authority the Prisoner preferred the false

complaint against the 1st Witness.

Ordered that Copy of these

Proceedings

proceedings be forwarded to the Acting Sub-

ordinate Judge of Bellary for his informa-

tion and guidance and for Communi-

cation of para 1 to the Magistrate- by

precept returnable in 7 days from and after

its receipt.-

/Sent following precept at. 301./

Read letter dated the 11th

Instant from the Acting Magistrate of

Cuddapah, reporting that the powers vested

in the Magistracy under the provisions of

Section XIV Act VIII of 1843 have not been exercised

during the Month of January 1845.-

/Here Enter F.R. at. 511 of 1845/

Read Statement dated the

8th Instant submitted by the Sessions Judge

of Canara Showing the amount realized

by the Labor of the Prisoners in the Zillah

Jail of Canara for the 4th Quarter of 1844.-

/Here Enter F.R. at. 514 of 1845/

Read letter dated the 16th

Instant from the Magistrate of Madura

forwarding the Joint Magistrate's explana-

tion

of February 1845

of the delay in disposing of Cases Nos 118 and 119 of 1845 on the file of the Joint Magistrate's Court under Act VIII of 1843.

(Here Enter F.M. No. 604 of 1845)

Read Calendar of cases 3 of 1845 submitted by the Acting Superintendt of Trichinopoly under date the 10th Instant.

(Here Enter F.M. No. 614 of 1845)

Read F.M.

DDL
hcg

F.M.

Friday, 28th February 1845.

At a Court of the Foujdaree Udalut.

Present,

H. Dickinson, Esqre 1st Puisne Judge
M. Lewin, Esqre 3d Puisne Judge

Read the Criminal Reports for the month of January 1845 submitted by the Principal Sudr Ameen of Guntoor under date the 10th instant.

(Were Entered F.M. No. 566)

Report No. V.
Case No. 1.

1. It has frequently been ruled by the Court of Foujdaree Udalut that the use of the term "feloniously" in framing a charge in a Criminal Report is objectionable, and that offences should be described as they are in the Code of Regulations.

Case No. 5.

2. The Court observe that owing to the omission of the word into after "breaking" the charge in this and in several subsequent cases

is incorrect, imperfect and irregular.—

Case No. 6.— 3 The Principal Sudr Ameen has omitted to specify the Regulation under the provisions of which the 1st and 2d Prisoners in this Case have been sentenced to 2 years imprisonment.—

Ordered, that Copy of these proceedings be forwarded to the Principal Sudr Ameen of Guntur for his information and guidance

(Sent in No. 304.)

Read the Criminal Reports for the Month of January 1845 forwarded by the Subordinate Judge of Madura under date the 12th instant

(Here enter F. C. No. 570.)

Report No. V Case No. 4— 1. The Court of Foujdaree Udalut observe that the Prisoner in this case ought to have been sentenced under the provisions of Clause Fourth, Section III, Regulation VII of 1822 and not under the Section and Regulation quoted in the Report.—

2. It is further remarked that the Pundit Sudr Ameen has omitted

omitted to specify in the charge, in what way the articles valued at Rupees 3-3-0 were stolen by the Prisoner from the house of the Prosecutor's Aunt.—

Ordered, that Copy of these Proceedings be forwarded to the Subordinate Judge of Madura for his information and guidance and for communication to the Pundit Sudr Ameen of Madura.—

(Sent in No. 305.)

Read the Criminal Reports for the month of January 1845 submitted by the Acting Principal Sudr Ameen of Vizagapatam under date the 31st Ultimo.—

(Here enter F. C. No. 609.)

Supplemental Report 1. Case No. 38— The Acting Principal Sudr Ameen is instructed that the statement of the sentences awarded to the several Prisoners in this Case is much too diffuse for a monthly Criminal Report.—

Report No. V. Case No. 1— 2 The foregoing remarks

is applicable also to the Acting Principal Sudr Ameen's report of this case.

3. It is further observed with regard to this case that the strong suspicion entertained by the Acting Principal Sudr Ameen of the Prisoner's guilt, appears to be in a measure the result of "a report prevailing throughout Vizagapatam".

4. The Court of Foujdaree Adawlut desire that the Acting Principal Sudr Ameen be cautioned against drawing inferences from public report.

5. It is his duty to consider and weigh all the evidence that may be forthcoming in any Case prefered before him, and to form thereupon a sober and upright decision according to the best of his ability and in conformity with existing regulations and orders.

Ordered, that Copy of these Proceedings be forwarded to the Acting Principal Sudr Ameen of Vizagapatam for his information and guidance.—

28th February 1845.

/Sent in No. 306/

Read return dated the 15th instant from the Session Judge of Rajahmundry to this Court's precept of the 3rd instant directing him to recall for the Proceedings in Case No. 56 of 1844 on the Rajahmundry file and to make a report thereon.—

/Here enter F. M. No. 5971/

1. The Session Judge reports that after an examination of all the proceedings connected with the case abovementioned, there appears to him to be ample proof that the bribe of Rupees 20— was given by the Curnum for the purpose of regaining possession of certain accounts seized by the Duffadar which, whether true or false, prove that embezzlement had been effected by the said Curnum.—

2. He states that the sum of Rupees 20— is admitted by the Prisoner in the case to form part of the Revenue Collections of the Village

of

of Vanapully paid into his hands by the Village Moonsiff - for delivery to the Shroff - and Mr Anstruther therefore suggests, that the said sum of Rupees 20 now in the Custody of the Head Assistant Magistrate of Rajahmundry; should be made over to the Revenue authorities to prevent any derangement in the Revenue accounts, instead of being carried, according to the order of the Subordinate Judge, to the credit of Government.

3. The Court of Foujdaree Udalut approve of the suggestion made by the Sessions Judge of Rajahmundry and direct that the money be left to the Revenue authorities for disposal.

Ordered, that Copy of these Proceedings be forwarded to the Sessions Judge of Rajahmundry for his information and guidance.-

(Sent in No 307.)

Read report dated the 15th Instant submitted by the Magistrate of Chingleput of cases tried by the Magistracy

Magistracy under the provisions of Section LIV Act VII of 1843 during the six month of January 1845.-

(Here enter No 602.)

1. It does not appear from the abstract of the evidence submitted in the above Report, whether the Military necessaries which the Prisoner is convicted of having purchased, were necessaries actually in use by the parties from whom they were originally procured or whether they were necessaries to which, according to practice a right has been acquired, subsequent to the issue by the Military authorities, of a new supply of the same kind of article.-

2. The Foujdaree Udalut accordingly desire they may be furnished with information on the point and direct that meanwhile, the Sentence passed on the Prisoner be suspended.-

Ordered, that Extract from these proceedings be forwarded to

to the Magistrate of Chinglaput by precept returnable in VIII days from and after it's receipt.—

/Sent following precept No. 308./

Read letter dated the 8th Instant from the Acting Agent to the Governor at Ganjam.—

/Here enter No. 621./

1. In the above communication the Acting Agent reports for the orders of the Foujdaree Udalut the case of a Prisoner Yellamunchy Ramadoss tried before the Agent's Court for having struck one Bhavoora Linga a blow with a Bamboo Stick upon the crown of the Head, inflicting thereby a mortal wound, from which the said Linga died.—

2. On a perusal of the abstract of the evidence taken before the Acting Agent there appear to the Foujdaree Udalut to be grounds for supposing that the offence of which the Prisoner is accused, amounts to murder.—

They

3. They accordingly resolve to require the submission of a translation of the proceedings held in the matter.—

Ordered, that Extracts from these proceedings be forwarded to the Acting Agent to the Governor at Ganjam by Precept returnable without delay.—

/Sent following precept No. 309./

Read letter dated 8th February 1845 from the Sessions Judge of Guntoor reporting the escape from the Jail at Guntoor of 3 Prisoners under trial.—

/Here enter F. H. No. 485./

1. It would seem from the letter of the Sessions Judge that the place from which these prisoners escaped was so well secured as to render it impossible that any one should get out when once locked in "except actual force were used" and that they broke from the Jail by the aid of fire which they contrived to secrete in the

cell before they were locked up and by means of which they burnt the wooden frame work of the door at the part in which the bolt is inserted.—

2. The Sessions Judge imputes blame to the Duffadar whose duty it was to search the cell and for this neglect of duty has dismissed him.—

3. Considering the gross carelessness evinced by this Officer and this being the second instance within a very short space, of prisoners breaking from the Guntoor Jail the Court consider the punishment quite inadequate.—

4. Altho' in this case it may might have been difficult to prove that the usual precautions for securing the prisoners had been purposely omitted and consequently to infer connivance on part of the Duffadar—yet the neglect of duty evinced by him was so gross and culpable as most clearly, if capable of legal proof, to bring him under the provisions of Clause first Section XI Regulation

Regulation XIII of 1832.—

5. The Court desire to be informed whether any further measures than simply addressing the Magistrate have been adopted for the re-apprehension of the runaways and also what steps have been taken to remedy the defect pointed out in the 8th para. of the Sessions Judge's letter.—

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

(Sent following precept No. 310.)

F. C.

Saturday
1st March 1845.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esqre 1st Puisne Judge

Malcolm Lewin Esqre 3d Puisne Judge

Read the Criminal Reports for the Month of January 1845 submitted by the Principal Sudr Ameen of Trichinopoly under date the 13th Ultimo.

(Here enter F. C. No 587).

Report No V Case No 1. 1. The Court desire to be informed whether the Prisoner in this Case was from the 25th December the date of his apprehension until the 31st idem on which date he is stated to have been brought before the Police Ameens.

Case No 5. 2. It is observed that the mere circumstance of the 2d Prisoner being implicated by the 1st Prisoner in the Commission of the Theft charged against them, forms no legal ground for suspicion against him.

Case No 11. 3. From the Statement of this Case in the Report it appears that the Prisoners were apprehended on the 19th December last, but did not arrive before the Police Ameen until the 9th January

A

A full explanation of this great delay is required for the information of the Court of Foujdaree Adalut.

Cases Nos 14 and 17. 4 The Cause of the delay in the transmission of these Cases is not at all explained and must be satisfactorily accounted for.—

Ordered that Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Trichinopoly for his information and guidance by Precept returnable in 5 days from and after its receipt.—

(Sent following Precept No 312).

Read Calendar in Case No 3 of 1845.

Submitted by the Sessions Judge of Cuddalore.

(Here enter No 612)

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 Cuddalore for his information.—

(Sent in No 313)

Read Criminal Reports No VI dated 10th Ultimo Submitted by the Sessions Judge of Masulipatam for the Month of January 1845.—

(Here enter F. U. No 548 of 1845)

Read Criminal Reports dated 3d Ultimo Submitted

Submitted by the Sessions Judge of Honore of the Sudr Ameens Court at Sirsy for the month of January 1845.

(Here enter F. U. No 588 of 1845)

Read Statement dated 1st January 1845 Submitted by the Sessions Judge of Tinnevelly of Batta paid to Prosecutors & witnesses before the Sessions Judge for the last Half of 1844.—

(Here enter F. U. No 599 of 1845.)

Read letter dated 15th Ultimo from the Sessions Judge of Calicut Submitting the Warrant issued for the execution of the Sentence of death passed on the Prisoner in Case No 1 on the Calendar of the Sessions Court for 1845 with the endorsement of the Subordinate Judge and Copy of his report.—

(Here enter F. U. No 603 of 1845)

Read Return dated 15th Ultimo from the Sessions Judge of Cuddalore to the Precept of the Foujdaree Adalut under date the 10th Ultimo requiring him to submit the Reports for the year 1844 and to explain for the information of Government, the causes which have prevented earlier conformity to the provisions of Section XXXVII Regulation

A full explanation of this great delay is required for the information of the Court of Foujdaree Udalut.

Cases Nos. 14 and 17. 4 . The Cause of the delay in the transmission of these Cases is not at all explained and must be satisfactorily accounted for.-

Ordered that Copy of these Proceedings be forwarded to the Principal Sudr Ameen of Trichinopoly for his information and guidance by precept returnable in 5 days from and after its receipt.-

(Sent following Precept No 312).

Read Calendar in Case No 3 of 1845 submitted by the Sessions Judge of Cuddalore.

(Here enter No 612)

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 Cuddalore for his information.-

(Sent in No 313.)

Read Criminal Reports No VI dated 10th Ultimo Submitted by the Sessions Judge of Masulipatam for the month of January 1845.-

(Here enter F. U. No 548 of 1845)

Read Criminal Reports dated 3rd Ultimo Submitted

Submitted by the Sessions Judge of Honore of the Sudr Ameen's Court at Sirsy for the month of January 1845.

(Here enter F. U. No 588 of 1845)

Read Statement dated 1st January 1845 Submitted by the Sessions Judge of Tinnevelly of Batta paid to Prosecutors & witnesses before the Sessions Judge for the last Half of 1844.-

(Here enter F. U. No 599 of 1845.)

Read letter dated 15th Ultimo from the Sessions Judge of Calicut submitting the Warrant issued for the execution of the Sentence of death passed on the Prisoner in Case No 1 on the Calendar of the Sessions Court for 1845 with the endorsement of the Subordinate Judge and Copy of his report.-

(Here enter F. U. No 603 of 1845)

Read Return dated 15th Ultimo from the Sessions Judge of Cuddalore to the precept of the Foujdaree Udalut under date the 10th Ultimo requiring him to submit the Reports for the year 1844 and to explain for the information of Government, the causes which have prevented earlier conformity to the provisions of Section XXXVII Regulation

Regulation VII of 1802, and to the requisition contained in Para 10 of the Proceedings of the Sud. Adalut of the 21st August 1843.-

(Here enter F. C: No. 606 of 1845).

Read letter dated 17th Ultimo from the Acting Sessions Judge of Bellary Submitting explanation of the circumstances under which the parties in Case No. 29 were detained for periods of 7, 8, and 14 days.-

(Here enter F. C: No. 623 of 1845).

Read Return dated 17th Ultimo from the Sessions Judge of Tellicherry to the precept of the Foujdaree Adalut under date the 10th Ultimo, calling for the Sessions Report of Tellicherry for the year 1844.-

(Here enter F. C: No. 624 of 1845)

Read Calendar dated 24th Ultimo Submitted by the Sessions Judge of Salem in Case No. 9 of 1845.

(Here enter F. C: No. 633 of 1845.)

Read letter dated 19th Ultimo from the Acting Sessions Judge of Trichinopoly Stating for the information of the Judges that the parties in Case No. 35 on the file of the Session Court of Trichinopoly were in attendance at the Court for only 3 days Viz. 14th, 23rd and 29th January 1845, and were not detained during the intervening days but

but were allowed to proceed to their homes.-

(Here enter F. C: No. 640 of 1845)

Read letter dated 18th Ultimo Submitted by the Magistrate of Masulipatam. Stating for the information of the Court of Foujdaree Adalut that no cases of discription alluded to in Section LIV Act VII of 1843. have come under his Cognizance during the month of January 1843.-

(Here enter F. C: No. 641 of 1845)

Read Memorandum dated 17th Ultimo from the Session Judge of Canara Returning the Report of Cases before Sessions Court for January 1845 with the required docket and endorsement.-

(Here enter F. C: No. 646 of 1845.)

Read letter dated 3rd Ultimo 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 January 1845.-

(Here enter F. C: No. 412 of 1845)

Read Criminal Report No. 6 dated 31st January 1845. Submitted by the Session Judge of Chingleput for the Month of January 1845.-

(Here enter F. C: No. 494 of 1845)

Read

Read Return dated 13th Ultimo from the Acting Session Judge of Chittoor to the precept of the Foujdaree Adalut under date the 10th Ultimo requiring him to submit the Reports for the year 1844, and to explain the causes which have prevented him from earlier conforming to the provisions of Section XXXVII Regulation VII of 1802 and to the requisition contained in Para 10 of the Proceedings of the Sudr Adalut of the 21st August 1843.

(Here enter F. C. No. 518 of 1845)

Read Statement dated 1st January 1845 Submitted by the Sessions Judge of Combaconum of Batta paid to Prosecutors and witnesses.

(Here enter F. C. No. 592 of 1845)

Read letter dated 17th Ultimo from the Sessions Judge of Chicacole submitting the explanation called for by the Foujdaree Courts letter of the 30th January 1845 regarding the detention of the Prosecutors and Witnesses in certain commit Cases for more than 4 days and states that since the receipt of the Courts Proceedings dated 13th December 1844, the examinations of the Prosecutors and Witnesses in each commit Case have been conducted with reference to the Circular Order No.

1st March 1845.

No. 131 with as little delay as possible.—

(Here enter F. C. No. 638 of 1845)

Read Report dated 15th Ultimo Submitted by the Magistrate of Bellary of Cases tried by the Magistracy under the Provisions of Section LIV Act VII of 1843 during the Month of January 1845.

(Here enter F. C. No. 642 of 1845).

Read Return dated the 20th Ultimo from the Acting Magistrate of Cuddapah to the precept of the Foujdaree Adalut under date the 17th January 1845 directing that he be instructed to hold an enquiry into Siddo Reddies general Character in view to his being bound over to furnish security for his good behaviour.

(Here enter F. C. No. 644 of 1845)

Read Report dated 1st Ultimo Submitted by the Sessions Judge of Honore of Cases pending on the 31st December 1844 and Committed for trial during the month of January 1845.

(Here enter F. C. No. 647 of 1845)

J. M.

Monday 3d. March 1845. At a Court of the Joujdaree Adalut

Present

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

Malcolm Lewin Esqre. ——— 3d. Puisne Judge.

The Register lays before the Court the following Statements drawn up in his Office, from the Returns received thro the Sessions Courts, exhibiting the operations of the Village and District Police and the Magistracy of the late Criminal and present Subordinate Courts, and of the late Courts of Circuit and present Sessions Courts respectively, for two broken periods of the said half year viz. from 1st July to 15th September, and from 16th September (on which date the provisions of Act VII of 1843 abolishing the Provincial Courts of Circuit were brought into operation,) to 31st December 1843:

He also submits an abstract of the operations of the Joujdaree Adalut from the 1st July to the 31st of December 1843, according to the forms approved by Government.

(Here enter J. M. Nos. 1 to 9

Village Police Statements Nos. 1 & 2. Statement No. 1 with the detailed No. 2, exhibits the number of persons summoned before the Village and District Police and the Magistracy

3d March 1846.

Magistracy for Petty Offences punished 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 years, or from the 1st of January to the 30th June 1843, is as follows

	Persons Summoned.	Persons acquitted. after investigation.	Persons acquitted. Without investigation upon Fines named per.	Persons Punished.
From 1st January to 30th June 1843.	3849	721	743	2385
From 1st July to 31st December 1843.	3886	761	837	2288

4 Of the 2288 persons punished by the Village Police, 1656 were confined in the Village Chantry and 632 in the Stocks.

5. Complaints for Petty Assaults or Affrays constitute as usual the great majority of the cases which came under the cognizance of the Village Police.

6 Out of 3886 persons brought before them, 3219 were charged with Petty Assaults or Affrays and 666 with Petty thefts, of the former 1818 were punished, of the latter 468.

District Police 7. The aggregate of Persons brought before the

3d March 1846.

the District Police from the 1st July to 31st December 1843. for petty Offences in which they themselves had final jurisdiction was 64,538 – there were also 840 persons whose cases were not disposed of at the date of the last report forming a total of 65,378 persons.

8. In the preceding half year the number of persons summoned and examined before the District Police, was 54,055.

9. Of the 65,378 individuals brought before the District Police during the half year under review, 21,198 were acquitted against 346 of whom the charge was considered to be wilfully false and malicious, and 24,513 were discharged on a mutual settlement of their disputes or without investigation, for default or other causes.

10. The total number of persons convicted and punished by the District Police was 17,120 without reference to the Magistracy and 1452 after reference to that authority, making a total of 18,572, and 1095 are entered as under examination at the close of the report.

11 Of the persons punished by the District Police 13,120 were fined 521 confined in the Chantry with or without labor, 120 in the

the Stocks, and 121 were flogged by order of the Magistrate on reference made, under the provision of Clause Second Section IV Regulation IV of 1831.—

12. The Sum remitted to the Magistrate on account of the 13,120 persons fined by the District Police was Rupees 12,583-9-11 twelve thousand five hundred and eighty three, Annas nine and five eleven.—

Magistracy

13. Before the Magistracy there were brought for petty offences in the same period 389 persons and there were also 125 before them whose cases had not been disposed of at the close of the last report making a total of 396 of these 1727 were acquitted against 21 of whom the charge was considered wilfully false and malicious 636 were discharged on a compromise of their differences; 1470 were convicted and punished, 940 by fine, 458 by imprisonment, 72 by flogging and 123 were under examination at the close of the reports.—

14 During the half year under review 117 persons being Police Officers were charged with the abuse of authority of whom 59 were acquitted, 55 punished by fine and 3 were

were under examination.—

Crimes and Misdemeanors

Nos. 3 and 4.—

15. The Statements Nos. 3 and 4 exhibit the operations of the District Police and Magistracy with respect to all Crimes and Misdemeanors not punishable by three Sudders, but by the Superior tribunals.—

16. By the first of these Statements it appears that the number of Crimes committed during the Six Months under review was 3581, in which 10,971 persons are supposed to have been concerned being 67 cases more than in the preceding Six Months.—

17 Of 10,971 persons considered to have been concerned in the cases ascertained to have occurred during the period under review 5224 individuals it is calculated have escaped apprehension, which is thus 347 more than supposed to have eluded apprehension during the previous half year.—

18 The Court now proceed to take into consideration the Annual Reports submitted

Submitted by the several Magistrates on the State of the Police in their respective Districts and also the Reports from the Heads of Police required by the 53d para of the Despatch from the Honorable the Court of Directors under date the 12th October 1831.

Trinvelly 19 The Court of Foujdaree Udalut are concerned to observe that so many as 66 cases of Housebreaking by night and 30 of theft remained undiscovered at the close of the half Year and that every endeavour had in vain been made for the detection and apprehension of the parties concerned in their perpetration.

para 9. 20 The Court approve the plan of which the Magistrate reports the adoption viz: that of notifying in the Talook Cutcherries the names of offenders convicted by the Criminal Court, as a means of intimidating the evil disposed and deterring them from the commission of crime: accordingly they resolve to direct that copy of para 9 of Mr Thomas' Report be transmitted to the Magistrates with a view to similar arrangements being made for the above purposes within their respective jurisdictions.

The

21 The remarks addressed in this proceedings dated 4th March 1844 by the Sessions Judge to the Magistrate of Tinnevelly regarding the opening of a new entry in the Statement of crimes No 2 are viewed by the Foujdaree Udalut as correct but the Court observe that if the Sessions Judge had not on the records of his own Court sufficient data to enable him to draw up a comparative Statement of crime for the half Year received in the above proceedings and the previous six months, it was within his competency to require the Magistrate to submit the requisite information.

Madura, Coimbatore and Salem 22 The Judges do not find in the Reports from Madura, Coimbatore and Salem any matter calling for separate observation.

Trichinopoly paras 5, 7 and 8 23 The Court are of opinion that two subjects noticed in the Report from the Magistrate of the District demand the serious consideration of the Government—

1st the necessity under which inhabitants are placed of yielding to the demand made by

by the new Cavilgars for payment of the fees
assumed by Government in 1839 and now held
in deposit 2dly the objectionable results consi-
dered by the Magistrate to arise from the
extensive limits of the area in which the Com-
missariat Officer at Trichinopoly has the
management of the Abkarry compared with the
extremely contracted boundaries of the small Mili-
tary Bazaar in which he exercises police jurisdic-
tion.

24 The Court are not satisfied that
the first of the above stated points falls within
their legitimate cognizance but the evil is ap-
parently of sufficient magnitude not to be
passed over unnoticed.

Tanjore 25. The Lyshtrie obtaining amongst
the Village police of going their rounds by
night blowing horns or beating tom toms, is
one which notwithstanding its alleged anti-
quity, does not seem likely to be attended
with any marked advantages and the Court
would gladly learn that it has been abolished
through the instrumentality of the Acting
Joint Magistrate as they cannot agree with
the

the Sessions Judge that it is calculated to
stimulate the alertness and watchfulness of the
Pouns and Cavilgars - but think rather that
it must operate as a warning to all offenders
actually engaged in the commission of any
robbery, to secrete themselves until the patrolling
party have passed by.

26. The Report of the present
Magistrate of this District shows that he is alive
to the necessity of effecting improvement in its
Police and the Court trust his expectation
of securing a more favorable result than
that now exhibited, will not be frustrated.

They however find nothing which calls for
particular observation in that Officers Report

North Arcot para 11 27. In his letter dated 28th February
1845 to the Acting Sessions Judge the late
Acting Magistrate has observed in respect
of the property stolen by housebreaking
that it is generally of such a description
that evidence in identification of it cannot
be relied upon"

28 The Sudder Adawlut do not
concur

3d March 1845.

concur with the Acting Magistrate in his view of the matter of identification of such property - They think there is much mistake among Judicial Officers in the provinces about this, by much the greater part of the Articles usually stolen or robbed are capable of most satisfactory identification by the proper persons - A washerman will hardly ever fail in identifying the clothes of those for whom he washes; almost every village can identify the brass utensils of himself and neighbours and habitually do so without the least mistake whenever on festivals, or family ceremonies, entertainments are given - On these occasions, all the brass pots in the village are often brought to one house without a ticket or private mark of any kind - and the morning after, every man comes and takes his own without mistake or dispute -

Sanj.

29. The remarks by the Acting Assistant Judge do not exhibit any matter of a novel character requiring any specific observation by the Sudder Adalut -

Bellary

30 The only point in the Annual Report from the Magistrate of Bellary which would have elicited notice from this Court is the

3d March 1845.

the proposition of that Officer, seconded by the Assistant Judge, permanently to attach to the Bellary District establishment a portion of the irregular Kurnool Horse, but as the suggestion has already been laid before the Government with the recommendation of the Judges for its adoption, further comment is here unnecessary -

Cuddapah
Mr Ingles

31 The Acting Magistrate of Cuddapah has only recently been in charge of this District which but a short time previous to his assuming charge had for a brief period only been under the management of the Gentleman permanently attached to it, who shortly before had relieved the late Acting Magistrate Mr Arbuthnot -

32. The present report does not in the opinion of the Court require any observation -

Chingleput

33 The number of accidental deaths by drowning, viz: 145 in twelve months has attracted the notice of the Sudder Adalut who trust that the Magistrate will

use

use his utmost endeavours to diminish them
extent in future by a strict enforcement of
the powers vested in the Magistracy by the
provisions of Section II Act XXI of 1841 to require
owners of tanks and wells adjacent to a public
thoroughfare to fence the same in such manner
as to prevent danger to the public arising there-
from—

Malabar
Joint Magistrate's
division

34 The suggestion made by the Acting
Sessions Judge of Tellicherry in view to a more
correct classification of the offences — Murder
and Culpable homicide and highway robbery,
gang robbery and house breaking by night, appear
to the Foujdaree Adawlut to be deserving of
adoption and accordingly they resolve on modifi-
cation of their Circular Order dated 25th Septem-
ber 1832, to embody therein Circular instructions
enjoining the future observance of the plan
which the Acting Sessions Judge has proposed
viz^z that in the column of charge the usual
Specification of the offence charged shall have
in large letters the prefix — Murder — Culpable
homicide &c^a as the case may be —

Malabar and
Canara

35 On the reports from the Magistracy
of

of these Districts and the remarks recorded
by the Sessions Judges of Cabcut and
Mangalore it does not occur to the Court of
Foujdaree Adawlut to offer any remarks —

Nellore 36 The measure advocated by the
Magistrate of Nellore in para 9 of his Report
of empowering the Police and Magistracy to
levy the amount of fines imposed on females
of rank or caste by destraint of their property
instead of imprisoning them in default of
payment needs in the opinion of the Court
no fresh enactment as cases of this nature are
too infrequent to require it — Few women of
rank have any property available for a fine,
the distress would therefore fall on their relatives
who would seldom be found unwilling to
make good the fine without compulsory measures

37. The Court do not agree with
the Sessions Judge that a few stripes with
the Cat o'nine tails would be a better Sub-
stitute than simple imprisonment as a
punishment for the lower orders of delin-
quents and they would not modify the
law to which the Magistrate reports that

one

this para that the Agents to the Governor has included in his report observations not belonging to a report on Criminal justice and which should be submitted in a separate communication at the proper period.—

South Arcot
Guntoor
Masulipatam
Chicacole
Agents to the Governor at Vizagapatam

45 The Reports before the Tongdarees Udaluts from the Districts specified margi- nally require no separate observations.

Nos. 5 and 6

Late Criminal Courts

46 Statement No. 5 A, with the details in No. 6 B, exhibits the operations of the late Criminal Courts from the 1st July to 15th September 1843.—

47. The total number of Cases brought before the late Criminal Courts during the above period, inclusive of those not disposed of at the close of the preceding report, is 666 including 1420 prisoners.—

Present Subordinate Courts constituted according to Regns. in relation to III and VIII of 1827 and Courts Zuor Ameens.

48. Statement No. 5 C with the details in No. 6 D, shows the labors of the present Subordinate Courts from the 16th September to 31st December 1843.—

49. The total number of cases brought before

before those tribunals during the above period, inclusive of those not disposed of by the late Criminal Courts at the date of their abolition, is 746 including 1530 Prisoners.—

50. Thus the Statements separately prepared for the two broken periods of the half year ending the 31st December 1843, indicate the aggregate number of cases brought before the late Criminal Courts and the present Subordinate Courts during the last six months of 1843 inclusive of those not disposed of at the close of the preceding report to be 1367 including 2859 prisoners.—

51 In the preceding half year the total number of Cases disposed of by the old Courts was 1307, containing 2811 prisoners, thus showing an increase in the half year under review, of 60 cases and 48 prisoners.—

52 Of the cases which were brought and were depending before the late Criminal Courts; and of those brought before the present Subordinate Courts, 54 were Cases of Murder, 20

of

of Culpable Homicide, 13 of Robbery and Murder, 3 of Poisoning, 111 of Maiming and Wounding, 12 of Rape, 1 of Adultery, 9 of procuring abortion, 76 of Gang Robbery attended with aggravating circumstances, 53 of Gang Robbery without aggravating circumstances, 9 of Robbery by a single Individual, 29 of Arson, 20 of House breaking by day, 219 of House breaking by night, 189 of Theft, 82 of receiving Stolen goods, 10 of Forgery, 16 of Perjury, 3 of Subornation of Perjury or Forgery, 100 of a Breach of Revenue Laws &c &c

53. Of the 2859 persons arraigned before the late Criminal Courts and the present Subordinate Courts—

54 In Cases adjudicable by those authorities:—

609. were released unconditionally

Against 17 of whom the charge was considered wilfully false and malicious

46. were released on Security

46 were detained on demand of Security

854 were convicted and punished in cases cognizable by the Criminal Courts—

In

55. In Cases cognizable by the late Courts of Circuit and the present Sessions Courts—

382 were released by the late Criminal and present Subordinate Courts—

Against 13 of whom the charge was considered wilfully false and malicious

32. were released on Security

25 were detained on demand of Security

} In cases punishable by the late Courts of Circuit and present Sessions Courts—

734 were committed for trial

126 were under examination at the end of the half year

6 died

2859.

56. Of the 854 persons who were convicted and punished by the late Criminal and present Subordinate Courts.—

507 were imprisoned

202 were fined

6 were flogged

76 were imprisoned and fined

63. imprisoned and flogged.

854

57. The number of persons convicted and punished by the Criminal Courts in the preceding

preceding half year was 776, the number committed was 696, and the number unconditionally released in cases either punishable by themselves or the Courts of Circuit was 940.—

Statements Nos 7 and 8

Late Courts of Circuit

58. The Statements Nos 7 A and 8 B exhibit the operations of the late Courts of Circuit from 1st July to 15th September 1843.—

59 The cases of every description which came before those Courts during that period were 119, including 248 persons.—

60 The Statements Nos 7 C and 8 D exhibit the operations of the present Sessions Courts from 16th September to 31st December 1843.—

61 The Cases of every description which came before these tribunals during the latter portions of the half year under review, were 275 including 701 persons.—

62. Thus the total number of cases which came before the late Courts of Circuit and the present Sessions Courts during the half year under review, were 394 including 949 persons,

being

being 64 cases and 98 persons more than were arraigned in the Courts of Circuit during the 1st half of the year 1843

63. Of the 949 persons who were committed for trial, 224 were released unconditionally, of whom 2 were considered to have been falsely and maliciously accused, 62 were released on security, and 323 were convicted and punished.—

64. Of these latter

6 were flogged and imprisoned for a term exceeding 7 years

19 do do do for a term not exceeding 7 years

138 were imprisoned for 7 years and upwards without flogging.

169 were imprisoned for 7 years and under without flogging

1 was fined and imprisoned.—

65. There were 66 cases including 138 prisoners referred to the Foujdaree Adaulut; 54 cases containing 100 prisoners were postponed by the Courts of Circuit and Sessions Courts; 15 prisoners were returned to the late Criminal Courts

Courts and present Subordinate Courts to be disposed of by those Courts respectively, 3 prisoners were discharged from the Bar, and 4 prisoners died before trial.

66. The greatest number of Cases brought before the Court of Circuit during the first portion of the half year under review was in the Central Division, viz.t 40, of which 11 Cases were referred to the Tongdarae Adalut.

67. In the Western Division the number of Cases was 31, of which 10 were referred to the Tongdarae Adalut

68. In the Northern Division there were 20 Cases, of which 5 were referred; in the Southern Division a similar number of Cases, of which 5 were referred to the Tongdarae Adalut

69 The number of Cases tried in the Sessions Courts during the second portion of the half year under observation was 275, of which 35 were referred to the Tongdarae Adalut

70 Of the 66 Trials referred to the Tongdarae Adalut by the late Circuit Courts

and the present Session Courts, the Sentences delivered by their Law Officers, were concurred in by those tribunals in 38 trials, but the nature of the Offence made the trials of necessity referrible, and 28 Cases were referred because the presiding Judges did not approve of the Sentences of their Law Officers.

Statement N.o 9

Statement N.o 9 exhibits the proceedings of the Tongdarae Adalut during the 2.d half of the Year 1843.

Tongdarae Adalut

72. It shews that at the date of the last report, there were 3 Cases including 15 prisoners, which had not been disposed of, and that there were received during the half year 64 Trials including 129 prisoners, making together 67 Trials and 144 prisoners, whereof 39 were Trials for Murder, 2 Cases of culpable Homicide, 6 cases of Robbery and Murder, 1 Case of poisoning, 1 Case of Maiming or wounding, 1 Case of Assault (serious), 3 Cases of Rape, 1 Case of Procuring abortion, 1 Case of Sodomy, 6 cases of Gang Robbery attended with aggravating

aggravating circumstances, 1 case of Gang Robbery without aggravating circumstances, 1 case of Returning from Transportation, 1 case of House breaking by night, 1 case of Embezzlement, 1 case of Manslaughter and 1 Case of Torture

73. Of the 67 trials, 65 were disposed of within the half year under review, leaving only 1 case undisposed of at the close of the Report, and in 1 case the Prisoner died before the Foujdaree Adalut could dispose of the case.

74 Of the 65 cases containing 142 prisoners in which the Courts of Foujdaree Adalut proceeded to Judgment.

25 Prisoners were released unconditionally

3 were ordered to be released on Security

} Of these 38 prisoners, 21 were considered convicted by the two Judges of Circuit or Sessions Judges.

111 were convicted and sentenced to punishment

3 were returned to the Sessions Judge to be disposed of in the Sessions Court

} Of whom not one Prisoner was considered convicted by the Judges of Circuit or Sessions Judges.

75. Of the 111 prisoners convicted

17 were sentenced to suffer death

26 transported without flogging

Flogged

15 Flogged and imprisoned for more than 7 and not more than 14 years

34 Imprisoned for more than 7 and not more than 14 years without flogging

1 Flogged and imprisoned for 7 years and under

18 Imprisoned for 7 years and under without flogging

68

111

76 In conformity to the instructions contained in the 22d para: of the Extract from the Minutes of Consultation under date the 8th of August 1834, the Judges beg leave to explain that out of the 27 cases referred to the Foujdaree Adalut, because the presiding Judge disapproved of the Futwa of the Law Officer, the decision of the Judge of Circuit or Sessions Judge was affirmed by the Foujdaree Adalut in 22 cases.

77 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

"by each Judge of the Zillah Adalut whether
"sitting singly or whether more than one Judge
"be present"

		Singly.	conjointly	attached to the Court
M. Lewin Esq re.	3	39		during the whole period
A. Maclean Esq re.	29	53	do	do
F. W. Lewin Esq re.	2	37	do	do

78 A Statement is also transmitted shewing what number of referrible Suits have actually been referred to the Zillah Adalut within the period under review, and what has been the average number of Days delay in the disposal of those Suits, as required by the 33d Para of the General letter from the Honorable the Court of Directors dated 20th March 1833.

79 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

conveyed in Para 1 of their letter dated 30th December 1842, the Judges beg also to forward a Statement marked C shewing the extent and degree of Supervision and controul exercised by the Magistrates over the Proceedings of their Assistants.

80 Accompanying the Statements submitted for the consideration of Government will be found Statements in abstract exhibiting the State of Crime during the 2d half of 1843 in the Separate tracts of the Vizagapatam Ganjam and Kurnool Districts placed under the jurisdiction of the Government Agents.

81 The observations made by the Court in their communication noted marginally in regard to the delay which occurred in the submission to Government of the Report for the 2d Half year of 1842, are alike applicable to the present Report. — extreme difficulty having been experienced in the revision and preparation of the required Statements consequent on the insufficient strength of the Superintendent department to meet and grapple with the very

5th December 1844
No 185

gross

3.d March 1845

great addition of business which has fallen on it since the Foujdaree Adalut was by the new judicial System placed in direct communication with the Courts newly established, viz: the late 4 Provincial Courts. The indulgent consideration of the Government is under these circumstances solicited in the hope that the additional means recently applied for will when granted enable the Court to lay the usual Report before the Government at an earlier period after their receipt in this office.

Ordered that Extract from these proceedings, together with Copies in triplicate of all Statements and Reports 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. 314./

Ordered also that Extract from these Proceedings /paras 20, 38, 41 and 42/ together with Copies of the papers referred to, be forwarded to the Several Session Judges and Agents for their information and communication to the

Magistrates

H.C.

3.d March 1845

Magistrates within their jurisdiction

/Sentn No. 315./

Ordered also that Extract from these proceedings /paras 25 and 26/ be forwarded to the Sessions Judge of Combaconum for his information and for communication to the Magistrate of Tanjore.

/Sentn No. 316/

Ordered also that Extract from these proceedings /para 33/ be forwarded to the Session Judge of Chingleput for his information and communication to the Magistrate

/Sent in No. 317/

Read Miscellaneous petition presented on the 4th. January last with two enclosures by Varadappen of the Zillah of Chittoor.

/Here enter J.C. M.P. No. 10 of 1845/

The Petitioner complains of the injustice of the Sentence of 7 months imprisonment with hard labor in irons passed upon his brother-in-law the 3.d Prisoner in

Case

3d March 1845.

Case No. 183 of 1844 on the file of the Subordinate Court of Chittoor as a receiver of stolen property by the Pundit Sudr Ameen - and prays the Court of Sonjdaree Adalut to order the release of the said Prisoner -

2. The Court of Sonjdaree Adalut see no reason whatever to doubt the correctness of the Sentence passed upon the 3d Prisoner in the Case above alluded to, and they therefore direct that this petition be rejected -

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

Read Miscellaneous petition presented on the 27th January by Bodeemmun of the Zillah of Chittoor

(Here enter F.H. Mr P. No. 28 of 1845)

The petitioner represents himself to be the Father in law of the 5th Prisoner in Case No. 138 of 1844, on the Chittoor Supplemental Criminal Reports for the Month of October last who was convicted of having received certain Articles of Stolen property knowing them to be

3d March 1845.

be such - and sentenced by the Moofty Sudr Ameen to 7 months imprisonment with hard labor in irons -

2. He complains of the injustice of the Sentence, and prays the Court of Sonjdaree Adalut to call for and peruse the whole record of the Case, and to order the Prisoner's release -

3 The Court of Sonjdaree Adalut observe that a reference to the Calendar shows there can be no doubt of the 5th Prisoners guilt, and they therefore direct that the petition be dismissed -

Ordered accordingly and that Copy of these proceedings be furnished to the Petitioner on his application -

Read petition presented on the 3d Instant by Mohomed Abdoollah

(Here enters F.H. Mr P. No. 29 of 1845)

The petitioner prays to be furnished with an attested Copy of the Petition No. 94 of 1844 presented by him to this Court

Ordered

Ordered that an attested copy of the Petition in questions be granted to the Petitioners.—

Ordered also that copy of these proceedings be granted to the petitioners on this application.—

Read petition presented on the 10th February last by Goolam Razah Vakeel on behalf of Salvador Soares and two others of the Zillah of Mangalore

(Here enter F.H. M.P. No 30 of 1845)

The Petitioners after entering at length into a detail of the nature of the offence committed by their opponents and of the evil arising therefrom, complain of the insufficiency of the punishment which has been awarded by the Assistant Magistrate of Canara, whose decision they state has been confirmed by the Sessions Judge of Mangalore by an order dated the 29th November 1844; in conclusion they request the Court of Sudder Adawlut to order the infliction of a more severe punishment and one more in proportion

F.H.
3rd March 1845

to the magnitude of the offence which has been committed.—

The Sessions Judge who is on the spot has inspected the proceedings of the Assistant Magistrate and declared them to be correct.—

Such an opinion having been passed on the proceedings, the Court refuse to interfere in the matter.—

The parties who assaulted the Petitioners have been fined by the Assistant Magistrate, which, it may be hoped, will deter them from offering further violence to the Petitioners.—

Should they repeat their aggression, they will doubtless receive a more severe punishment at the hand of the Magistrate.—

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

Read Miscellaneous petition presented

Ordered that an attested copy of the Petition in question be granted to the Petitioner.—

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

Read petition presented on the 10th February last by Goolam Razak Vakeel on behalf of Salvador Soares and two others of the Zillah of Mangalore

(Here enter S.A.A.P. No. 30 of 1845)

The Petitioners after entering at length into a detail of the nature of the offence committed by their opponents and of the evil arising therefrom, complain of the insufficiency of the punishment which has been awarded by the Assistant Magistrate of Canara, whose decision they state has been confirmed by the Sessions Judge of Mangalore by an order dated the 29th November 1844; in conclusion they request the Court of Foujdaree Adalut to order the infliction of a more severe punishment and one more in proportion to

F.A.C.
3d March 1845

to the magnitude of the offence which has been committed.—

The Sessions Judge who is on the spot has inspected the proceedings of the Assistant Magistrate and declared them to be correct.—

Such an opinion having been passed on the proceedings, the Court refuse to interfere in the matter.—

The parties who assaulted the Petitioners have been fined by the Assistant Magistrate, which, it may be hoped, will deter them from offering further violence to the Petitioners.—

Should they repeat their aggression, they will doubtless receive a more severe punishment at the hand of the Magistrate.—

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

Read Miscellaneous petitions presented

presented on the 10th Ultimo by Davasing of the Zillah of Chittoor.

(Here enter F.H. No P. No. 31 of 1845)

The Petitioner merely repeats the prayer urged in two former petitions, for the release of his elder Brother late Letter Peon in the Post Office at Vellore and Prisoner in Case No. 46 of 1844 on the Chittoor Calendar who was sentenced by the Sessions Judge to 4 years imprisonment for having fraudulently appropriated a letter containing a Bank Note for Rupees 100.-

2. The Court of Zoujdaree Adalut have already disposed of the subject of this petition.-

3. They refuse to interfere further in the matter, and direct that the Petitioner be referred to former orders which are final.-

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

Read Miscellaneous Petition presented on the 10th February 1845 by Sunkaracharry of

of Zillah Salem.-

(Here enter F.H. No P. No. 32 of 1845)

Adverting to Zoujdaree Adalut proceedings dated 3d. February 1845, the Petitioner prays to be furnished with copies of the two Returns made by the Sessions Judge of Salem to the Precept of the Zoujdaree Adalut under date the 26th November 1844.-

The Court decline to allow copies of the Returns in question to be given.-

Petition dismissed

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

Read petition presented by Careyjenna Naiken of the Zillah of Tinnevelly.-

(Here enter F.H. No P. No. 33 of 1845)

In adverting to this Court's order of the 3d. Ultimo on his Petition (No. 185 of 1844) the Petitioner calls in question the propriety of the Sentence passed upon the prisoners in Case No. 2 of the Tinnevelly Calendar

3d March 1845.

Calendar for the 1st Sessions of 1843. He declares that the charge of robbery preferred against him is false and that it owes its origin to enmity conceived against him in a revenue matter, by the Zemindar of Pattagaarum who set up the prosecutor to prefer it, and concludes by praying that the Court of Tanjadaree Udalut will be pleased to call for the record of the case, and on a perusal thereof order the release of the prisoner.

On consideration of the foregoing address, the Court see nothing to justify their interference on behalf of the Petitioner who is referred to this Court's order dated the 3d February last which is final.

Ordered accordingly that the foregoing Petition be dismissed, and that no Extract from these proceedings be granted to the Petitioner upon his application.

Read petition presented on the 10th February last by Wanlee Kaiken late Duffadar of the Talook of Dharapooram in the Zillah of Coimbatore

(Here enter F.H. No 34 of 1845)

10/ F.H.

3d March 1845.

The Petitioner complains, that on a charge of assault and bribery being, thro' malice, preferred against him by one Para Coopen, the Joint Magistrate dismissed him from the Situation he held and imposed on him a fine of 50 Rupees, for non payment of which he was detained under restraint and kept to hard labor - in stating in detail into a statement of the evidence adduced, the Petitioner requests the Court of Tanjadaree Udalut to call for and consider all the papers connected with the case, and order his restoration to office with arrears of Salary from the date of his dismissal.

The Court of Tanjadaree Udalut decline to interfere in this matter.

If the Petitioner has any complaint to prefer against the treatment to which he has been exposed by order of the Magistrate, he must appeal to the Sessions Court.

Ordered therefore that the Petition

3d March 1845.

Calendar for the 1st Sessions of 1843. He declares that the charge of robbery preferred against them is false and that it owes its origin to enmity conceived against them, in a revenue matter, by the Zemindar of Pettapoorum who set up the prosecution to prefer it, and concludes by praying that the Court of Fouj. daree Adalut will be pleased to call for the record of the case, and on a perusal thereof order the release of the prisoners.

On consideration of the foregoing address, the Court see nothing to justify their interference on behalf of the Petitioner, who is referred to this Court's order dated the 3d February last which is final.

Ordered accordingly that the foregoing Petition be dismissed, and that no Extract from these proceedings be granted to the Petitioner upon his application.

Read petition presented on the 10th February last by Banjo Kaiken late Duffadar of the Talook of Dharapoorum in the Zillah of Coimbatore

(Here enter F.K. P. No 34 of 1845)

10 F.K.

3. March 1845.

The Petitioner complains, that on a charge of assault and bribery being, thro' malice, preferred against him by one Para coopen, the Joint Magistrate dismissed him from the Situation he held and imposed on him a fine of 50 Rupees, for non payment of which he was detained under restraint and kept to hard labor in irons. Entering in detail into a statement of the evidence adduced, the Petitioner requests the Court of Fouj.daree Adalut to call for and consider all the papers connected with the case, and order his restoration to office with arrears of Salary from the date of his dismissal.

The Court of Fouj.daree Adalut decline to interfere in this matter.

If the Petitioner has any complaint to prefer against the treatment to which he has been exposed by order of the Magistrate, he must appeal to the Sessions Court.

Ordered therefore that the Petition

3 March 1845.

3

Petition be dismissed, and that Extracts from these proceedings be granted to the Petitioner on his application.—

Dunsing of Chittoor, moves the Court to return the enclosures in his Miscellaneous Petition No. 31 of 1845.

Ordered accordingly

Baul Nirkeny of Coimbatore, moves the Court to return the enclosure in his Miscellaneous Petition No. 34 of 1845.—

Ordered accordingly

Read the following letters from the several Sessions Judges and Magistrates, forwarding the Criminal Reports for the 2d half of 1843.—

(Here enter F.R. Nos 275, 318, 344, 434, 506, 526, 580, 656, 664, 685, 720, 755, 779, 811, 819, 835, 868, 912, 914, 944, 977, 1017, 1059, 1074, 1103, 1119, 1195, 1198, 1273, 1327, 1366, 1485, 1564, 1565, 1610, 2072, 2211, 2274, 2272, 2274, 2317, 2318, 2336, 2342, 2368, 2359, 2407, 2463, 2481, 2527, 2536, 2593, 2594, 2602, 2618, and 2941 of 1844 and No 305 of 1845.—)

Tuesday
4th March 1845.

F. R.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre 1st Puisne Judge

Malcolm Lewin Esqre 3d Puisne Judge

Read Calendar in Case No 3 of 1845 submitted by the Sessions Judge of Guntoor.—

(Here enter No 631)

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 Guntoor for his information.—

(Sent in No 323.)

Read the Criminal Returns submitted by the Principal Sudr Ameen of Cuddalore, for the month of January 1845.—

(Here enter No 571)

4th March 1845

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

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

(Sent in No. 324.)

Read return dated 18th Ultimo from the Acting Session Judge of Tinnevelly to the precept of the Tonjdaree Udalut under date the 10th February 1845, requiring the Acting Session Judge of Tinnevelly to submit the Reports for the year 1844, and to explain for the information of Government the causes which have prevented him from earlier conforming to the provisions of Section XXXVII Regulation VII of 1802 and to the requisition contained in para: 10 of the proceedings of the Sudr Udalut

4th March 1845 of the 21st August 1843.—

(Here enter No. 625)

The detail of his diurnal labors contained in the above Return, does not, in the opinion of the Tonjdaree Udalut, exhibit the difficulties with which the Acting Session Judge would make it appear that he has had to contend, in order to explain the delay noticed by the Court who, on a consideration thereof are compelled to declare that the Acting Session Judge's explanation is by no means satisfactory.—

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

(Sent in No. 325.)

Read letter dated 21st February 1845 from the Session Judge of Mangalore submitting the Proceedings in Case No. 2 on the Calendar for 1845, for the final sentence of the Tonjdaree Udalut—

(Here enter No. 661)

The Court of Tonjdaree Udalut on a deliberate consideration of all the circumstances of the Case in evidence

13th March 1845

before them, being of opinion that
the Prisoner

Billah Dayoo

is not convicted on presumptive
proof, or on the evidence of credible
witnesses, or on his own confession
of the Crime of Robbery, do acquit
him thereof, and direct that he be
unconditionally released.—

(Sent following letter No. 326)

Wednesday
5th March 1845 } At a Court of the Tongdanee Udalut.

Present

Henry Dickinson Esqre 1st Puisne Judge.
Malcolm Lewin Esqre 3rd Puisne Judge.

M

Read letter dated the 13th Ultimo
from the late Acting Sessions Judge of
Cuddalore submitting for the final sen-
tence of the Tongdanee Udalut the record
of trial in Case No. 42 of 1844 on the
Calendar of the Session Court of Cud-
dalore.

(Here enter No. 663)

The Court of Tongdanee Udalut
M. M. Lewin.
having on a deliberate consideration of all
the circumstances of the case in evidence
before them, being of opinion that the
proof against the Prisoner,

1st Cawder,

is sufficient to convict him of the crime
of Gang Robbery by open violence, do
convict him thereof, and, under the
provisions of Clause third, Section IV.
Regula

5th. March 1845. Regulation XV of 1803, sentence him to be imprisoned, and kept to hard labor in irons, on the public roads or other public works, for, and, during the period of (14) fourteen years.-

(Sent following letter. No. 330)

Read communications dated the 12th and 14th Ultimo respectively, from the Acting Session Judge of Chittoor, relative to the Rape Case No. 1 of 1845 on the file of the Session Court of Chittoor.-

(Here enter F. No. Nos. 317 and 531)

Before giving judgment on this Trial, the Court of Foujdaree Udalut direct that the Session Judge of Chittoor be required to cause the two Midwives "Mangala" "Mangammah" and "Akkee" who are declared at the end of the Police Proceedings to have examined the person of the girl "Paupee" and to have pronounced that no rape had been committed upon her, to be summoned before him:

and

5th. March 1845. and having examined them, minutely, on solemn affirmation in the presence of the Prisoner, allowing him to ask them questions, as to the ground of the opinion they formed, to submit translations of their depositions for the consideration of the Court of Foujdaree Udalut.-

Ordered that copy of these Proceedings be forwarded to the Session Judge of Chittoor for his information and guidance, by precept, returnable without delay.-

(Sent following precept. No. 331)

Read Calendar dated 6th Ultimo submitted by the Session Judge of Cuddalore in case No. 8 of 1845.-

(Here enter F. No. No. 460)

Read letter dated the 4th Ultimo from the Principal Sudr Ameen of Tinnevelly submitting copy of the Proceedings of the Session Court under date the 30th January 1845 as an Appendix to the Criminal Reports for the month of October 1844.-

(Here enter F. No. No. 462.)

5th March 1845.

Read communication dated the 29th January 1845 from the Magistrate of Tanjore forwarding the information called for regarding the conduct of the Duffadar in the Fouzdaree Udalut Criminal Extract dated 27th December last.-

(Here enter F. U. No. 468.)

Read letter dated the 7th Ultimo from the Acting Magistrate of Tinnevelly reporting that there have been no cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the month of January 1845.-

(Here enter F. U. No. 469.)

Read Criminal Report dated the 6th February 1845 submitted by the Sessions Judge of Tellicherry for the month of January 1845.-

(Here enter F. U. No. 473.)

Read Calendar dated the 8th February 1845 submitted by the Acting Sessions Judge of Bellary in case No. 5 of 1845.-

(Here enter F. U. No. 475.) S

Thursday,
6th March 1845.

F. U.

At a Court of the Fouzdaree Udalut.

Present,

Henry Dickinson Esqre 1st
Malcolm Lewin Esqre 3d } Puisne Judges

Read Calendar dated the 19th Ultimo submitted by the Sessions Judge of Honore in case No. IV of 1845.-

(Here enter No. 665 of 1845)

1. The Prisoner is convicted of having kidnapped the Prosecutrix daughter a girl aged about 11 years, with intent to sell her and clandestinely taken her away from Honore to Bombay and has been sentenced to 2 years imprisonment with labor suitable to her sex under Clause Seventh Section II Regulation XV of 1803.-

2. It is impossible for the Court from the statement given in the Calendar, to judge of the propriety

of

of this Sentence. the motive in taking the girl is not evident. nor is it clear on what grounds the conviction of the prisoner rested. —

3 The Court accordingly resolve to call on the Sessions Judge to state the grounds of his decision more in detail. —

Ordered that Extracts from these Proceedings be forwarded to the Sessions Judge of Honore by precept, returnable in 3 days from and after its receipt. —

(Sent following Precept No 332

Read Calendars dated the 26th Ultimo submitted by the Acting Sessions Judge of Pitchinsoky in Cases Nos 2 and 4 of 1845 —

(Here enter Nos 65 and 68 of 845)

1 The prisoners in this Cases are charged with having been concerned in a Gang robbery attended with aggravating circumstances and have been acquitted

acquitted by the Law Officer and the Sessions Judge in consequence of certain contradictions in the evidence. —

2 They have however both been bound over to furnish security for their future good behaviour and appearance

3 The contradictions on account of which the prisoners have been acquitted appear to the Court of no importance whatever while the facts which are deposed to must in their opinion have had some origin either they are wholly false (which is not alleged) and the result of conspiracy or the charge would appear to be proved. —

4 Under this view of the cases the Court resolve to call on the Acting Sessions Judge to submit a more detailed statement of the circumstances of them. The meagre and loose abstracts forwarded by the Acting Sessions Judge are not satisfactory and do not at all answer the end proposed by the requisition of the Calendars

which

6th March 1845 which are submitted to enable the Court to judge of the propriety of the decision of the lower Courts.—

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Tinnevelly for his information by precept returnable in V days from and after its receipt.—

(Sent following Precepte No. 353)

Read letter dated the 22d ultimo from the Agent to the Governor of Fort St. George at Vizagapatam, submitting a report on the trial of two prisoners in a case of robbery by open violence.—

(Here enter No. 672)

In this case the prisoners were charged with having on the night of the 10th December last attacked and beaten the Prosecutor and robbed him of property of the value of one Rupee and twelve annas.—

The

6th March 1845 2

Government Agent is of opinion that the prisoners are fully convicted of the offence charged against them and therefore liable under the provisions of Clause third Section I Regulation XV of 1803 to a sentence of 14 years imprisonment but he recommends the sentence be mitigated under Clause Second Section III Regulation I of 1827 to 8 years imprisonment with hard labor in irons.—

3 On a consideration of the circumstances of the case the Court of Foujdaree Adalut resolve to sanction the reduction of the punishment to 8 (eight) years imprisonment with hard labor in irons proposed to be passed on the prisoners.—

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George in Vizagapatam for his information.—

(Sentence No. 334.)

No

1st March 1845.-

No reply having been received from the Sessions Judge of Nellore to the Proceedings of this Court dated the 23rd December last, directing him to review the Proceedings in Criminal Cases Nos. 108 and 109 on the Supplemental Report, and No. 119 on Report No. V for the month of November 1844 and pass such orders thereon as he may deem proper, reporting the result for the information of this Court;-

Ordered that the Session Judge of Nellore be required to reply to the above Proceedings within V days.—

(Sent in No. 335.)

Ed. W.

H.

Friday 7th March 1845.- At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre. — 1st Puisne Judge

Malcolm Lewin Esqre. — 3d Puisne Judge

Read the Criminal Reports for the Months of December last submitted by the Principal Sudr Ameen of Tinnevelly under date the 1st instant.-

(Mere enter F.H. No. 137 of 1845)

Report No. V Case No. 149.

The Court of Foujdaree Adalut remark that it is most difficult to follow the Principal Sudr Ameen through his detail of the evidence in this case.-

2. The Principal Sudr Ameen has been repeatedly enjoined under date the 2nd and 24th October last, to draw out his Criminal Reports in a Succinct form and with reference to the heading of the several columns of Statements therein contained.-

3. He is now strictly warned by the Court of Foujdaree Adalut that the continued neglect and disregard of their instructions so often repeated, will subject him to severe reprehension.-

Ordered

1st March 1845.-

No reply having been received from the Session Judge of Nellore to the Proceedings of this Court dated the 23d December last, directing him to review the Proceedings in Criminal Cases Nos. 108 and 109 on the Supplemental Report, and No. 119 on Report No V for the month of November 1844 and pass such orders thereon as he may deem proper, reporting the result for the information of this Court;-

Ordered that the Session Judge of Nellore be required to reply to the above Proceedings within 7 days.—

(Sent in No. 335.)

Ed W.

Friday 7th March 1845.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre — 1st Puisne Judge

Malcolm Lewin Esqre — 3d Puisne Judge

Read the Criminal Reports for the Months of December last submitted by the Principal Sudr Ameen of Tinnevelly under date the 1st instant.-

(More enter F.C. No. 137 of 1845)

Report No V Case No 149.

The Court of Foujdaree Adalut remark that it is most difficult to follow the Principal Sudr Ameen through his detail of the evidence in this case.—

2. The Principal Sudr Ameen has been repeatedly enjoined under date the 23d and 24th October last, to draw out his Criminal Reports in a succinct form and with reference to the heading of the several columns of Statements therein contained.-

3. He is now strictly warned by the Court of Foujdaree Adalut that the continued neglect and disregard of their instructions so often repeated, will subject him to severe reprehension.-

Ordered

7th March 1845.

Ordered that copy of these proceedings be forwarded to the Principal Sudr Ameen of Tinnevelly for his information and guidance.

(Sent in No. 339.)

Read Criminal Report for the month of January 1845 submitted under date the 1st February by the Principal Sudr Ameen of Tinnevelly

(Here enter F.H. No. 161 of 1845)

Supplemental Report, Case No. 236

1 This, a case of gang robbery with violence is stated not to have been disposed of, the prisoners having been released on the 21st November 1844 on bail under Fouzdaree Adalut Circular Order of the 20th July 1829 according to the instructions of the Sessions Judge dated 15th November 1844 in consequence of the absence of the witnesses in this case.—

2 The Court observe that the offence charged against the prisoners would appear to come within the class of Crimes declared in Section X Regulation IX of 1816 as not bailable and it is further to be noticed, that the Circular Order quoted refers to the requisition of Security which can only be demanded on the ground of strong suspicion of guilt.—

The

7th March 1845.

3. The Court of Fouzdaree Adalut resolve to direct that a copy of this case as it stands in the report with Extract of this and the foregoing paras be sent from this office to the Sessions Judge who will be pleased to explain this order of the 15th November 1844 referred to by the Principal Sudr Ameen.—

Case No. 154.—

4 In this case 4 persons charged with having uttered forged documents before the District Moonsiff of Nelliambalam have been forwarded direct by that officer to the Principal Sudr Ameen who considering that there was no direct evidence to shew that any particular prisoner destroyed the attached and forged the new ones acquitted the prisoners, but on the ground of strong suspicion bound them over in two Sureties of 50 Rupees each for the period of one year.—

C.O. dated 12th February para. 13.

5. The Court of Fouzdaree Adalut desire it may be pointed out to the Principal Sudr Ameen that he possessed no original jurisdiction in this case which should have been sent in the first instance to the Police or Magistrate

6. The Court consider the prisoners to have been liable to punishment but a discretion

to

7th March 1845.

to the irregular proceedings of the Principal Sudr Ameen they direct that his order be annulled and the prisoners unconditionally released.—

Report No. V. Case No. 4.

7 In this case a female is convicted on the ground of an original complaint preferred by her and the deposition given by her before the Police being contradictory, of having preferred a false accusation and has been sentenced to 3 months imprisonment under Section II Regulation IX of 1832.—

8 The Court desire it may be explained on what ground the Principal Sudr Ameen considers the prisoner guilty of preferring a false and malicious charge as the abstract of the evidence does not supply this information. The Principal Sudr Ameen will also be pleased to state whether the person of the prisoner was examined and the charge of branding thereby proved to be false.—

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

(Sent following precept No. 340.)

Ordered also that Extract from these proceedings (paras 1 to 3) be sent to the Sessions Judge

7th March 1845.

Judge of Tinnevelly for his information by precept returnable in XV days from and after its receipt.—

(Sent following precept No. 341.)

Read again Calendar in Case No. 9 of 1845 on the file of the Sessions Court of Cuddalore

(Here enter F.H. No. 477 of 1845)

Read also return dated 20th February 1845 from the Acting Sessions Judge of Cuddalore to the precept of the 5th ultimo calling for an explanation as to whether the Futwah declared the prisoner in Case No. 9 of 1845 guilty of wounding as it is this circumstance alone which brings the offence of the prisoner under the regulation quoted in the Calendar.—

(Here enter F.H. No. 634 of 1845)

Since it appears that wounding was not proved in this case the provision quoted in support of the sentence does not apply. A second futwa should have been demanded under Clause fourth Section II Regulation XV

of

of 1803 and the Sentence have been passed with reference to the provisions of Section XII Regulation VII of 1802.—

2 The present Sentence being illegal the Acting Sessions Judge will be pleased to revise it.—

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Cuddalore for his information by precept returnable in 3 days from and after its receipt.—

(Sent following precept No. 342)

Read return dated the 1st Ultimo from the late Acting Subordinate Judge in charge of the Subordinate Court of Cuddapah, to the precept of the Sessions Judge under date the 27th January 1845, requiring further explanation of the nature of works in which 40 Convicts were employed in repairing Condiapilly Tank, and 20 in repairing Vadoolla Tahsildarie.—

(Here enter F.R. No. 381 of 1845.)

Read report dated the 31st January 1845 submitted by the Sessions Judge of Trangabar of Cases pending trial before the Sessions Court for the month of January 1845.—

Here enter F.R. No. 407 of 1845

Read

Read report dated the 11th Ultimo submitted by the Sessions Judge of Chingleput, of a Prisoner punished under Clause 2nd Section V Regulation VII of 1822.—

(Here enter F.R. No. 509 of 1845)

Read letter dated the 11th Ultimo from the Acting Sessions Judge of Coimbatore forwarding a Statement of Batta paid to the Prosecutors and Witnesses attending before the Sessions Courts during the 2d half of 1844.—

(Here enter F.R. No. 512 of 1845.)

Read letter dated the 8th January 1845 from the Magistrate of Coimbatore, stating that the powers vested in the Magistrates by Section LIV Act VII of 1843 were not exercised by him or by his Assistants in January 1845.—

(Here enter F.R. No. 520 of 1845)

Read report dated the 12th Ultimo from the Sessions Judge of Cuddalore of the labor of Convicts for the month of January 1845.—

(Here enter F.R. No. 535 of 1845)

Read Estimate dated the 12th Ultimo from the Sessions Judge of Cuddalore

of

7th March 1845.

of the produce of the Prisoners labor for the months of January 1845.-

Here enter F.H. No. 536 of 1845

Read report dated the 12th Ultimo submitted by the Acting Sessions Judge of Trichinopoly, of casualties and of prisoners released in the Zillah Jail during the months of January 1845.-

(Here enter F.H. No. 542 of 1845)

Read report dated the 12th Ultimo submitted by the Acting Sessions Judge of Trichinopoly, of the labor of prisoners, and estimate of value of all articles produced by their labor during the months of January 1845.-

(Here enter F.H. No. 543 of 1845) in

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h

Saturday
8th March 1845

F.H.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre — 1st
Malcolm Lewin Esqre — 2d
} Puisne Judges.

Read the following Letters from the several Officers in Charge of Jails, reporting on the weight and description of the fetters used by the Convicts under their Control.

(Here enter F.H. Nos. 550-591-593-600-609-617-622-623-627-639-644-645-659-660-661-670-673-702-744-771-805-818-1175 and 2569- of 1844.-)

The Court of Foujdaree Adalut being desirous of introducing uniformity, both with regard to the weight and description of fetters used in the Jails in this Presidency, resolve to adopt the rule suggested by the Bengal Committee of Convict Labor in their report on Prison Discipline, and to

8th March 1845

to direct that Letters be henceforward invariably used of the description hereunder given.

1 For small infirm, or quiet prisoners, the Chain or linked fetters, connected with leg rings similar to the specimen which on the 8th August 1838 Mr Strange, then Joint Criminal Judge of Tellicherry, was ordered to furnish to officers in Charge of Jails.

Minimum weight 3/4 Seer, the Seer being assumed to be equivalent to 24 Rupees weight.

Medium weight 1 Seer

Maximum Do 1 1/4 Do

2 For large, strong, and violent prisoners, the Chain or linked fetters with the leg rings above described.

Minimum weight 1 1/4 Seer

Medium Do 1 3/4 Do

Maximum Do 2 1/2 Do

3 For refractory, insubordinate and violent Prisoners

The

8th March 1845

The bar fetter with the leg rings above described } 2 1/2 Seers.

Ordered, that Extract from these Proceedings be forwarded to the several Officers in Charge of Jails for their information and guidance.

/Sent in No 343./

Read letter, dated the 28th February 1845 from the Sessions Judge of Calicut, submitting for the final Sentence of the Foujdaree Adalut the record of the trial in case No 3 — on the Calendar for 1845.

Here Enter No 737 of 1845.

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

Pillatarre Kellon

is sufficient to convict him of the crime of aiding and abetting in a Murder and assault, do convict him thereof, and under the provisions of Section X Regulation VII

of

8th March 1845

of 1802, and Clause third, Section 3d, 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 3 years.

/Sent following letter No 34th/

Monday.
10th March, 1845.

F. C.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esqre 1st
Malcolm Lewin Esqre 3d
} Puisne Judges

Read petition presented on the 14th January last, by Selaman Saib of Chittoor.-

(Here enter Mis: Pet. No 11 of 1845)

The above petition not bearing the signature or mark of the Petitioner the Court of Foujdaree Adalut are not prepared to bring it under consideration.-

Ordered accordingly that it be removed from the file of the Court.-

Read again Miscellaneous petition presented on the 20th January 1845. by Goorumma and Seethummah praying the Court of Foujdaree Adalut to order the release of the 5th and 6th Prisoners in a Case of Highway Robberry tried by the Agent to the Governor at Vizagapatam.-

(Here enter F. C. Gr. P. No 15)

Read return dated the 21st Ultimo from the Agent to the Governor of Fort St George in

8th March 1845

of 1802, and Clause Third, 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 3 years.

/Sent following letter No 344./

Monday
10th March, 1845.

F. C.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esqre. 1st
Malcolm Lewin Esqre. 3d } Puisne Judges.

Read petition presented on the 11th January last, by Selamun Saib of Chittoor.

(Here enter Mis: Pet. No. 11 of 1845)

The above petition not bearing the signature or mark of the Petitioner the Court of Foujdaree Adalut are not prepared to bring it under consideration.

Ordered accordingly that it be removed from the file of the Court.

Read again Miscellaneous Petition presented on the 30th January 1845. by Goorumma and Seetummah praying the Court of Foujdaree Adalut to order the release of the 5th and 6th Prisoners in a Case of Highway Robbery tried by the Agent to the Governor at Vizagapatam.

(Here enter F. C. M. P. No. 15).

Read return dated the 21st Ultimo from the Agent to the Governor of Fort St. George in

in Vizagapatam, to the present of the Foujdaree Adalut under date the 10th Ultimo, requiring him to state whether he is induced by the contents of the foregoing petition to doubt the propriety of the Sentence of 14 Years imprisonment passed upon the 5th and 6th Prisoners in the Case of Highway Robbery referred to them.—

(Here enter F. Dr. No. 166).

1. The Agent states that the Robbery Case referred to was most carefully investigated in the first instance by Captain Wilson Junior Assistant and afterwards by himself, and that on attentive consideration of the abovementioned petition has not raised in his mind any doubt regarding the propriety of the Sentence passed upon the 5th and 6th Prisoners in the said Case.—

2. The Court of Foujdaree Adalut see no reason whatever for interfering further in the matter and they direct that the petition be dismissed.

Ordered accordingly and that Copy of these Proceedings be furnished to Petitioner on their application.—

Read petition presented on the 10th Ultimo by Parunnual of the Zillah of Chingleput.—

(Here enter F. Dr. No. 35 of 1845).

The petitioner represents herself to be mother of the 3d prisoner in Case No. 17 of 1844 before the Session Court at Chingleput, who was convicted of murder and sentenced to transportation. She declares her son to be innocent and asserts that he was not concerned in the perpetration of the crime charged against him. She accordingly requests the Court of Foujdaree Adalut will, on a perusal of the entire record of the case, be pleased to direct that her son be released.—

The Court of Foujdaree Adalut observe that the Case above alluded to, was referred to them under Clause 1st Section VI Regulation XV of 1803, and that it has been disposed of on a deliberate consideration of the whole of the proceedings connected with the Case.—

The Court see no ground in the foregoing address to disturb the sentence passed on the prisoner, and direct accordingly that the Petition be dismissed.—

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

Read

10th March 1845.

Read petition presented on the 10th Ultimo, by Lutchmee of zillah Shingleput, praying for the issue of orders directing the release of her husband, Shenna Aiken, 4th prisoner in Case No. 17 on the Calendar of the Session Court at Shingleput for 1844, who, having been convicted of murder, has been sentenced to transportation for life.

(Here enter F. R. P. No. 36 of 1845)

The Court of Foujdaree Udalut observe that the case in question having been referred to them under clause 1st Section VI Regulation XV. of 1803, has been by them disposed of, upon a mature consideration of all the circumstances of the case, and that nothing is stated in the foregoing address to induce the Foujdaree Udalut to disturb the sentence passed upon the prisoner.

Ordered accordingly that the Petition be dismissed, and that Extract from these proceedings be granted to the Petitioner on her application.

Mahomed Abdoollah moves the Court to return the enclosures in his Miscellaneous Petition No. 96 of 1844.

Ordered accordingly.

Read.

F. R.
10th March 1845.

Read Communication dated 1st November 1844 from the Session Judge of Nellore.

(Here enter No. 2962 of 1844).

1. The Court of Foujdaree Udalut approve the suggestion made in the above address that an additional column should be added to the "No. 4 — Statement of Crimes and Misdemeanors" in order to the exhibition of the work actually performed during the period for which the Statement may be prepared.

2. Until the stock of forms recently printed shall have been used, the Court resolve that the additional column in question shall be numbered No. 1 A and that it be inserted in manuscript between Column 1 and 2. of the present printed form; also that it be designated the column of "cases not disposed of by the Session Court at the close of the last Statement."

3. The usual heading of the column bearing No. 10 in the printed Forms at present in use, is it is observed, altered to meet the change of system, into column showing the number of "trials still pending", in lieu of "trials postponed". Mr. Walker's modification of the Form in this respect does not accord with the practice in force.

The

4 The Court do not object to a heading being opened in the statement under remark, with a view to the inclusion of the cases of concealment of the birth of a child so that it could not be known whether it was born dead or alive. The Court have often ruled that the crime proved is the crime to be entered in statements coming before them.

5 The above remark applies to the doubts raised in para: 4 of Mr. Walker's Communication in respect of certain cases. The Court would however further observe that they should be entered according to the sentences declared and the truth.

Ordered that Extract from these Proceedings paras: 1 and 2 be sent to the Sessions Judges for their information.

(Sent following Circular No. 345.)

Ordered also that Extract from these Proceedings be sent to the Sessions Judge of Nellore for his information.

(Sent in No. 346.)

Read letter dated 20th January 1845 from the Sessions Judge of Tinnevelly, reporting the result of the review made by him of the proceedings of the Principal Sudr Ameen in Cases Nos. 108 and 132 of

of the file of 1844.

(Here enter F: C: No. 265 of 1845)

Read Sessions report dated 1st Ultimo submitted by the Sessions Judge of Nellore for the Month of January 1845.

(Here enter F: C: No. 375 of 1845).

Read letter dated 31st January 1845 from the Magistrate of Coimbatore submitting the explanation called for in the Extract from the Proceedings of the Court of Foujdaree Adalut dated 21st November 1844, regarding the delay of 6 days in Case No. 104 on the file of the Criminal Court.

(Here enter F: C: No. 442 of 1845).

Read report dated 1st Ultimo submitted by the Agent to the Governor of Fort St. George in Vizagapatam of cases pending on the 31st December 1844 and committed for trial during the month of January 1845.

(Here enter F: C: No. 443 of 1845).

Read report dated 1st Ultimo submitted by the Acting Sessions Judge of Coimbatore of Convict Labor in the Jail for January 1845.

(Here enter F: C: No. 483 of 1845).

Read letter dated 10th Ultimo submitted

10th March 1845.

Submitted by the Magistrate of Chingleput stating that the delay occasioned by the unnecessary reference of the Head of Police of the Conjeveram Taluk in Criminal Case No. 66 of 1844 was noticed at the time and was warned against the repetition thereof.

(Here enter F. C. No. 486 of 1845.)

Read letter dated 10th Ultimo from the Sessions Judge of Combaconum submitting Subordinate Court's return certifying that the Sentence of death was executed on the Prisoner Vydelingum in Case No. 73 of 1844 and the Copy of his letter on the subject.

(Here enter F. C. No. 488 of 1845.)

Tuesday
11th March 1845.

F. C.

At a Court of the Foujdaree Adalut

Present

Henry Dickenson Esqre 1st
Malcolm Lewin Esqre 2d
} Puisne Judges.

Read Criminal Reports for the Month of January 1845, submitted under date the 26th February 1845, by the Agent to the Governor of Fort St. George at Vizagapatam.

(Here Enter F. C. No. 666.)

Case No. 1 The Prisoner in this case was charged with having entered the premises of Capt. Griffiths at night with intent to steal

2 The Prisoner being an old offender has been sentenced to six months imprisonment with hard labor in irons under Section VII Regulation X of 1816.

3 It does not appear to the Foujdaree Adalut, from the Abstract of the evidence given in the case that the intent to steal has been established.

The

4 The Sentence therefore is illegal and must be amended either by the immediate and unconditional release of the Prisoner or by a requisition of Security as the circumstances of the case may appear to the Agent to render necessary.—

Ordered that Extract from these Proceedings be sent to the Agent to the Governor — of Fort St George at Vizagapatam for his information, by Precept returnable in 5 days from and after its receipt.

(Sent following Precept No 341.)

Read Criminal Reports for the month of February 1845 submitted under date the 11th Ultimo by the Acting Subordinate Judge of Chittoor.—

(Vide Order Book No 495.)

Case No 3. 1 The Court of Foujdaree Adalut observe that the reason assigned by the Police Jemadar of release for the detention in his custody of the 1st Prisoner in this case from the 12th December to the 1st January has been repeatedly denounced by the Foujdaree Adalut to be inadmissible.

Similar

2 Similar reasons have it appears been advanced in cases Nos 7. 8. and 15.

3 The Court of Foujdaree Adalut expect that the Magistrate will take due notice of the neglect of his native Police Officers to these oft repeated and peremptory orders of the Foujdaree Adalut, reporting the result to this office

Case No 4. 4 The date of the apprehension of the prisoners in this case appearing from the report to be the same — the Magistrate will be pleased to ascertain and report why they were not both forwarded on the same date to the Subordinate Court.—

Case No 9 5 The Court seeing reason to doubt the propriety of the manner in which this case has been disposed of, resolve to direct the Sessions Judge to call for the proceedings held in it, and pass on them such orders as may appear to him proper reporting the result for the information of the Foujdaree Adalut.

Ordered that Extract of the proceedings

12th March 1845

proceedings be sent to the Acting Sessions Judge of Chittoor for his information.

/Sent in No 353/.

Ordered also that Extract of these Proceedings para 5 be sent 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 353/.

Read Calendar in case No 2 in the Nellore Calendar for 1845.-

/Here Enter Pte No 679/

1. The Court of Foujdaree Udalut approve of the Course of proceeding adopted by the Sessions Judge in not putting the prisoner on his trial but adverting to the strong grounds of suspicion against them of having been concerned in the commission of the offence charged against them, the Court deem it proper to direct that proper measures be adopted by the Magistrate for keeping them under the surveillance of the Police.

2. The Magistrate particularly be required to use his utmost endeavours to discover further evidence for bringing the perpetrators of the crime charged in this case to justice.

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

/Sent in No 354/-

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F. Up.

Wednesday
12th March 1845

At a Court of the Foujdaree Udalut.

—Present—

Henry Dickinson Esqre 1st
Malcolm Lewin Esqre 3rd } Puisne Judges

Read letter dated the 19th Ultimo from the Agent to the Governor of Fort Saint George in the Vizagapatam District submitting a summary of the evidence against a prisoner charged with wounding, and communicating his opinion as to the punishment to be passed.

(Here enter F. Up. No 650)

The Court of Foujdaree Udalut having maturely considered the summary of the evidence taken before the Agent, his statement of the grounds for a conviction, and his opinion as to the punishment which should be awarded to the accused, resolve to confirm the proposed sentence of 5 years imprisonment with hard labor on the prisoner

"Dasapatrony Chinnapautroodoo"

Ordered, that Extract from these proceedings be forwarded to the Agent to the Governor of Fort Saint George in the Vizagapatam

Vizagapatam District for his information and guidance.

(Sent in No. 306)

Read return dated the 19th Ultimo from the Session Judge of Salem, in the precept of the Foujdaree Udalut under date the 10th idem calling for the report required by Section XXXVII Regulation VII of 1802 and explanation of the cause of delay in submitting the said report.

(Here enter F. Ure No. 651)

Read letter dated the 21st Ultimo from the Session Judge of Masulipatam, reporting that no Funds were provided by the Labor of Convicts in the 4th Quarter of 1844.

(Here enter F. Ue. No. 653)

Read letter dated the 17th Ultimo from the Session Judge of Canara, reporting that Ramaya the Prisoner in Case No. 23 of 1844 on the Calendar was hanged by the neck until he was dead at the usual place of execution, pursuant to the sentence of the Foujdaree Udalut dated 3rd February 1845

(Here enter F. Ue. No. 655)

Read letter dated the 22nd Ultimo from the Magistrate of Tanjore, reporting that no persons

persons were punished under Section LIV Act VII of 1843 during the month of January 1845.

(Here enter F. Ue. No. 660)

Read letter dated the 24th Ultimo from the Magistrate of Nellore, stating that no cases cognizable under Section LIV, Act VII of 1843 were disposed of during the month of January last.

(Here enter F. Ue. No. 667)

Read return dated the 24th Ultimo, from the Session Judge of Rajahmundry, to the precept of the Foujdaree Udalut under date the 14th idem, directing the reapprehension of the Prisoner in Case No. 7 of 1844, to be placed in the Hospital attached to the Jail, and reducing the term of his imprisonment to 7 years.

(Here enter F. Ue. No. 673)

Read letter dated 22nd ultimo from the Joint Magistrate in charge of Salem, referring to para: 5 of an Extract from the Proceedings of the Foujdaree Udalut dated 14th August 1844, and submitting the explanation therein called for.

(Here enter F. Ue. No. 675)

Read return dated the 19th Ultimo

from

Vizagapatam District for his information and guidance.

(Sent in No. 306)

Read return dated the 19th Ultimo from the Session Judge of Salem, in the precept of the Foujdaree Udalut under date the 10th idem calling for the report required by Section XXXVII Regulation VII of 1802 and explanation of the cause of delay in submitting the said report.

(Here enter F. Ue. No. 651)

Read letter dated the 21st Ultimo from the Session Judge of Masulipatam, reporting that no Funds were produced by the labor of Convicts in the 4th Quarter of 1844.

(Here enter F. Ue. No. 653)

Read letter dated the 17th Ultimo from the Session Judge of Honore, reporting that Ramaya the Prisoner in Case No. 23 of 1844 on the Calendar was hanged by the neck until he was dead at the usual place of execution, pursuant to the sentence of the Foujdaree Udalut dated 3rd February 1845

(Here enter F. Ue. No. 655)

Read letter dated the 29nd Ultimo from the Magistrate of Tanjore, reporting that no

persons

persons were punished under Section LIV Act VII of 1843 during the month of January 1845.

(Here enter F. Ue. No. 660)

Read letter dated the 24th Ultimo from the Magistrate of Nellore, stating that no cases cognizable under Section LIV, Act VII of 1843 were disposed of during the month of January last.

(Here enter F. Ue. No. 667)

Read return dated the 24th Ultimo, from the Session Judge of Rajahmundry to the precept of the Foujdaree Udalut under date the 14th idem, directing the reapprehension of the Prisoner in Case No. 7 of 1844, to be placed in the Hospital attached to the Jail, and reducing the term of his imprisonment to 7 years.

(Here enter F. Ue. No. 673)

Read letter dated 22nd ultimo from the Joint Magistrate in charge of Salem, referring to para: 5 of an Extract from the Proceedings of the Foujdaree Udalut dated 14th August 1844, and submitting the explanation therein called for.

(Here enter F. Ue. No. 675)

Read return dated the 19th Ultimo from

12th March 1845 from the Session Judge of Rajahmundry, to the precept of the Foujdaree Udalut under date the 10th idem, calling for the transmission of the annual Report for 1844.

(Here enter F.U. No 681)

Read return dated the 27th Ultimo from the Session Judge of Combaconum, to the precept of the Foujdaree Udalut under date the 10th idem, directing him to submit the report of the Session Judge required under Section XXXVII Regulation VII of 1802, and the 10th para of the proceedings of the 21st August 1813.

(Here enter F.U. No 683)

Read return dated the 25th February last from the Acting Session Judge of Bellary, to the precept of the Foujdaree Udalut under date the 10th idem, calling upon him to submit the reports of the last year and to explain the causes which have prevented him from earlier conforming to the provisions of Section XXXVII Regulation VII of 1802.

(Here enter F.U. No 685)

Read return dated the 25th Ultimo from the Subordinate Judge of Rajahmundry, to the precept of the Foujdaree Udalut under date the 15th idem, requiring explanation regarding the delay by the Police Officers in Cases Nos 1, 2 and 5 in the Criminal Reports for January last.

(Here enter F.U. No 687)

F.U.

Thursday, 13th March, 1845.

At a Court of the Foujdaree Udalut

Present,

Henry Dickinson Esqre — 1st
G. J. Waters Esqre — 2nd
Malcolm Lewin Esqre — 3rd
} Puisne Judges

Read letter dated 20th February 1845 from the Session Judge of Chittoor forwarding copies of two Medical Certificates received from the Zillah Surgeon regarding the state of health and behavior of Veerabadran, the Prisoner in Case No 4 of the Chittoor Calendar for the 1st Sessions of 1843 and recommending that he should be unconditionally released.—

(Here Enter F.U. No 635)

1. On a full consideration of all the circumstances of the case of the above mentioned Prisoner and of the possible consequences of his unconditional release from confinement the Court of Foujdaree Udalut do not consider that with a due regard to the public safety they would be

be justified in acceding to the proposition of the Sessions Judge unless some of his friends are able and willing to take charge of him.—

2. The Sessions Judge will continue to report from time to time in regard both to this prisoner's mental state and the probability of his friends undertaking the responsibility of receiving charge of him.—

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

(Sent in No. 359.)

Read Calendar dated 26th February 1845 from the Sessions Judge of Calicut of Case No. 4 on the Calicut Calendar for 1845.—

(Here enter Ill. No. 709)

1. The prisoner in this case who is described to be an habitual thief has been convicted of breaking into a house and wounding and bruising the prosecutor on seizing him and has been sentenced under

under Section XXI Regulation VII of 1802 to seven years imprisonment.—

2. Adverting to the circumstances of the case and the character of the prisoner the Court of Foujdaree Adalut consider it a matter of regret that the Sessions Judge did not exercise the discretion vested in him and award stripes in addition to the imprisonment adjudged the prisoner.—

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

(Sent in No. 360.)

Read letter dated the 10th Ultimo from the Acting Magistrate of Canara intimating that no cases were disposed of by the Magistracy under Section LIV Act VII of 1843 during the month of January 1845.—

(Here enter No. 585)

Read Calendar dated the 8th Ultimo submitted by the Acting Sessions Judge of Chittoor in Case No. 5 of 1845.—

(Here enter No. 586)

Read

13th March 1845

Read Calendar dated the 15th Ultimo submitted by the Acting Sessions Judge of Bellary in Case No. 1 of 1845.

(Here enter No. 59)

Read return dated the 11th Ultimo from the Sessions Judge of Tinnevelly to the Precept of the Foujdaree Udalut dated the 10th Ultimo requiring the submission of the Report required by Section XXXVII Regulation VII of 1802.

(Here enter No. 596)

Read Calendar dated the 15th Ultimo submitted by the Sessions Judge of Cuddalore in Case No. 12 of 1845.

(Here enter No. 613)

Read Calendar dated the 15th Ultimo submitted by the Sessions Judge of Vizore in Case No. 2 of 1845.

(Here enter No. 615)

Read Calendar dated the 29th January last submitted by the Sessions Judge of Salem in Case No. 8 of 1845.

(Here enter No. 632)

Friday
14th March 1845.

F. C.

At a Court of the Foujdaree Udalut

Present

H. Dickinson Esqre 1st Puisne Judge
G. J. Waters Esqre 2nd Puisne Judge
M. Lewin Esqre 3rd Puisne Judge

Read letter dated the 28th February from the Acting Sessions Judge of Coimbatore submitting for the consideration and final sentence by the Court of Foujdaree Udalut the proceedings in Case No. of 1845, on the Calendar of the Session Court at Coimbatore.

(Here enter F. C. No. 728 of 1845)

M. Dickinson
and
M. Lewin.

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

Chenna Counden

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of assault and highway robbery, do acquit him thereof, but considering that strong suspicion, tho' not amounting to conviction, attaches to him, they direct that he be required under Clause Seventh, Section II Regulation XV of 1803, to find Surety in an amount to be determined at the discretion of the Sessions Judge for his

good

good behaviour and appearance when required, within a period which that Officer will define, or in default thereof that he be detained for a similar period in confinement.—

1. The Court of Sessions are doubtful are unable to concur with the Acting Sessions Judge in considering that the evidence in this case, is sufficient to establish the charge preferred against the prisoner.—

2. The Court are unable to attach any credit to the story of the darning of the cloth. When the Prosecutor was asked by the Head of Police how he identified the cloths, he said nothing about the darning. His son 1st Witness when examined on the 2d January said that his father identified the cloth Nos 1 and 2 as having been darned.—

3. The 2d, 3d and 4th witnesses confirmed this statement, and had their evidence been taken on the same date as that of the 1st Witness, it would establish the prisoner's guilt. They were however examined three days after the 1st witness, or on the 5th January so no credit can be placed on their statements.—

4. The Court consider the evidence of the prisoner's guilt insufficient for a conviction, but have ordered that Security be taken.—

Ordered, that Extract of these proceedings be sent to the Acting Sessions Judge of Coimbatore for

for his information.—

(Sent following letter No 365.)

Read Criminal Reports for the Month of February 1845, submitted under date the 1st March, by the Subordinate Judge of Rajahmundry.

(Here enter F. L. No 777)

Report No V
Case No 10

In regard to the explanation of delay given in this case, the Court observe that the reference by the Head of Police was improper. If this officer is not competent to appreciate the value of evidence, he should not be entrusted with the duties of a Head of Police. The Magistrate's attention will be drawn again to the views of the Court on this subject in their Circular Order No 22, and he will be instructed to prevent similar unnecessary references in future.—

Ordered, that Extract from these Proceedings be sent to the Subordinate Judge of Rajahmundry for his information.—

(Sent in No 366.)

Read Criminal Reports for the Months of January last, submitted under date the 15th February, by the Subordinate Judge of Calicut.—

(Here enter F. L. No 628)

Cases Nos 6, 7, 8

1. The 1st prisoner in case No 6 is also charged in No 7 with stealing cattle, and in case No 8 he is charged with having forged a Khadarry, in order

to

to avoid the payment of toll.

2. He has been convicted in all instances and has been sentenced by the Pundit Sudr Ameen under clause fourth Section III Regulation VI of 1822, to fourteen Months imprisonment for the theft of cattle charged in the two first numbers, and for the offence in case No. 8 to six Months imprisonment with hard labor, under Section VII Regulation X of 1816.

3. This sentence is irregular, and opposed to Circular Order 28th October 1823, one sentence should have been passed for all the offences. If the minor jurisdiction could not have awarded sufficient punishment, the offence should have been punished by the superior. The sentence must be amended.

4. The Court desire that the point of reference to the Magistrate in this case may be stated. The Magistrate will call the attention of the Head of Police to Circular Order No. 62 of the 26th February 1836.

5. The Court of Foujdaree Adalut direct that a copy of this case as it stands in the Report, and of this parah be sent by the Subordinate Judge to the Magistrate, who will be pleased to explain the grounds on which the prisoner was sent to the Subordinate Court.

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Calicut for his information by precept returnable in V days from and after its receipt.

(Sent following precept No. 367.)

R.

F. A.

Saturday 15th March 1845.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre 1st
George S. Waters Esqre 2nd
Malcolm Lewin Esqre 3rd

} Puisne Judges

Read Criminal Reports for the month of January last submitted by the Acting Agent to the Governor of Fort St George in Ganjam.

(Here enter F. A. No. 779)

Case No. 1.

From the wording of the Charge against the prisoner it would seem that the case ought to fall under the provisions of clause fourth Section III of the Regulation quoted. Unless therefore housebreaking was proved the Sentence is incorrect and must be amended. The Agent is called on to explain whether housebreaking was proved or not.

Ordered, that Extract from these Proceedings be sent to the Acting Agent to the Governor of Fort Saint George

15th March 1845 George at Gangaum by precept returnable in 5 days.

(Next following precept &c)

Read return dated the 25th Ultimo from the Sessions Judge of Mangalore, to the precept of the Sonjdarce Adalut under date the 17th idem, on review of the return of Prisoners in the Jail of Mangalore for the year of 1844.

(Here enter F. No. 708)

Read return dated the 28th Ultimo from the Subordinate Judge of Coom. bacconum, to the precept of the Sonjdarce Adalut under date the 25th idem, directing him to supply the omission of Regulation under which Sentence was passed on the 5th prisoner in Criminal Case No 5 of 1845 Report No 5.

(Here enter F. No 709)

Read letter dated the 28th Ultimo from the Sessions Judge of Combaconum, stating that the instructions contained in the proceedings of the Sonjdarce Adalut of the 13th idem, in Case No 2 of 1845 have been conformed to, and explaining with respect to Paras: 3 and 4 that the false swearing

15th March 1845 Swearing is the deliberate act of the Prisoner but was not a mere ebullition of passion as are clear from her declaration.

(Here enter F. No 709)

Read letter dated the 1st Instant from the Sessions Judge of Chingleput, reporting that no cases to be reported on as required by the Circular letters dated the 15th October 1844 and 21st January 1845, were pending during last month before the Sessions Court.

(Here enter F. No 710)

Read return of Cases pending before the Sessions Court of Cuddapah dated 1st Instant, submitted by the Sessions Judge of Cuddapah.

(Here enter F. No 711)

Read return dated the 27th Ultimo from the Sessions Judge of Masulipatam, to the precept of the Sonjdarce Adalut under date the 10th idem, calling for the general Circuit Report of 1844 with explanation of the delay in its transmission

(Here enter F. No 712)

Read

15th March 1845.

Read Statement dated 26th Ultimo submitted by the Sessions Judge of Honore, of batta paide to Prosecutors and Witnesses attending before the Sessions Court the Zillah of Honore for the half year ending on the 31st December 1844.

(Here enter F. C. No. 719)

Read report dated the 1st Instant submitted by the Subordinate Judge in charge at Bellary of Cases pending on the 31st January 1845 and committed for trial during the months of February 1845 before the Acting Sessions Judge of Bellary

(Here enter F. C. No. 720)

Read report dated the 31st Instant submitted by the Sessions Judge of Masulipatam, of Cases pending on the 31st January and Committed for trial during the months of February 1845

(Here enter F. C. No. 721)

Read report dated the 3rd Instant submitted by the ~~Acting~~ Sessions Judge of Cuddalore, of a case pending trial before the Session's Court for a period exceeding 25 days calculated from the date of Commitment.

(Here enter F. C. No. 743.)

F. C.

Monday
17th March 1845.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esqre 1st
G. J. Waters Esqre 2nd
Malcolm Lewin Esqre 3rd

} Puisne Judges

Read again Miscellaneous Petition presented on the 14th January last, by Tolasee Ammaul of the Zillah of Chittoor, and mother of Venkatasawmy 1st Prisoner in Case No. 50 on the Chittoor Calendar for 1844, complaining of the sentence of 14 years imprisonment passed on her son the 1st Prisoner in the above case, and praying the Court to order his release.-

(Here enter F. C. M. P. No. 9 of 1845).

Read again also return dated the 11th Ultimo from the Acting Session Judge of Chittoor, to the precept of the Foujdaree Adalut of the 3rd February calling for translations of the depositions of the 4th and 5th witnesses for the prosecution in Case No. 50 on the Chittoor Calendar of 1844.

(Here enter F. C. No. 490 of 1845)

Read also return dated the 3rd Instant from

from the Sessions Judge of Chittoor, to the precept of the Foujdaree Adalut of the 17th Ultimo directing that an English translation of the whole record of the trial in Case No. 50 on the Chittoor Calendar for 1844, may be prepared and submitted for the consideration of the Court.-

(Here enter F. A. No. 727 of 1845)

1. With this return the Sessions Judge forwards the proceedings called for and after deliberate consideration of all the circumstances of the case in evidence before them, the Court of Foujdaree Adalut are of opinion that the direct evidence of the Prosecutor and witnesses in this case as to their recognition of the Prisoners is full of contradictions, and altogether worthless.-

2. There are strong grounds for believing that the 1st Prisoner was concerned in the robbery, but the evidence is not sufficient to convict him of it.

3. The Court accordingly resolve to acquit the prisoner Vencatasawmy of the crime charged against him. but in consequence of the suspicion attaching to him they direct that he be required to furnish two sureties of 50 Rupees each for his future good behaviour and appearance when required for the period

period of 3 years or in default that he be imprisoned for the same period.-

4. The 2d Prisoner confessed and property was found on him.-

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

(Sent following Precept No. 371)

Ordered also that Copy of these proceedings be furnished to the Petitioner No. 9 of 1845 with reference to his Petition.-

Read Miscellaneous Petition presented on the 10th February 1845 by Ramakistnamah of the Zillah of Masulipatam.-

(Here enter F. A. M. P. No. 37 of 1845)

1. The object of this Petition is to obtain a modification of the order passed by the Court of Foujdaree Adalut under date the 24th December last on Petition No. 169 of 1844 presented by the same party.-

2. The Court of Foujdaree Adalut are unable to comply with the prayer of this Petition and they direct that the Petitioner be referred to their

their Order of the 24th December last which he is informed is final.-

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

Read Miscellaneous Petition presented on the 17th February 1845 by Seebarayer Podiar of the Zillah of Cuddalore.-

(Here enter F: G: No. 38 of 1845)

1. The Petitioner complains that he has not yet received any orders on his Petition No. 137 of 1844 presented in October of that year and prays the Court to direct the Sessions Judge to examine into his complaint and punish his brothers murderers.-

2. The Court of Foujdary Adalut observe that a final order was passed in Petitioners Case on the 2nd December 1844. To that order the Petitioner is referred.-

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 14th February 1845 by Venkatanal the Mother of the 3rd Prisoner in Case No. 44 on the Chittoor Calendar for 1844.-

(Here enter F: G: Mi: P: No. 39 of 1845)

The Petitioner has already been twice before

before the Court and the object of her Petition has been on the former occasions duly considered and finally disposed of.-

2. She is now warned against needlessly occupying the time and attention of the Court with a matter which has been definitively settled.-

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

Read Miscellaneous Petition presented on the 24th February 1845 by Lenkara Chetty of the Zillah of Salem.-

(Here enter F: G: Mi: P: No. 43 of 1845)

1. The Petitioner repeats his complaint against the Tahsildar of Muddenpully and his prayer that the Court will punish him.-

2. He further requests that the Court will issue Special orders in his case to prevent his being subjected to treatment similar to that experienced at the hands of the Cuddapah Police, in the course of his future journeys.-

3. The Court have already disposed of this case, and have no further orders to pass upon it.-

4 The Court acknowledged in their Proceedings that the Petitioner was exposed to oppression and wrong, and they regretted to have made

made the discovery. It appeared to them that the injury was to be imputed to the erroneous orders of the Magistrate and not to any misconduct on the part of the Head of Police.-

5. The Court can issue no special orders for the protection of the Petitioner in passing through the Country. It is to be hoped that he will not again be exposed to inconvenience such as he before suffered.-

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

Read Return dated 27th Ultimo from the Sessions Judge of Mangalore to the precept of the Foujdaree Adalut under date the 21st February 1845.- directing that the sentence passed by that Court on the 2nd January in the trial in Case No 63 on the Mangalore Calendar be carried into effect.-

(Here enter F: C: No 718 of 1845)

Read Report dated 1st Instant Submitted by the Sessions Judge of Madura of Cases pending on the (31st January) and committed for trial during the Month of February 1845.-

(Here enter F: C: No 732 of 1845).

Read

Read Return dated 21st Ultimo from the Magistrate of Madura to the precept of the Foujdaree Adalut under date the 17th Ultimo directing him to explain the extraordinary delay in two cases tried by the Magistracy under Section LIV Act VII of 1843.-

(Here enter F: C: No 746 of 1845)

Read Report dated 1st Instant submitted by the Session Judge of Honore of Cases pending on the 31st January and committed for trial during the month of February 1845.-

(Here enter F: C: No 754 of 1845).

Read letter dated 5th Instant from the Acting Head Assistant Magistrate of Tuticorin stating that the power vested in Magistrate by Section LIV Act VII of 1843 was not exercised during the month of February 1845.-

(Here enter F: C: No 756 of 1845)

Read letter dated 4th Instant from the Magistrate of Bellary informing that the powers vested by Section XLIV Act VII of 1843 has not been exercised by him during the month of February 1845.-

Here enter F: C: No 757 of 1845)

Read Statement submitted by the Sessions Judge of

17th March 1845.

of Salem of Batta paid to the Prosecutors and witnesses attending before him during the 2nd half of 1844.—

(Here enter F: C: No. 759 of 1845.)

Read letter dated 1st Instant from the Sessions Judge of Honore Reporting that Venkatachella Private of the 28th Regiment N: I. Prisoner in Case No. 1 of 1845 on the Honore Calendar was hanged by the neck until he was dead at the usual place of execution on the 1st March 1845 pursuant to the sentence of the Foujdaree Adalut dated 17th Ultimo.—

Here enter F: C: No. 767 of 1845.—

Read Statement dated 1st Instant Submitted by the Acting Sessions Judge of Combatore Shewing the instances in which the powers of punishment created by Regulation X of 1832 has been exercised for February 1845.—

(Here enter F: C: No. 770 of 1845.)

F: C:

Tuesday
18th March 1845

At a Court of the Foujdaree Adalut.

Present.

Henry Dickinson Esqre — 1st Puisne Judge.
G: I: Waters Esqre — 3d Puisne Judge.
Malcolm Lewin Esqre — 3d Puisne Judge.

Read return dated the 4th Instant from the Sessions Judge of Nellore, to the precept of the Foujdaree Adalut dated the 10th Ultimo, calling on the Sessions Judge to submit his reports for the year 1844.— (Here enter F: C: No. 752 of 1845)

1. The Sessions Judge begs that the Court of Foujdaree Adalut will determine the period for the submission to the Sessions Court by Magistrates of the Calendars prescribed by Section XL Regulation IX of 1816.—

2. The attention of the Sessions Judge, Mr. I: Walker, is directed to para 11, Foujdaree Adalut proceedings dated 9th October 1843, requiring the submission of the Calendars in question "at the close of each quarter."—

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Nellore for his information and guidance.—

(Sent in No.)

Read

Read return dated 30th January 1845 from the Acting Sessions Judge of Bellary, to the precept of the Foujdaree Adalut under date the 24th idem, directing him to report the original Futwah in Criminal case No. 44 of 1844, and to ascertain whether the translation forwarded to the Foujdaree Adalut is correct, and in the event of it proving so to call on the Mahommedan Law officer to explain why he has omitted to specify Deyut as part of the legal punishment.-

(Here enter F. C. No. 350 of 1845).

Read letter dated 1st Instant from the Sessions Judge of Bellary, stating that no cases were pending before him in February 1845, for a period in excess of 25 days calculated from the date of commitment.-

(Here enter F. C. No. 698 of 1845)

Read return dated 28th Ultimo from the Sessions Judge Calicut, to the precept of the Foujdaree Adalut under date the 10th idem, calling for the Report prescribed by Section XXXVII Regulation VII of 1802, and directing him to explain, for the information of Government, the causes which have prevented its earlier transmission.-

(Here enter F. C. No. 730 of 1845)

Read letter dated 1st Instant from the

the Sessions Judge of Calicut, stating that there is no case during the past month to be entered in the Report required by the Foujdaree Courts' Circular letter of the 16th October 1844.-

(Here enter F. C. No. 740 of 1845.-

Read letter dated 1st Instant from the Sessions Judge of Tellicherry, reporting that two cases were committed for trial during the month of February, but that neither of them was before the Session Court for a period in excess of 25 days from the date of commitment, consequently that no report is submitted.-

(Here enter F. C. No. 741 of 1845)

Read report dated 1st Instant submitted by the Agent to the Governor of Fort St. George in Vizagapatam, of cases pending on the 31st January 1845. and committed for trial during the month of February 1845.-

(Here enter F. C. No. 742 of 1845)

Read letter dated 5th Instant from the Sessions Judge of Chittoor, stating that as there were no cases before the Session Court pending for a period in excess of 25 days in the last month, the required report is not transmitted.-

(Here enter F. C. No. 744 of 1845)

Read letter dated 4th Instant from the

18th March 1845.

the Magistrate of Bellary, submitting a report of the cause of the delay in sending up the case No: 5 to the Head of Police, in conformity with the instructions contained in the Extract from the Proceedings of the Court of Foujdaree Adalut under date the 27th Ultimo.

(Here enter F: C: No: 758 of 1845)

Read report dated 1st Instant submitted by the Acting Sessions Judge of Coimbatore, of the labor of Convicts for February 1845.

(Here enter F: C: No: 771 of 1845)

Read letter dated 8th Instant from the Acting Magistrate of North East reporting that during the months of February last the Magistracy of the District did not exercise the powers vested in them by Section LIV of Act VII of 1843.

(Here enter F: C: No: 772 of 1845)

F.C.

Wednesday 19th March 1845.

At a Court of the Foujdaree Adalut.

Present.

Henry Dickinson Esquire — 1st Puisne Judge.

George J. Waters Esquire — 2d Puisne Judge.

Malcolm Lewin Esquire — 3d Puisne Judge.

Read Calendar dated 6th Instant, submitted by the Sessions Judge of Cuddapah in Case No: 6 of 1845.

(Here enter No: 775)

The prisoner is discharged per is charged with having cut and wounded the Prosecutor Krishnarow Head of Police on the head, right Shoulder, and on the little finger of the left hand, with a Sword with an intent to murder him.

The Sessions Judge remarks that the prisoner was of an insolent and insubor- rate character and that the Prosecutor very narrowly escaped with his life: his hand having been cut through and a large piece on his little finger notched and much bent: whether circumstan-

circumstances probably saved his life. As it is, the Medical officer considers the wounds on his head, tho' of no great dimensions and now nearly healed, to have been at the time so serious as to endanger life, and he was also of opinion that the Prosecutor has in consequence been suffering from Concussion of the brain and that his general health is impaired.-

3. Under these Circumstances there appearing nothing in extenuation of the Prisoner's crime but the contrary the case being one of an aggravated nature, without provocation, the Sessions Judge deemed it necessary to make a severe example and accordingly concurring with the Law officer, Sentenced the Prisoner to be imprisoned and Kept to hard labor in irons for the period of 7 years under clause 7 Section II Regulation XV of 1809.-

4. The Court consider the sentence altogether incommensurate with the aggravated crime committed by the Prisoner. There can be no doubt that he intended to commit

commit murder and had the trial been referred to the Foujdaree Adalat, they would have been prepared, from what they have seen of the case, to sentence the Prisoner to transportation for life.-

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

Sent in No 377/-

Read letter, dated the 1st Instant, from the Agent to the Governor of Fort St George at Vizagapatam, transmitting the record of trial in Case No 6 of 1845. for the final Sentence of the Foujdaree Adalat.

(Here Enter Fo No 764)

The Court of Foujdaree Adalat

Mr F Dickinson
Mr G J Walters

on a deliberate Consideration of all the Circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoner

Pilly Conchadoo"

is sufficient to convict him of the crime of

Murder

19th March 1845.

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

/ Sent following letter N° 378 /

Read Calendar of Cases N° 11 of 1845 submitted by the Sessions Judge of Chittagong dated the 10th Ultimo

/ There enter Ple N° 169 of 1845 /

Read Criminal Report dated 10th Ultimo, submitted by the Sessions Judge of Jessore for the Month of January 1845

/ There enter Ple N° 502 of 1845 /

Read letter dated the 11th Ultimo from the Magistrate of Backergunge, reporting that the powers vested in the Magistracy under the provisions of Section 2 LIV Act VII of 1843 have not been exercised during the Month of January 1845.

/ There enter Ple N° 510 of 1845 /

Mr. H.M.

H.D.K.

J. C.

Monday 24th March 1845.

H.D.K.

G.J.W.

M.L.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esqr. 1st
G. J. Waters Esqr. 2d
Malcolm Lewin Esqr. 3d

} Puisne Judges.

Read letter dated 28th February 1845 from the Sessions Judge of Chittagong submitting for the final sentence of the Court of Foujdaree Adalut the proceedings in Case N° 9 of 1844.-

(Here enter N° 766.).

Mr. H. Dickinson
Mr. M. Lewin

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

"Talekacherlah Daulegandoo"

is sufficient to convict him of the crime of wounding, for which according to the Mahommedan law as declared in futwas of their law officers discretionary punishment is awardable, do convict him thereof; and with reference to the provisions of Clause third Section VII Regulation XV of 1803 adjudge him to be transported to such place or places beyond Sea

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 N° 330)

1. The Court of Foujdaree Adalut observe that the above trial has been improperly conducted by the Sessions Judge Mr. Glass. The prisoner ought not to have been put on his trial, till the result of the wounds received by Chinnee was known, which happened, 6 days after the arraignment; and the Surgeon should have been examined by the Sessions Judge on oath. the certificate received not being legal evidence. The deceased female was well, the Court find, before the wounds were inflicted, there cannot in consequence, be any reason to doubt that the wounds which were inflicted with an intent to kill her, were the cause of her death. and accordingly the prisoner should have been tried for murder.—

2. The Sessions Judge will explain the delay of 12 days in taking the Prisoners defence.

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

(Sent following precept N° 331).

Read return, dated 17th October 1844, from the Sessions Judge of Vizagapatam, to the precept of the Foujdaree Adalut of 2d. idem, requiring him to review certain cases in the Vizagapatam Criminal Reports for the months of August 1844.—

(Here enter F. C. N° 2902.)

1. The Court of Foujdaree Adalut adverting to the punishment of five imposed by the Principal Sudr. Ameen in case N° 87. wherein two prisoners were charged with having forged 3 attachés as if given by the 1st 2d. and 3d. witnesses, to the effect that one Madathi died by a blow inflicted by Poothovar whereas he died from having fallen into a pit, recorded their opinion that the prisoners should have been tried for a conspiracy, and accordingly desired the Sessions Judge to call for the proceedings and should it appear. that the prisoners were chargeable with a conspiracy the Court authorized the Sessions Judge to order them to be committed for trial.—

2. In his return the Sessions Judge reports that the records of the case shew that a prosecution for a conspiracy would have lain against

against the two prisoners.

3. As however the sentence against the prisoners the not sufficient to satisfy the ends of Justice had been fully executed he doubted whether on the principle that a man can not be punished twice for the same offence a commitment in this case would meet with the approval of the Foujdaree Adalut.

4 The Session Judges adds that he has every disposition to order the commitment of the parties for the punishment awarded by the Principal Sudr Ameen is culpably lenient and adverting to the situation and character of the 1st prisoner he remarks that if the sentence of the Principal Sudr Ameen is not partial it exhibits a great want of judgment.

5. The proceedings and conduct of the Principal Sudr Ameen being under reference to the Foujdaree Adalut it is deemed unnecessary to notice the remarks of the Session Judge on that officers judgment in this case.

6. The Court of Foujdaree Adalut are unable to concur with the Session Judge that any objection exists to the committal of the case. The punishment cannot stand as it has been passed by a tribunal having no jurisdiction over the offence committed

by

by the prisoners who appear to have conspired to adduce false evidence that a party had been murde who in reality died a natural death.

7. The Principal Sudr Ameen had no final jurisdiction in such a case he was merely a committing officer and the punishment awarded by him is not sufficient to meet the ends of justice

8. His proceedings must therefore be set aside and the commitment directed in this Courts proceedings of the 2d October last para 6, be made.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Tinnevelly for his information by precept returnable in X days from and after its receipt.

(Sent following Precept No. 382).

Read letter dated the 4th 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 Housebreaking and communicating his opinion as to the punishment to be passed.

(Here enter No. 763).

The Court of Foujdaree Adalut having maturely considered the Summary of the evidence

evidence taken before the Agent, his statement of the grounds for a conviction, and his opinion as to the punishment which should be awarded to the accused, resolve to confirm the proposed sentence of 5 Years imprisonment with hard labor in irons, on the prisoner

"Ravadah Dandigandoo"

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. 383.)

Read again Letter dated the 30th July last from the Sessions Judge of Tinnevelly Submitting Extract from the Proceedings of the Session Court held on a compliant preferred by certain parties alleging Acts of oppression, ill-treatment and abusive language by the Principal Sudr. Ameen, Deputy Jemadar and Head of Police of Tinnevelly.-

(Here enter No. 2051 of 1844.)

Read also letter dated the 23d September last from the Magistrate of Tinnevelly submitting observations on the subject of the Jemadar's alleged irregularities as called for in a letter dated 4th September; and enclosing Statements from the Nelliambalum Tahsildar and

and Jemadar.--

(Here enter No. 2682 of 1844.)

1. The Court of Foujdaree Udalut consider the explanation submitted by the Magistrate of Tinnevelly to be satisfactory and adverting to the difficulties with which it is known the Magistracy in Tinnevelly have to contend in respect of the control of the Maravers of that District, the Court will not require that the Zemadar's conduct be further noticed.--

2. They would however impress upon the Magistrate that altho' it is not possible in all cases to observe strict regularity in police proceedings in a great measure owing to the ignorance of the police and the natural difficulties which belong to police discoveries, yet that it is necessary to guard against them as much as possible, lest they degenerate into a systematic oppression involving equally the guilty and the innocent. The Court think it is impossible not to believe that there has been an excess of zeal in the present case on the part of the Jemadar of the Huzoor, but they doubt if there has been any thing beyond it.--

The

3. The impression used by the Sessions Judge Mr. Douglas at the conclusion of his remarks that "the police are arrayed against the Court," seems an unguarded one and with propriety might have been omitted.-

4 Such parts of the Sessions Judge's communication now under observation as refer to the proceedings of the Principal Sub. Assistant of Tinnevelly will receive the separate consideration of the Foujdaree Adalut.-

Ordered that Extract from these proceedings be sent to the Sessions Judge for his information and for Communication to the Magistrate of Tinnevelly.-

(Sent in No. 384.)

Read again report dated the 15th Ultimo Submitted by the Magistrate of Chingleput of cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the Months of January 1845.-

(Here enter No. 602)

Read also return dated 5th Instant from the Magistrate of Chingleput to the precept of the Foujdaree Adalut of the 28th Ultimo, requiring information relative to the description of the Military

necessaries which the Prisoner in Case No. 4 in the foregoing report is charged with purchasing from certain Europeans at Poonamalee.-

(Here enter No. 747.)

1. In this return the Magistrate explains that a proprietary right to the necessaries in question had been acquired by the Soldiers at the time they were sold to the Prisoner, they having been furnished with a new supply of similar articles.-

2. Under these circumstances on the grounds stated in their proceedings of the 4th October 1844 the Court of Foujdaree Adalut observe that the Prisoners

Verrasseen and
Lacca.-

have committed no legal offence in purchasing the articles specified in the charge against them and they direct that they be accordingly released.

3. The Court also desire that a Copy of their proceedings of the 4th October 1844 be furnished to the Magistrate of Chingleput for his information and future guidance.-

Ordered that Extract from these proceedings be sent to the Magistrate of Chingleput

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

(Sent following Receipt No. 395).

Read return dated 17th Instant from the Sessions Judge of Chittoor to the precept of the Foujdaree Adalut under date the 11th Instant directing him to call for the proceedings held in Case No. 9 of 1845, on the file of the Subordinate Court, and pass on them such orders as may appear to him proper reporting the result for the information of this Court.-

(Here enter F: A: No. 863 of 1845)

Read return dated 31st Ultimo from the Acting Agent to the Governor in Ganjam, to the precept of the Foujdaree Adalut under date the 30th January 1845 reporting that the silver Cord in Case No. 8 of 1845 of the Principal Assistant Agents Criminal file, was stolen by the Prisoner without violence from the Person of the Prosecutor son while he was sleeping in a garden.-

(Here enter F: A: No. 871 of 1845)

Read return dated 14th Instant from the Sessions Judge of Madura, to the precept of the Foujdaree Adalut under date the 10th Ultimo requiring

him to submit his reports for 1844 and to explain for the information of Government the causes which prevented him from conforming early to the provisions of Section XXXVII Regulation VIII of 1802 and to the requisition contained in para 10 of the proceedings of the Sudr Adalut of the 21st August 1843.-

(Here enter F: A: No. 874 of 1845).

Read Calendar dated 18th Instant Submitted by the Sessions Judge of Cuddapah in Case No. 10 of 1845.-

(Here enter F: A: No. 886 of 1845).

Read letter dated 15th Instant from the Magistrate of Rajahmundry, reporting that the Powers vested in the Magistracy by Act VII of 1843, have not been exercised in February 1845.

(Here enter F: A: No. 888 of 1845)

Read letter dated 17th Instant from the Acting Magistrate of Guntoor reporting that there have been no cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the month of February 1845.-

(Here enter F: A: No. 889 of 1845.)

Read letter dated 15th Instant from the

24th March 1845.

the Magistrate of Malabar reporting that no cases were disposed of by the Magistracy of this District under Act VII of 1843 during February last.-

(Here enter F: C: No 890 of 1845)

Read letter dated 18th Instant from the Magistrate of Masulipatam reporting that no cases of the discription therein alluded to have come under his cognizance during the month of February 1845.-

(Here enter F: C: No 891 of 1845)

Tuesday
25th March 1845.

F: C:

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqr 1st
G: J: Waters Esqr 2d
Malcolm Lewin Esqr 3d
} Puisne Judges.

Read again Miscellaneous Petition presented on the 14th January last by Chinna Appavoo Pillay alias Appavoo Pillay of the zillah of Combaconum complaining of the injustice of the punishment awarded to the 2d 3d 4th and 5th Prisoners in Case No 72 of 1844 on the Combaconum Calendar, and praying the Court of Foujdaree Udalut to call for and peruse the whole record of the case and render the Prisoners justice.-

(Here enter F: C: Mr: P: No 12 of 1845)

Read also return dated the 12th Instant from the Sessions Judge of Combaconum to the precept of the Foujdaree Udalut under date the 10th Ultimo calling for a translation of the whole record in Case No 72 of 1844

(Here enter No 860)

The Court of Foujdaree Udalut on perusal.

perusal of the Petition seeing reason to entertain doubt as to the correctness of the conviction of the Prisoners in the case alluded to by Petitioner and consequently of the justice of the sentence passed upon them, resolved to call for a translation of the whole record of the case, and to direct that the sentence be suspended until they shall have recorded their judgment on the trial.-

3 With this return the Sessions Judge forwards an English translation of the record of the case in question and the Court having given it the most deliberate consideration are fully impressed with the justice of the conviction of the Prisoners of the crimes laid to their charge.-

3 That the 1st. Prisoner stole the property is clearly shewn by her confession, which is corroborated by many circumstances sworn to on the trial.-

4 There is no evidence to the 3rd. Prisoner having received property to such an extent from the 1st. Prisoner as she describes. It is however clearly proved that he did receive some property, which is proved to belong to the Prosecutor's sister.-

5. He must have heard of the theft which had taken place in the house of the Prosecutor's sister and he well knew that the 1st. Prisoner could not have

have become honestly possessed of the property which she received from her. It was his duty therefore to lodge information with the Police of the 3rd. Prisoner having such property. The Court of Foujdaree Adalut do not doubt that the theft was committed at the instigation of this prisoner, and they consider him richly to deserve the sentence passed upon him.-

6. The above remarks apply, though to a less degree, to the 4th. Prisoner. He well knew that the 1st. Prisoner could not have come by the Jewels which she mortgaged to him, honestly. He must have known that they had been stolen, and no doubt he and his fatherinlaw, the 3rd. Prisoner, participated largely in the booty.-

7. That the 2nd. Prisoner was so deeply implicated in the theft as the 1st. Prisoner asserts him to have been has not been proved.-

8. It is clear however that both she and the 5th. Prisoner must have known that the property produced by the 1st. Prisoner has been stolen and therefore they were also deserving of punishment.

9. The Court see no ground therefore for disturbing the sentence passed on the Prisoners which will now be carried into effect.-

Ordered.

Ordered that the prayer of the Petition No. 12 be rejected and that Copy of these proceedings be furnished to the Petitioner on his application.

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

(Sent following Precept No. 392.)

Read Miscellaneous Petition presented on the 17th February 1845 by Swaminja Row and Tirumala Row of Madura.

(Here enter Pr. P. F. C. No. 40 of 1845)

1. The Court of Foujdaree Udalut are of opinion that the interference of the Foujdaree Udalut is not called for in the matter set forth in this Petition.

2. The Petitioners state that Lutchmanacharry was appointed Mookteyar Vakeel for the management of the Choultry and of the property connected with it, by the Father of the 1st Petitioner, the Grand Father of the 2nd Petitioner, and their Coparcener, who were joint Hukdars of the said Choultry, which office he continued to fill until the 14th June 1837, when in order to proceed on a Pilgrimage he resigned it.

3 The Petitioners urge that as joint Hukdars of

of the Choultry no persons can be appointed to act as Manager of it without their consent. As Lutchmanacharry is again managing the affairs of the Chutteram without their having consented to the nomination, but as is pretended on the sole appointment of Shashagherry Row, one of the Hukdars, they contend that the nomination is improper, and that they ought to be admitted to the joint management of the Chutteram.

4. They set forth that in the year 1842 they proceeded to Ramaswerum and commenced on the management of the affairs of the Chutteram from which however they were displaced by order of the Acting Magistrate Mr. Morehead.

5 It is clear that the Chutteram and property attached to it is by Section II Regulation VII of 1817 placed under the Superintendence of the Board of Revenue. It is the duty of the Collector of the District in his capacity of local Agent to see that the charity is placed in the hands of a competent Manager and as Lutchmanacharry had held the office for some Years even after his resignation of it, it is to be concluded that the

Agent

Agent was satisfied with his Management. Such being the case the Petitioners had no right to proceed and forcibly take possession of the Shettanum and to displace Lutchmanacharry from it, and having so done so the Magistrate acted correctly in replacing Lutchmanacharry in possession of that which previously to such ejectment he had held.

6. Section 14 of the Regulation in question provides that parties are at liberty to have recourse to the Courts if they consider themselves aggrieved by any orders that may be passed touching property of the description in question, which they may be entitled to hold. Should therefore the Petitioners be of opinion that any just rights are withheld from them, they are at liberty to such redress before the Court of the District.

Petition dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petition presented on the 24th February 1845 by Vesalatchy Ammal of the Zillah of Cuddalore.

(Here enter F: B: No: P. No: 42 of 1845)

1. The Petitioner referring to this Court's Order-

order of 29th July last on her Petition No. 83 of 1844 produces the order of the Magistrate complained against and prays the Court, to issue instructions for her being put into possession of her house, and for the punishment of those who ejected her, destroyed her house and cut down her trees; and for the payment to her of the damages she has sustained.

2. The Court observe that in her former Petition the Petitioner alleges that she had applied to the Sessions Court for redress from the orders of the Magistrate but without success. without the orders of the Sessions Court the Court of Fouzdaree Adalut are unable to interfere in Petitioners behalf.

3. If she is dissatisfied with the proceedings of the Magistrate her proper course is to appeal from them to the Sessions Court and if dissatisfied with the orders of the latter - she is at liberty producing copies of the orders complained against to prefer an appeal to the Fouzdaree Adalut.

Ordered that the prayer of this Petition be rejected and that copy of these proceedings be furnished to the Petitioner on her application.

Read Miscellaneous Petition presented on the 17th February 1845 by E. Ramaraya

of

25th March 1845.

of the Zillah of Rajahmundry.—

(Here enter F. C. Dr. P. No 41 of 1845).

The Petitioner prays for the release of her son who was convicted in Case No 7 of 1844 on the Rajahmundry Calendar of Robbery and was sentenced to 14 years imprisonment with labor in irons.—

The Petitioner alleges that her son who is a lad of 16 was in the act of restoring to the Prosecutrix her purse which she had dropped in the road, when a Peon came up, and that in consequence of the Prosecutrix and the Prisoner having refused to give him a portion of the money contained in the purse, he carried them both to the Talook Cutcherry where the story of the robbery was concocted and the Prosecutrix frightened into adopting it.—

She contends that it is absurd to suppose that her son a poor weakly boy could have committed the alleged robbery on one of the Prosecutrix strength and age and prays the Court to call for the proceedings and order his release.—

The Court have already reduced the sentence passed on the Petitioners son to one half of its extent and have no further orders to pass on this subject.—

There

F. C.

25th March 1845.

There is no doubt but that this Petition is full of false statements.—

Ordered that the prayer of the Petition be rejected and that copy of these proceedings be furnished to the Petitioner on her application.

Senkaracharry of Cuddapah, moves the Court to return the enclosure in his Miscellaneous Petition No 144 of 1844.—

Ordered accordingly.—

Read letter dated 21st June 1844 from the Magistrate of Trichinopoly submitting for the consideration and adoption of the Foujdaree Adalut certain propositions for facilitating the transmission of convicts from one Jail to another.—

(Here enter F. C. No 1582 of 1844).

Read also the following letters from the several officers in charge of Jails and from the Magistrates in their respective Districts forwarding their joint opinions on the propositions submitted by Mr. Onslow.—

(Here enter Nos 2073, 2131, 2162, 2185, 2213, 2214, 2231, 2232, 2266, 2281, 2320, 2322, 2338, 2347, 2363, 2385, 2437, 2443, 2468, 2544, 2870, 2632, 2692 of 1844).

On a deliberate review of the information

information laid before the Court in the above communication, and on a consideration of the opinions of the officers in charge of Jails and of the Magistrates in respect of the alterations proposed by Mr. Onslow in the rules at present in force for the transfer of prisoners it does not appear to the Court that sufficient cause has been shown for the change: or, that the plan suggested by Mr. Onslow would be found in practice to lessen the evils complained of in the present System.-

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

(Sent in No. 393.)

Read Report dated 3d. Instant Submitted by the Joint Magistrate in charge of Criminally of Cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the month of January 1845.-

(Here enter F: C: No. 773 of 1845)

Read Criminal Reports dated 28th. Ultimo, Submitted by the Session Judge of Chicacole for the month of February 1845.-

Here enter F: C: No. 776 of 1845)

Read Criminal Reports dated 3d. Instant Submitted

submitted by the Agent to the Governor of Fort St. George at Kurnool for the month of February 1845.-

(Here enter F: C: No. 778 of 1845).

Read Return dated 8th. Instant, from the Principal Sudr. Ameen of Trichinopoly to the precept of the Foujdaree Adalut under date the 1st. Instant, containing orders and observations on the Criminal Reports of the Principal Sudr. Ameen's Court for the month of January 1845.-

(Here enter F: C: No. 783 of 1845).

Read Criminal Reports No. VI. dated 28th. Ultimo submitted by the Session Judge of Chingleput for the months of February 1845.-

(Here enter F: C: No. 791 of 1845.)

Read Criminal Reports dated 3d. Instant, of the Sudr. Ameen's Court at Sirey for the month of February 1845. submitted by the Session Judge of Honore.-

(Here enter F: C: No. 801 of 1845).

Read Criminal Reports dated 28th. Ultimo, submitted by the Principal Sudr. Ameen of Cochin, for the months of February 1845.-

(Here enter F: C: No. 804 of 1845.)

Read letter dated 10th. Instant.- from

25th March 1845.

from the Acting Magistrate of Cuddapah Reporting that no cases have been tried by the Magistracy in the Zillah of Cuddapah under Section LIV. Act VII of 1843 during the month of February last.

(Here enter F. C. No. 811 of 1845)

Read Return dated 12th Instant, from the Session Judge of Tinnevelly to the precept of the Foujdaree Adalut under date the 7th Idem, requiring him to explain his order of the 15th November 1844, under which the Principal Subr Ameen released on Bail the Prisoners in Case No. 136 of 1844.

(Here enter F. C. No. 836 of 1845).

Read Criminal Reports dated 1st Instant submitted by the Subordinate Judge of Combaconum for the month of February 1845.

(Here enter F. C. No. 855 of 1845)

F. C.

Thursday. 26th March 1845.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esqr. --- 1st
G. J. Waters Esqr. ----- 2d
Malcolm Lewin Esqr. --- 3d
} Puisne Judges

Read again letter dated 31st January 1845 from the Acting Session Judge of Chittoor, forwarding for the consideration and final orders of the Court of Foujdaree Adalut the translation of the record of the trial in Case No. 1 on the file of the Sessions Court of Chittoor for 1845.

(Here enter No. 357)

Read also Return dated 22d March 1845 from the Session Judge of Chittoor, to the precept of this Court under date the 5th March 1845, directing him to send for the two midwives who are declared to have examined the person of the girl Poupee 1st Prosecutrix in Calendar No. 1 of 1845, and examine them minutely as to the ground of the opinion they formed, and submit translations of their depositions.

(Here enter No. 906)

The

26th March 1845.

25th A. Mr. H. Dickinson.
Mr. W. Lewin.

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

Akkooloogandoo

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the crime of Rape, do acquit him thereof; and direct that he be unconditionally released.

The Court of Foujdaree Adawlut have experienced much difficulty in arriving at a judgment in this case. There appear to them to be strong grounds for believing that the prisoner committed the offence charged against him but they notwithstanding do not consider the evidence sufficiently to be depended on to justify conviction.

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

(Sent following letter No. 397)

Read letter dated 14th Instant from the Sessions Judge of Cuddapah submitting the record of the trial in Case No. 4 on the Calendar of the Session Court of Cuddapah for 1845.

(Here enter No. 869)

26th March 1845.

Mr. H. Dickinson.
Mr. G. S. Waters.

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

Golla Veera Naugadoo.

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. 398)

Read return dated 7th March 1845 from the Sessions Judge of Nellore to the precept of the Foujdaree Adawlut of 24th Ultimo directing the Sessions Judge to call upon his Law officer to state the crime of which the prisoner in Calendar No. 34 of 1844 is convicted and if theft on what grounds Mud is barred in favor of the prisoner.

(Here enter S. C. No. 780 of 1845)

1. From the reply of the Law officer which is forwarded with the foregoing return it would appear that the prisoner was convicted of "the crime Ghazb usurpation of property".

2. This reply not being quite satisfactory the Sessions Judge will call on his Law officer to state whether

whether he uses the term Ghazb usurpation in the sense that the prisoner usurped the property of another with the intent of making it his own and without the knowledge of the owner.-

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

(Sent following precept No. 399)

Read return dated 8th March 1845 from the Criminal Judge of Nellore to the Extract from the Proceedings of the Fouzdaree Adalut of the 23d December 1844, calling on him to review the proceedings in Criminal Cases Nos. 108, 109 and 110 on the Nellore Criminal Reports for November and pass on them such orders as he may think proper reporting the result for the information of the Fouzdaree Adalut.-

(Here enter F. A: No. 790 of 1845)

1. The Court of Fouzdaree Adalut concur in the view taken by the Sessions Judge of the guilt of the prisoner in Case No. 110. but they deem it unnecessary that the sentence of the Principal Sudr Ameen who improperly limited, should be disturbed.-

They

2. They accordingly direct that the order of the Sessions Judge directing the reapprehension of the prisoner and his committal to the Sessions Court be cancelled.-

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

(Sent in No. 400).

Read letter dated 10th Instant from the Sessions Judge of Mangalore forwarding the warrant issued by him for the execution of the Sentence of death passed by the Court of Fouzdaree Adalut on Keshwa prisoner in Case No. 1 of 1845 on the Mangalore Calendar, and Copy of a Report made by the Acting Subordinate Judge according to Circular Order 3d May and 20th September 1830.

(Here enter F. A: No. 816 of 1845)

Read letter dated 12th Instant from the Magistrate of South Arcot Informing the non transmission of the Report of Cases under Section LIV Act VII of 1843 for February 1845.-

(Here enter F. A: No. 819 of 1845).

Read Criminal Report No. VI dated 13th March 1845. Submitted by the Sessions Judge of Nellore together with statement of Extra Peons Convicted labor report and Statement shewing the instances in

in which the powers of punishment created by Regulation X of 1832 have been exercised for February 1845.-

(Here enter F: C: No: 832 of 1845)

Read Report No: VI dated 12th Instant Submitted by the Acting Sessions Judge of Cuddalore of Casualties and of Prisoners released in the Jail at Cuddalore during the Month of February 1845.-

(Here enter F: C: No: 831 of 1845)

Read Report No: V dated 10th Instant Submitted by the Sessions Judge of Masulipatam for February 1845.-

(Here enter F: C: No: 837 of 1845).

Read Criminal Reports dated 13th Instant Submitted by the Sessions Judge of Guntoor for the Months of February 1845.-

(Here enter F: C: No: 847 of 1845).

Read Report dated 12th Instant Submitted by the Acting Sessions Judge of Trichinopoly of Casualities and of Prisoners released during the Month of February 1845.-

(Here enter F: C: No: 852 of 1845).

Read Estimate Submitted by the Acting Sessions Judge of Trichinopoly shewing the Value of all Articles produced by the labor of Prisoners and a Report of the labor of Prisoners during the Month

of February 1845.-

(Here enter F: C: No: 853 of 1845.)

Read Report dated 1st Instant Submitted by the Magistrate of Coimbatore of Cases tried by the Magistracy under the provisions of Section LIV of Act No: VII of 1843 during the month of February 1845.-

(Here enter F: C: No: 856 of 1845)

Read Report dated 15th Instant Submitted by the Magistrate of Chingleput of Cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 for the Month of February 1845.-

(Here enter F: C: No: 862 of 1845)

Read Calendar dated 15th Instant Submitted by the Sessions Judge of Guntoor of Case No: 8 of 1845.-

(Here enter F: C: No: 866 of 1845)

Read Calendar dated 11th Instant Submitted by the Acting Agent to the Governor of Fort St. George in Ganjam of Prisoners committed for trial during the month of February 1845.

(Here enter F: C: No: 867 of 1845)

Read Calendar dated 26th Instant Submitted by the Acting Sessions Judge of Coimbatore of Prisoners committed for Trial in Case No: 4 of 1845.

(Here enter F: C: No: 882 of 1845).

Read

26th March 1845.

Read Calendar dated 20th Instant Submitted by the Sessions Judge of Cuddapah in Case No. 11 of 1845.—

(Here enter F. U. No. 900 of 1845)

Read Calendar dated 22d Instant Submitted by the Sessions Judge of Nellore in Case No. 4 of 1845.—

(Here enter F. U. No. 910 of 1845).

Read Report dated 20th Instant Submitted by the Agent to the Governor of Vizagapatam of Persons apprehended in the Separate Tracts of Vizagapatam and delivered to the Agency in the month of February 1845.—

(Here enter F. U. No. 925 of 1845).

Thursday 27th March 1845.

F. U.

At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esqre 1st Puisne Judge.

G. J. Walters Esqre 2nd Puisne Judge.

Malcolm Lewin Esqre 3rd Puisne Judge.

Read letter dated the 4th Ultimo from the Sessions Judge of Cuddalore submitting for the final sentence of the Foujdaree Udalut the record of trial in Case No. 2 on the Calendar of the Sessions Court of Cuddalore for 1845.—

(Here enter No. 457.)

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,

Shevagunga,

is sufficient to convict her of an illegal act in having exposed her new born child, for which, according to the Mahomedan Law, as declared in futwa of

Mr. M. Lewin.

27th March 1845.

of their Law Officers, discretionary punish-
ment is awardable, do convict her thereof,
and, under the provisions of Clause third,
Section VII Regulation XV of 1803, sentence
her to be imprisoned and kept to labor
suitable to her sex, for, and during the
period of two years.

(Sent following letter No. 401.)

Read Criminal Reports
submitted by the Principal Sudr Ameen
of Jaffnapatam for the month of February 1845.

(Here enter No. 803)

Report No. V.
Case No. 1.

1. The Prisoner in this Case
has been convicted of having inflicted a
slight wound on the head of the prosecutor
with a spear, and has been sentenced under
Regulation X of 1816 and Circular Order
31st August 1833 to six months' imprison-
ment with hard labor in irons, and to
pay a fine of 25 Rupees, or in default
to be further imprisoned for 3 months
with labor in irons.

2. The Court of Sawjdaree
Udalut see reason to doubt the
correctness

27th March 1845.

correctness of the above sentence and
request the Sessions Judge will call for
the record and pass such orders as may
appear to him proper reporting the re-
sult for the information of the Sawj-
dawee Udalut. The Principal Sudr
Ameen is also instructed to be careful
in future to give a correct and clear tho'
a concise abstract of the leading fea-
tures of each Case.

3. The Court further observe that
it was not necessary that the Circular Orders
should have been quoted in support of the
sentence of labor in irons imposed by the
Principal Sudr Ameen, the Circular Order
is declaratory of the intent of the legislative
enactment but does not itself authorize
the infliction of any punishment which
can only be imposed under the authority
of the legislature.

Ordered that Extract from
these Proceedings be forwarded to the
Principal Sudr Ameen of Jaffnapatam
by precept returnable in V days from
and

27th March 1845

and after its receipt.

/Sent following precept. Fo 402./

Ordered also that Extract from these Proceedings be forwarded to the Sessions Judge of Chicacole by precept returnable in X days from and after its receipt.

/Sent following Precept. Fo 403./

Read return dated the 8th Instant from the Subordinate Judge of Bellary to the precept of the Foujdaree Udalut under date the 27th Ultimo directing that a copy of the remarks relative to the delay in forwarding case No 5 of Report No V for January 1845 be furnished to the Magistrate of Bellary and remarking on the omission of the Authority before whom the charge in Case No 10 of the above Report was preferred.

/Here enter Fo No. No 799/

Read return dated 10th Instant from the Acting Sessions Judge of Cuddalore to the precept of the Foujdaree Udalut under date the 7th Instant directing that the sentence passed against the Prisoner in Case No 9 of 1845 on the file of the Sessions Court of Cuddalore be revised.

/Here enter Fo No. No 795/

Read letter dated the 11th Instant from the Magistrate of Nellore reporting that no cases were disposed of under Section IV Act XVII of 1843 during the month of February last

/Here enter Fo No. No 799/

Fo 44

Friday 28th March 1845

Fo 46.

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqre 1st
G. L. Waters Esqre 2d
Malcolm Lewin Esqre 3d
} Puisne Judges

Mr Lewin

Read letter dated the 21st Instant from the Sessions Judge of Guntoor submitting the record of the trial in Case No 6 on the Calendar of the Sessions Court of Guntoor for 1845.

/Here enter No 922/

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

Meesaula Naugoolao

is sufficient to convict him of the crime of Gang robbery by open violence, do convict him thereof, and, under the provisions of Clause third, Section IV, Regulation XII of 1803, sentence him to be imprisoned and kept to hard labor in irons, on the public

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

/Sent following letter No 404./

Read letter dated the 18th
Ultimo from the Sessions Judge of Nellore
submitting the record of the trial in Case
No 25 on the Calendar of the Sessions Court
of Nellore for 1844.-

/Here enter No 662/

The Court of Sessions Decided
on a deliberate consideration of all the cir-
cumstances of the case in evidence before
them, being of opinion that the proof
against the prisoners,

1st Puttee

2nd " Rughoo

and

3rd " Kroothna alias Purshoo

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 be
which the prisoners are liable under the
provisions of Section X, Regulation VIII
of 1802 would in this instance be too

Mr Waters
and
Mr Irwin.

severe, the Court, under the provisions of
Clause third, Section III, Regulation I
of 1825, sentence the prisoner,

1st Puttee

to be transported to such place or places
beyond Sea, as the Governor in Council shall ap-
point, there to be imprisoned and
kept to labor suitable to her sex, for,
and during the period of her natural life,
and the prisoners,

2nd " Rughoo

and

3rd " Kroothna alias Purshoo

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 405./

Read letter dated the 20th
January last from the Sessions Judge of
Nellore submitting the record of the
trial in Case No 33 on the Calendar of the
Sessions

28th March 1845.-

Sessions Court of Vellore for 1844.-

(Here enter No. 232.)

No. Matrio and No. Levin.

The Court of Sunjarace 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

Casawapa Allee Saib

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, during the period of his natural life.-

(State following letter No. 406.)

28th March 1845.-

Read letter dated 25th Ultimo from the Sessions Judge of Chicacole.-

(Here Enter No. 705.)

dated 29th Oct. 1844.

1. Adverting to a former address to this Court and to the proceedings of the Sunjarace Udalut dated 21st August 1843, the Sessions Judge has suggested in the above communication, that para: 2 of those proceedings be altered as proposed by him in the address referred to.-

2. The Sunjarace Udalut understand the Sessions Judge to wish that their order be cancelled which directs that the Calendars specified in Section XXIII Regulation X of 1816 shall no longer be submitted to the Judges of Sessions Courts by Subordinate Judges and Principal Sudr Ameens.-

3. The Sessions Judge's request, if correctly understood, seems founded on the circumstance of the Court he superintends, being at a distance from that over which the Sudr Ameen of Vizagapatam presides, such distance preventing parties

parties from appealing against the sentences passed by the Sudr Ameen.-

4. The Sanjeears Merchants are not disposed to modify their proceedings dated 21st August 1843, further than to intimate to the Sessions Judge of Chicacole that he is not precluded from such exercise of supervision as he may deem necessary and it will be sufficient, they think, under ordinary circumstances, that the Principal Sudr Ameens and Sudr Ameen of Vizagapatam furnish to him, as they do to the Magistrate, a copy of each case disposed of by them as it stands in the Calendar &c. &c. sentence may have been passed.-

5. Mr Glass's attention is drawn to the objectionable length and incoherent style of the endorsements affixed to communications leaving the Court under his charge. In general they are neither more nor less than transcripts, in a different person, of the communications themselves and thus entail on the establishment of this Court

Court the trouble of copying into the Book of Registry, what ought, under intelligent superintendence, to be condensed into 2 or 3 lines.- 7th

6. Mr Glass is particularly requested to conform to the instructions circulated by the Supreme Government on this subject and to the repeated requisitions which have issued from this Court on the same matter.-

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

/Stat in Ac. 407/

Read Criminal Reports for the month of February 1845 submitted by the Sessions Judge of Honore.-

/Here enter Fl. Ac. 802/

Report No. V
Case No. 8.

The Sessions Judge records his opinion that "this case ought not to have been sent up to Court" the Magistrate will accordingly ascertain and report the grounds on which the order of the Acting

Acting Head Assistant Magistrate directing the Tahsildar to reapprehend the prisoner and transmit him to the Court, was backed.—

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Bellary for his information by precept, returnable in 5 days from and after its receipt.—

/Sent following precept No. 408./

Read Criminal Reports for the month of February 1845 submitted by the Subordinate Judge of Bellary.—

/Here enter F.Ll. No 805/

Report No V Case No 13. 1. The sentences in this case should have been passed under the provisions of Clause fourth Section III Regulation VI of 1822 and not under those of Section III Regulation VI of 1827. the latter enactment is merely declaratory of the intent of the legislature and does not authorize the infliction of any punishment.—

Cases Nos 14. 15 and 16. 2. These cases which reached the Subordinate

Subordinate Court on the 5th and 7th February respectively are reported to be under examination at the close of the month.—

3. The Subordinate Judge will be pleased to explain why they were not taken up and disposed of immediately on reaching his Court.—

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Bellary for his information by precept, returnable in V days from and after its receipt.—

/Sent following precept No. 409/

Read Criminal Reports for the month of February 1845 submitted by the Principal Sudr Ameen of Masulipatam.—

/Here enter F.Ll. No. 826 of 1845./

Report No V Case No 2. 1. In this case it is stated that the 1st and 2d witnesses "have stated before "this Court contradictorily to what they "did before the Head of Police" they were therefore each fined 2 Rupees or in default of

default were sentenced to be imprisoned for 15 days.—

2. The Court have repeatedly ruled that a fine cannot be legally imposed on parties for retracting before the Criminal Court a deposition given before the Police. they accordingly direct that the fine be returned to the parties.

Ordered, that Extract from these proceedings be sent to the Principal Sudr Ameen of Machilipatam for his information by precept returnable in 3 days from and after its receipt.—

/Sent following precept No 410/

No returns having been received from the Acting Agent to the Governor of Fort St George in the Ganjam District, to the precept of this Court dated the 18th January last, calling for the Criminal Reports due for the months of June, July and August 1844. and to explain the causes which have prevented him from earlier complying with the Circular Order of the 18th April 1835 No 40.—

Ordered, that the Acting Agent to the Governor in the Ganjam District be required to make a return to the precept aforesaid within 7 days.

/Sent in No 411./

Read return dated the 4th January last from the Acting Sessions Judge of Chittoor to the Precept of the Foujdaree Adalut under date the 4th January last directing the remission of the Stripes awarded to the Prisoner Moonegundoo in Cases Nos 10 and 11 of the Chittoor Calendar for 1844.—

/Vide Order No 70/

Read report dated the 8th January last submitted by the Magistrate of Chingleput, of Cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843, during the Month of December 1844.—

/Vide Order No 100/

F. W.

Monday
31st. March 1845.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esqr. 1st.
G. J. Waters Esqr. 2d. } Puisne Judges.
Malcolm Lewin Esqr. 3d.

Read letter dated the 4th. Instant — from the Sessions Judge of Guntoor submitting for the final Sentence of the Foujdaree Adalut the record of trial in Case No. 1 on the Calendar of the Sessions Court of Guntoor for 1845.—

(Here enter No. 748)

Mr. Mc. Lewin

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

1st. Mahomed Khansim.
2d. Shaikh Mohuddeen
3d. Ebaram Saheb.
4th. Hajee Saheb alias Mahomed Khan.
7th. Saikhummud.
17th. Saikh Abdoolla alias Mahomed Jaulee
and
21st. Cutwal Mohomd Jacoob.

is sufficient to convict them of the crime of severe

assault,

assault, 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 3rd Section VII Regulation XV of 1803 sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of Seven (7) years. and considering that strong suspicion though not amounting to conviction attaches to the prisoners.-

5th Shamnee alias Rufsain Shareef.-
6th Shaikh Dawood.
11th Moorad Baig.
12th Rajabkhanu.
14th Mahomed Ismayel
15th Ebraim alias Dundaisahib md.
19th Careemully alias Zoolfa Karully.

the Court under the provisions of Clause Sixth Section II Regulation XV of 1803 direct that they be required 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. but being of opinion that the prisoner

18th Mahomed Khasim alias Saikhully.

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

1. The Sessions Judge having concurred with his Law officer in the acquittal of the 12, 14 and 19 prisoners it was competent to him under the ruling of the provisions of Clause Second, Section VI Regulation XV of 1803. declared in Circular Order No 47 to direct their release on security.-

2. It is observed that from the record the Defence of the 9-10. and 20; prisoners are omitted.-

3. There is no authority for such an omission the record of a referred trial should be complete as it regards all the prisoners.-

4. The Court desire that a Copy of the last Parah of his letter be furnished by the Sessions Judge to the Magistrate who will be called on to offer any observations he may have to make regarding it.-

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

(Sent following Precept No 416.)

Read Miscellaneous Petition --

presented on the 24th. Ultimo by T. Appiah Vakeel on behalf of Vayingara Tonecarah Oulakil Comminy Painkar 1st. prisoner in Case No. 63 of the Calicut Calendar for 1844 complaining against the sentence of 7 years imprisonment passed on the said prisoner by the Sessions Judge of Calicut and praying, on the plea of his innocence, that the sentence in question may be set aside --

(Here enter M. P. No. 45)

On a review of the circumstances of the case as they appear in the Calendar and a consideration of the above address the Court of Foujdaree Udalut see no ground to impugn the correctness of the sentence complained of by the Petitioner whose petition is -- therefore dismissed --

Ordered, that Extract from these proceedings be furnished to the Petitioner's Vakeel on his application --

No reply having been received from the Sessions Judge of Madura, to the proceedings of this Court dated the 28th. January last, requiring him to review the proceedings in Case No. 173 on the Criminal Reports for the month of December 1844 and

and to report to this Court what Orders he may have deemed it necessary to pass thereon --

Ordered that the Sessions Judge of Madura be required to reply to the above -- proceedings within V days --

(Sent in No. 417.)

No further return having been -- received from the Principal Sudr. Ameen of Trichinopoly to the precept of this Court under date the 25th. January 1845, directing him to forward for their consideration, copy of the Indictment, together with abstract of the particulars of the Case No. 124, and calling for a full explanation of the delay of the Puttadar in forwarding the prisoners in Case No. 125 to the Police Ameen --

Ordered that the Principal Sudr. -- Ameen of Trichinopoly be required to make a full return to the precept aforesaid within V days and to explain the cause of the delay which has already occurred --

(Sent in No. 418.)

Read Criminal Reports submitted by the Subordinate Judge of Salem for the month of January 1845 --

(Here enter No. 328)

The

Suppl. Report 1.

Case No. 158.

The Court have repeatedly ruled that a mere uncorroborated Police confession is insufficient for the conviction of an accused person.

2.

Seeing reason therefore to doubt the propriety of the conviction of the prisoner in this case they resolve to direct the Sessions Judge to revise the proceedings, passing on them such orders as may appear to him proper, and reporting the result for the information of the Lowdaw Adalut.

3.

It appears that in this case 5 persons were originally charged 3 have been released, and one has been [illegible], the Court desire to be informed what has become of the 5th.

4.

The Court have before in their proceedings of the 30th August 1844 and 11th February last noticed and objected to the slovenly manner in which the reports from Salem are prepared and request the Subordinate Judge will be careful to correct the irregularities adverted to.

Cases No. 4 & 5.

5.

The 2 prisoners in Case No. 4, and the 2nd and 3rd in Case No. 5 are charged with being in possession of stolen property, but the guilty knowledge which alone could render them liable to a Criminal prosecution has not been charged.

6.

In the latter case it is observed that the

the delay before the Police is partly accounted for by the non-apprehension of the 3rd prisoner and partly by the non-appearance of witnesses.

This explanation is not satisfactory.

7.

The attention of the Magistrate should be recalled to Circular Order of the 24th January 1822. and he must be required to notice with displeasure similar disregard to the provisions of the Regulations on the part of his Police officers.

Case No. 11.

8.

The prisoner who is convicted of housebreaking, has been sentenced to 4 months imprisonment under the provisions of Clause Sixth Section II. Regulation VI. of 1822.

The Subordinate Judge would

9.

appear to have overlooked Circular Order No. 139 which explains that every sentence imposed under the provisions quoted by him should be in excess of six months.

10.

His attention is therefore now recalled to the Circular Order in question and he is required in future to give heed to its requirements.

Case No. 13.

11.

The prisoner is charged in Case No. 13 with having exposed her new born infant by throwing him into a field.

12.

The child died some days after of convulsive fits a disease which cannot the Subordinate Judge

Judge rightly argues have resulted from the exposure and as he was discovered a few hours after his exposure and as the simple concealment of its birth is not a committable offence under the Regulations the prisoner was released with a warning.

13. The discovery and protection of the child by others is no justification of the offence of the mother whose intention is clearly deducible from her action. She confessed that she exposed the child and had the Subordinate Judge followed the clear instructions of the Circular Order of the 28th January 1828 he would have ascertained that this offence was punishable under the Mahomedan Law.

14 The Court will not disturb the sentence of the Subordinate Judge but they trust that they shall not be called on in future to notice similar instances of failure of justice arising from want of attention on the part of the Subordinate Judge to the clear instructions provided for his use.

Case No. 24 15. The Court being unable to comprehend the proceedings of the Subordinate Judge in this case resolve to direct the Sessions Judge to call for and report on them for their information.

Ordered, that Extract from these Proceedings be sent to the Subordinate Judge of Salem for his information.

(Sent in No. 419.)

Ordered

Ordered also that Extract from these Proceedings (paras 1-2. and 15) be sent to the Sessions Judge of Salem by precept returnable in XV days from and after its receipt.

(Sent following Precept No. 420).

Read Criminal Reports for the month of February, submitted by the Principal Sudr Ameen of Chingleput.

(Here enter F. C. No. 838).

Suppl. Report. Case No. 1. The Prisoner in this case is charged with having embezzled the sum of 305 Rs. 2 as. 8 and has been sentenced by the Principal Sudr Ameen to six months imprisonment and to pay a fine of 100 Rupees commutable in default to a further imprisonment of six months.

2. As far as the Court are able to judge from the imperfect report of it made by the Principal Sudr Ameen, the punishment is altogether inadequate. The case should have been committed to the Sessions Court the amount charged to have been embezzled seeming to require its commitment to the Sessions Court.

3. The Sessions Judge will be pleased to call for the proceedings and report on the case for the information of the Foujdaree Adalut ignoring in the

the interim such instructions as may appear to him proper.—

Report No. V
Case No. 11.

4 This being a case of cattle stealing the sentence should have been passed under the provisions of Clause fourth Section III Regulation VI of 1822. The Principal Sudr Ameen will be pleased to amend it accordingly.—

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

(Sent following Receipt No. 421)

Ordered also that Extract from these proceedings (Paras: 1-2-and 3) be sent to the Sessions Judge of Chingleput, for his information by precept returnable in XV days from and after its receipt.—

(Sent following Receipt No. 422).

Read Calendar dated 10th January 1845 Submitted by the Sessions Judge of Madura in Case No. 57 of 1844.—

(Here enter F: C: No. 877 of 1845).

Read Calendar dated 1st Instant Submitted by the Sessions Judge of Madura in Case No. 6 of 1845.—

(Here enter F: C: No. 879 of 1845)

Read

Read Calendar dated 19th Instant, Submitted by the Sessions Judge of Coimbatoore in Case No. 6 of 1845.—

(Here enter F: C: No. 880 of 1845.)

Read Calendar dated 15th Instant Submitted by the Sessions Judge of Calicut in Case No. 6 of 1845.—

(Here enter F: C: No. 884 of 1845.)

Read Statement dated 20th Instant Submitted by the Sessions Judge of Cuddapah of Batta Paid to Prosecutors and witnesses attending before him from 1st July to 31st December 1844.—

(Here enter F: C: No. 899 of 1845.)

Read Calendar dated 15th Instant Submitted by the Acting Sessions Judge of Coimbatore in Case No. 6 of 1845.—

(Here enter F: C: No. 912 of 1845)

Read letter dated 19th Instant from the Agent to the Governor of Fort St. George at Kurnool. Forwarding separate Reports with the Civil and Criminal Statements for the last half of the year 1844.—

(Here enter F: C: No. 928 of 1845)

Read return dated 25th Instant from the Sessions Judge of Chittoor to the precept of Poydaree Moolut under date the 17th Instant acquitting

acquitting the 1st Prisoner Venkatasawmy in Case No. 50 on the Chittoor Calendar for 1844 of the Crime charged against him but in consequence of the suspicion attaching to him directing that he be required to furnish two sureties of 50 Rupees each for his future good behaviour and appearance when required, for the period of 3 Years in default that he be imprisoned for the same period.

(Here enter F. C. No. 935 of 1845)

Read letter dated 27th Instant from the Magistrate of Tinnevelly Reporting that no case has been investigated under Section 4 Act VII of 1843.

(Here enter F. C. No. 937 of 1845)

Read letter dated 25th Instant from the Principal Sudr Ameen of Guntoor Explaining the cause of the omission and mistakes pointed out in the Proceedings of the Fouzdaree Adalut under date the 28th Ultimo and begging pardon of the Higher Court for the same.—

(Here enter F. C. No. 942 of 1843)

F.C.

Tuesday 1st April, 1845.

At a Court of the Fouzdaree Adalut.

—Present—

Henry Dickinson Esqr — 1st
G. J. Waters Esqr — 2d
Malcolm Lewin Esqr — 3d
} Puisne Judges.

Read the Criminal Reports submitted by the Subordinate Judge of Salem for the Month of February 1845.—

(Here Enter No. 830)

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

Ordered therefore, that Extract from these Proceedings be forwarded to the Subordinate Judge of Salem for his information.—

(Entered No. 428)

Read letter dated 8th March 1845 from the Sessions Judge of Rajahmundry requesting the instructions

of the Court as to whether the sentence passed on the Prisoner in case No. 4 on the Rajahmundry Calendar for the 1st Sessions of 1841 is to be considered to involve labor in irons or whether the prisoner is merely to be subjected to simple imprisonment according to the terms of the original sentence.-

/Herewith Extract No. 797 of 1845/

The Court of Foujdaree Adalut cannot perceive the necessity for the reference it appears to them quite clear from the terms of the remarks recorded in this Court's proceedings of the 8th April 1841 that the Prisoner in question should not be exempted from irons or labor.

2 The Circuit Judge was required to amend his sentence to this effect or submit the case for the decision of the Foujdaree Adalut and his having failed to do the latter involved the necessity of conformity to the former part of the order.-

Ordered

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

/Sent pir No 427/-

Read petition dated the 28th February last from the Agent to the Governor of Fort St. George in the Kurnool District to the precept of this Court of the 21st ulto. forwarding a fresh letter in lieu of the one returned with the said precept, submitting a summary of the evidence against two Prisoners charged with Burglary, and communicating his opinion as to the punishment to be passed.-

/Herewith Extract No. 734/

The Court of Foujdaree Adalut having maturely considered the summary of the evidence taken before the Agent, his statement of the grounds for a conviction, and his opinion as to the punishment which should be awarded

of the Court as to whether the sentence
passed on the Prisoner in case No 4 on the
Rajahmundry Calendar for the 1st Sessions
of 1841 is to be considered to involve labor
in irons or whether the Prisoner is merely
to be subjected to simple imprisonment
according to the terms of the original
sentence.-

/True Extract No 797 of 1845/

The Court of Foujdaree Adalut
cannot perceive the necessity for the
reference it appears to them quite clear
from the terms of the remarks recorded
in this Court's proceedings of the 8th April
1841 that the Prisoner in question should
not be exempted from irons or labor

2 The Circuit Judge was requested
to amend his sentence to this effect
or submit the case for the decision of
the Foujdaree Adalut and his having
failed to do the latter involved the
necessity of conformity to the terms
of the order.-

ordered.

Ordered that Extract from
these Proceedings be sent to the Sessions
Judge of Rajahmundry for his infor-
mation.-

/Sent in No 427/

Read return dated the
28th February last from the Agent to the
Governor of Fort St. George in the Kurnool
District to the precept of this Court
of the 21st inst, forwarding a fresh letter
in lieu of the one returned with the
said precept, submitting a summary
of the evidence against two Prisoners
charged with Burglary, and Communi-
cating his opinion as to the punish-
ment to be passed.-

/Sent Letter No 734/

The Court of Foujdaree
Adalut having maturely considered the
summary of the evidence taken before
the Agent, his statement of the grounds
for a conviction, and his opinion as
to the punishment which should be

awarded

awarded to the accused, resolve to confirm the proposed sentence of 10 years' imprisonment with hard labor in irons on the prisoners,

1st Ponga

and

2d Chintiliga.

2 The Court resolve at the same time to point out for the future guidance of the Governor's Agent, that the 1st prisoner was punishable under Clause Seventh Section II Regulation XII of 1803, and that the 2d prisoner was punishable under Section XXI Regulation VII of 1802 but not under the authorities which the Agent has quoted.

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George in the Rudnool District for his information and guidance.

(Sent in No 428)

No return having been received from

from the Acting Agent to the Governor at Ganjam to the precept of this Court dated the 20th February last, calling for a translation of the proceedings held in the case of a Prisoner Gellamma Kamadoo charged with murder.

Ordered that the Acting Agent to the Governor at Ganjam be required to make a return to the precept aforesaid within V days.

(Sent in No 429)

No reply having been received from the Acting Sessions Judge of Trichinopoly to the proceedings of this Court dated the 10th January last directing him to call for the proceedings held in case No 110 on the Criminal Reports for November 1844. and pass such order thereon as may appear to him proper, reporting the result for the information of this Court.

Ordered that the Acting Sessions Judge of Trichinopoly be required to reply

to

to the proceedings aforesaid within X days.

/Sent pro N°430/

No reply having been received from the Acting Subordinate Judge of Salem to the proceedings of this Court dated the 24th February last calling for a full return to their precept of the 27th December last requiring information as to what has been done in consequence of the Inspector of Circulars irregularity in forwarding to the Subordinate Court the Prisoners in Cases Nos 135 and 136 of 1844 and in what measure his misconduct has been noticed,

Ordered that the Subordinate Judge of Salem be required to make a full return to the precept aforesaid within X days.

/Sent pro N°431/

Read Calendar and Cases No 7 of 1845 submitted by the Sessions Judge of Cuddapah.—

/Vide Letter N°849/

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 Cuddapah for his information.—

/Sent pro N°432/

The Magistrate of——

South Arcot
Coimbatore
Cuddapah
Nellore
Salem
Tanjore
Madura
Masulipatam
Rajahmundry
Canarese
Vizagapatam

not having submitted the Reports called for in the Proceedings of the Foujdaree Udalut of the 9th January 1845 on the Criminal Reports for the 2d Half year of 1842.—

Ordered that, that—officer be required to submit the Report in question within X days.—

/Sent pro N°433/

End W.H.

to the proceedings aforesaid within 7 days.

/Sent in №430/

No reply having been received from the Acting Subordinate Judge of Salem to the proceedings of this Court dated the 24th February last calling for a full return to their precept of the 27th December last requiring information as to what has been done in consequence of the Imputation of Irregularity in forwarding to the Subordinate Court the Persons in Cases №s 135 and 136 of 1844 and in what measure his misconduct has been noticed.

Ordered that the Subordinate Judge of Salem be required to make a full return to the precept aforesaid within X days.

/Sent in №431/

Read Calendar on Criminal Cases №7 of 1845 submitted by the Sessions Judge of Cuddapah.—

/Perm. Extract №849/

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 Cuddapah for his information.—

/Sent in №432/

The Magistrate of—

South Arcot
Coimbatore
Cuddapah
Nellore
Salem
Tanjore
Madura
Rajahmundry
Masulipatam
Guntoor
Canara
Vizagapatam

not having submitted the Reports called for in the Proceedings of the Foujdaree Adalut of the 9th January 1845 on the Criminal Reports for the 2d Half year of 1842.

Ordered that that — officer be required to submit the Report in question within 7 days.—

/Sent in №433/

End

F. U.

Wednesday,
2d. April 1845.

At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esquire 1st Puisne Judge,
George I. Waters Esquire 2d Puisne Judge,
Malcolm Lewin Esquire 3d Puisne Judge.

Read letter dated 18th February 1845. from the Sessions Judge of Mangalore submitting for the final sentence of the Foujdaree Udalut the proceedings in Case No. 68 of 1844.

(Here enter No. 530.)

Mr. Dickinson and Mr. Waters.

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. Naraina
2d. Uhmody
and
3d. Parvothy.

is sufficient to convict them of the crime of Murder, do convict them thereof; but, [illegible]

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. Naraina
and
2d. Ulimody.

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

3d Parvothy,

to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to labor suitable to her sex, for, and, during the period of her natural life.-

The evidence in the opinion of the Toydaree Udalut, is unsatisfactory and inconclusive, as it respects the actual murder and

and there are, the Court acknowledge, discrepancies in it, but when viewed in connection with other facts of the case which are fully substantiated, the impression of the Court is that the deceased received her death at the hands of the Prisoners.-

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

(Sent following letter No. 441)

Read letter dated the 8th. February last from the Sessions Judge of Tinnevelly submitting the record of trial in case No. 2 on the Calendar of the Sessions Court for 1845.

(Here enter No. 573.)

Mr. Dickinson and Mr. Waters.

The Court of Foydaree 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,

Nullamoottoo.-

is sufficient to convict him of the crime of Housebreaking, do convict him thereof: and

with

2d April 1845.

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 Naraina

and

2d Uhimody.

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

3d Parvothy,

to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to labor suitable to her sex, for, and, during the period of her natural life.-

The evidence in the opinion of the Foujdaree Udalut, is unsatisfactory and inconclusive, as it respects the actual murder and

2d April 1845.

and there are, the Court acknowledge, discrepancies in it, but when viewed in connexion with other facts of the case which are fully substantiated, the impression of the Court is that the deceased received her death at the hands of the Prisoners.-

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

(Sent following letter No 441)

Read letter dated the 8th February last from the Sessions Judge of Tinnevelly submitting the record of trial in Case No 2 on the Calendar of the Sessions Court for 1845.

(Here enter No 573.)

Mr Dickinson and Mr Waters.

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,

Nullamoottoo.-

is sufficient to convict him of the crime of Housebreaking, do convict him thereof; and

with

with reference to the provisions of Section XXI Regulation VII of 1802, Clause third Section II, Regulation I of 1825 and Regulation VIII of 1828, sentence him to receive 195 lashes with a Cat-o-nine tails, and to be imprisoned and kept to hard labor in irons, on the public roads or other public Works, for, and, during the period of five (5) years.-

Sent following letter No. 442

Read Criminal Reports for the Month of February 1845 submitted by the Session Judge of Tellicherry.

(Here enter F.P. No. 792.)

1. The same Prisoner has been convicted in Cases Nos. 2 and 3 with house-breaking and in Case No. 4 with escape, and has been sentenced by the Session Judge to 2 Year's imprisonment with hard labor in irons under Clause fifth Section II Regulation VI of 1822 for all the Cases.-

2. This sentence is irregular - the Court have repeatedly ruled, and it is clearly laid down in Circular Order 15th July 1829 that the offence of escape is distinct from all others and

and must be in addition to a former offence and that therefore the punishment should also be in addition to any other punishment which may be awarded for a distinct offence.

3. The Court will not now disturb the sentence passed by the Session Judge but they advise that his attention be recalled to the Circular Order above quoted.-

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

Sent in No. 443

Read the Criminal Reports submitted by the Acting Subordinate Judge of Calicut for the Month of February 1845.

(Here enter No. 885.)

Supplemental Report Case No. 211.

1. The Court resolve to point out to the Subordinate Judge, that the name of the Prisoner should have been entered in Case No. 211 in red Ink as directed by Circular Order 8th December 1831, he being also charged in the former Case, No. 202 of the same Calendar. In the former Case the Court observe that the Prisoner has been sentenced

Case No. 202.

sentenced under Regulation VII of 1832 - instead of VI of 1822; this is no doubt a clerical error but it should not have escaped the notice of the Subordinate Judge.

Case № 9. 2. In such Cases as № 9 the extent and nature of the wounds might with advantage be described in a short note.

Case № 10. 3. The sentence passed by the Sudr Ameen Moosty in № 10 is preposterous and must be revised by the Session Judge, who will direct the former Officer to abide by the regulations.-

Ordered that Extract from these proceedings be forwarded to the Acting Subordinate Judge of Calicut for his information and communication of para 3, to the Moosty Sudr Ameen.

(Sent in № 444

Ordered also, that Extract from these proceedings (para 3) be forwarded to the Session Judge of Calicut by precept returnable without delay.-

(Sent following precept № 445

Read

Read letter dated the 18th Instant 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 № 907)

1. In this Case the prisoner is charged with having on the 13th June 1840. in company with another person, stopped the Prosecutrix on the road, and forcibly taken from her person a Necklace worth about eight piece.-

The Government Agent is of opinion that the prisoner is fully convicted of the offence charged against him, and therefore liable to a sentence of 14 Years imprisonment with hard labor in irons under Clause third, Section IV Regulation XV of 1803; but he recommends that the sentence be mitigated under Clause Second Section III Regulation I of 1825 to 8 Years imprisonment with hard labor in irons.-

3. On a consideration of the circumstances of the Case, the Court of

Foujdaree

2d April 1845.

Toujdaree Adalut resolve to sanction the reduction of the punishment to 8 (eight) Years imprisonment with hard labor in irons proposed to be passed on the prisoner

Chiffpadah Chinnagadoo.

Ordered that Extract from these proceedings be forwarded to the Agent to the Governor of Fort Saint George at Vizagapatam for his information

(Sent in No 446)

No return having been received from the Session Judge of Nellore to the precept of this Court dated the 24th Ultimo directing him to look into the proceedings held in Cases 126 and 130 on the Nellore Supplemental Criminal Report for January 1845, and to pass such Orders thereon as he may think proper, reporting the result for the information of this Court

Ordered that the Session Judge of Nellore be required to make a return to the precept aforesaid within days.

(Sent in No 447)

Read

F. Uc

2d April 1845.

Read Calendar of Case No 56 of 1844 on the Madura Calendar for 1844, submitted by the Session Judge of Madura.

(Here enter F. U. No 822.)

The Court of Toujdaree Adalut seeing reason to question the propriety of the decision in this Case resolve to call on the Session Judge to forward with the least practicable delay an English translation of the record of the trial, for their consideration.

Ordered that Extract from these proceedings be sent to the Session Judge of Madura for his information by Precept, returnable in XX days from and after its receipt

(Sent following precept No 448)

Read Calendar of Cases No 24 and 25 on the file of the Session Court of Cuddalore.

(Here enter No 909.)

In Case No 24, 4 prisoners were charged with having at about 8 P. M. the 8th February 1845 in conjunction with others armed with sticks, entered the Prosecutor's h

beat

2d April 1845.

beaten, and robbed him of Sundry Articles to the value of Rupees 26-14- and in Case No 25 with having on the night of the 7th February 1845, entered the Prosecutors house and stolen therefrom property valued at Rupees 34-4-

2. The Session Judge convicted the prisoners and under the provisions of Clause third. Section IV. Regulation XV of 1803, sentenced them to be imprisoned and kept to hard labor in irons for the period of 14 Years.

3. The Court of Foujdaree Adalut are not satisfied with the conviction of the 1st and 4th Prisoners in these two Cases - which from a perusal of the Calendar appears to rest solely upon their previous bad character, and the unsupported recognition of their persons by the Prosecutors wife in the former Case.-

4. They accordingly resolve to direct the Session Judge to submit for their consideration, translations of the records of trials of the above Cases without delay.-

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

(Sent following precept - No 449)

Thursday
3d April 1845.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre 1st
George L. Walters Esqre 2d
Malcolm Irwin Esqre 3d
} Puisne Judges

Read letter dated the 25th February last from the Session Judge of Masulipatam submitting for the consideration and final orders of the Foujdaree Adalut the record of the trial in Case No 14 on the Calendar of the Session Court of Masulipatam for 1844.

(Here enter No 726)

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 Samoodraulah Chintanloo
and
2d Maykah Ghuntiah

is sufficient to convict them of the crime of Murder and the prisoners

3d Yakoola Guntiah
and
4th Booddega Reddy

of having been accessaries after the fact to the said crime, do convict them severally 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 Sanoodrauda Cruttanloo
and
2d Maykah Ghuntiah

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 that the prisoners

3d Yakoola Ghuntiah
and
4th Booddega Roory

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of three (3) years.

The

The Court of Foujdaree Adalut are unable to concur with the Sessions Judge in the measure of punishment to be awarded to the 2d Prisoner in this case.

He confesses that before he struck the deceased, the 1st Prisoner had asked him to assist in his murder, and that with the full knowledge of the design of the 1st prisoner to commit murder he struck the deceased. It is true that the blow struck by this Prisoner did not occasion death, but he was acting in concert with the 1st Prisoner, and by him was the attack on the deceased commenced.

As this Prisoner had not the excuse of enmity towards the deceased for the assault he made on him, but was acting in cold blood at the instigation of another, the Court consider his crime to be in atrocity quite equal to that of the 1st Prisoner - and have accordingly sentenced him to the same degree of punishment.

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

(Sent following letter No 456)

2d April 1845

Read letter dated 26th March 1845 from the Sessions Judge of Combaconum submitting the records of Trial in case No 4 on the Calendar of the Session Court for 1845.

(Here enter F. R. No 955 of 1845)

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

Ramasamy Ranggyan

is sufficient to convict him of the charge of returning from transportation without permission &c, under the provisions of Clause Second Section IX Regulation XV of 1816 adjudge him to receive 195 lashes with a Cato-nine tails, and to be retransported to such place or places beyonds 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 457)

Read

F R

2 April 1845

Read Calendar of Case No 5 of 1845 on the Coimbatore Calendar submitted under date the 20th March 1845 by the Session Judge of Coimbatore.

(Here enter F. R. No 911 of 1845)

1. The prisoner in this case was convicted of Manslaughter and has been sentenced by the acting Session Judge to six months imprisonment with hard labor without irons.

2. The Court of Foujdaree Adalut have declared in their Circular Order 31st August 1833 that a sentence of imprisonment must be wholly nugatory unless accompanied with hard labor and irons during the term of imprisonment.

3. Unless, therefore, the Session Judge has any thing to offer in justification of the indulgence shewn to the prisoner in this case of exemption from irons, the Court direct that the sentence be amended and irons imposed on the prisoner.

Ordered, that Extract from these proceedings be sent to the Acting Session Judge of Coimbatore for his information by precept returnable

in

in V days from and after its receipt.

(Sent following precept No 458)

Read the Criminal Reports for the month of February 1845, submitted by the Principal Sudr Ameen of Cuddalore.

(Here enter No 855)

Cases 47 & 48.

1. The prisoners in these Cases appear to have been convicted of House-breaking and were sentenced by the Principal Sudr Ameen, to 6 Months imprisonment with hard labor in irons under clause fourth Section IV Regulation VI of 1822.

2. The Court of Foujdaree Adalut observe that the Regulation quoted is not applicable to the Crimes with which the prisoners are charged - the Sentence should have been passed under clause Sixth Section II Regulation VI of 1822, and with reference to the provisions of the Foujdaree Adalut Circular Order No 109, the imprisonment awarded should have been in excess of 6 Months.

Ordered, that Extract from these proceedings be forwarded to the Principal Sudr

Sudr Ameen of Cuddalore, for his information.

(Sent in No 459)

Report No 5
Case No 22.

Read Criminal Reports for the Month of February 1845 submitted by the Acting Principal Sudr Ameen of Guntoor.

(Here enter F. W. No 843 of 1845)

The Court are of opinion that the examination of this case should not longer be deferred if the Prosecutor declines to prosecute the Government Vakeel as laid down in Circular Order 27th August 1829

Case No 24

2. should be directed to conduct the prosecution.

The Court see reason to doubt the propriety of the committal in this case and they desire the Sessions Judge if he have not already disposed of it will revise the proceedings and pass on them such orders as may appear to him proper, reporting the result for the information of the Foujdaree Adalut if the Case should have been disposed of the Sessions Judge will furnish the Calendar of the case with as little delay as possible.

3. The Principal Sudr Ameen will be careful in future to set forth the grounds

grounds of his sentences with more precision and point.

4. The Principal Sudr Ameen appears to have lost sight of rule 8 of the rules publish-ed in Circular Order of the 29th November 1824 which requires that the distinctive letters de-noting by what authority each case has been adjudicated should invariably appear — under the number of each case on the first column -

5. His attention is therefore recalled to it and he is enjoined to observe it in future.

Ordered, that Extract from these Proceedings be sent to the acting Principal Sudr Ameen of Guntoor for his information by precept returnable in III days from and after its receipt -

(Sent following precept No 460)

Ordered also, that Extract from these Proceedings (para 2) be sent to the Sessions Judge of Guntoor for his information by precept returnable in XX days from and after its receipt -

(Sent following precept No 461)

Read

J.C.C.

3. April 1845.

Read Calendar of Case No. 23. of 1845 on the file of the Sessions Judge of Cuddalore submitted under date the 20th ultimo -

(Here enter J.C.C. No. 908 of 1845)

1. In this case the 8 first prisoners were charged with several others not appre-hended with having committed gang robberies on the high roads and were convicted by the Law Officer and declared liable to Kookoo-Hudo being barred in consequence of their confessions -

2. The Acting Sessions Judge concur-ring in this part of the futwah sentenced these prisoners to 14 years imprisonment with hard labour in irons under clause third Section IV. Regulation XV of 1808. but recommended a mitigation in their favor of 6 years imprison-ment in consequence of their having been convicted on their own confessions and there being no evidence to shew the particular part taken by them in the robbery. -

3. The Court consider that the

mitigated

(mitigated sentence proposed by the acting Sessions Judge) is quite sufficient for the punishment of the prisoners.

1st. Chinnavan.

2d. Cumegan. and

3. Nonde,

and they accordingly resolve to direct, under the powers vested in them by Clause third Section III Regulation I of 1825 that they be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of 8 years.

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

(Sent in No 462)

Read Calendar in Case No 7 submitted by the Sessions Judge of Combaconum for 1845.

(Here Enter No 981)

1. The Prisoners were charged with having stolen ready money Bank Notes to amounting in value to Rs 450 from a Mantapum near the Mamanga Coolam Tank.

The

The Sessions Judge concurred in the finding of the assessors and sentenced the Prisoners to 7 years imprisonment with labor suited to their age and to receive 50 stripes with a Cat-o-nine tails but considering their youth he recommends a mitigation of the sentence to 6 Months imprisonment with hard labor suited to their age and 50 stripes each under Section XI Regulation I of 1825.

3. The case being one of simple theft the Court of Foujdaree Adalut with reference to the tender age of the Prisoners confirm the mitigation of punishment proposed by the Session Judge and the more so, as there is no proof of the amount of the Bank Notes, which fact alone renders the legality of the commitment and sentence of somewhat questionable propriety.

Ordered, that Extract from these Proceedings be sent to the Session Judge of Combaconum for his information.

(Sent in No 463)

Read

5th April 1845

Read Calendar of Cases No. 4 of 1845 on the (Madura Calendar Submitted by the Sessions Judge of Madura.

(Here enter No. 878)

1 The prisoners in this Case are charged with theft and the 1st having been convicted was sentenced to 7 years imprisonment with Labour in irons and the 2d was released.

2. The parties were it appears committed on the 5th February the trial commenced on the 19th and closed on the 27th idem. The finding was translated on the 1st March but sentence was not passed in the case though a simple one - till the 10th ultimo.

3. Such delay is much to be regretted and must have been attended with hardship to the Prisoners.

4th The Court trust that arrangements will be made by the Sessions Judge to prevent the recurrence of similar unnecessary delay in future in the disposal of Cases coming before him.

5. The Court also would observe that

S.C.O.
5th April 1845

that the practice of dating Calendars on the day of their receipt from the Subordinate Court and not on the date of their transmission to the higher Court is objectionable and must be discontinued.

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

(Sent in No. 464)

Read Calendar of Case No. 2 of 1845 Submitted by the Sessions Judge of Salem.

(Here enter No. 880.)

1 The prisoners are charged with having severely cut and wounded the Prosecutors elder brother with a chopping knife, from the effects of which he died.

2. The Sessions Judge concurring with the Law Officer as to the utter worthlessness of the evidence acquitted the prisoners and directed their unconditional release.

The

3. The Court of Foujdaree Udalut seeing reason to doubt the propriety of the acquittal in this case, resolve to direct the Sessions Judge to prepare and submit for their consideration a translation of the records of the trial.

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Calicut for his information and guidance by Precept returnable in XV days from and after its receipt.

(Sent following precept No 465)

Read letter dated 4th March 1845 from the Sessions Judge of Calicut submitting for the consideration and orders of the Foujdaree Udalut translations of the proceedings held consequent on a Petition presented by a female complaining of her husband the 2d Prisoner in Case No 55 on the Calendar for 1844 having been hung in lieu of the 1st Prisoner who had been sentenced to suffer death as also copy of the correspondence connected therewith.

(Are entered F.D. No. 496 of 1845)

1. The Court of Foujdaree Udalut have read with much satisfaction the clear and lucid manner in which the report of Mr. Strange has been drawn up. The Judge see every reason for concurring in the opinion recorded by the Sessions Judge and believing that the right man has been executed."

There are however some points

2. of the case still involved in mystery which the Court deem proper should be more fully investigated for if it is within the verge of probability that the 2. Prisoner Moothe ran has been executed in the place of the 1st Prisoner Nullan it is an imperative duty to ascertain how the mistake originated and what causes operated in preventing its detection and seeming its lengthened concealment.

The part of the case which

3. most embarrasses the Court is the testimony of the Tahsildar, of the Gomastah and the Master of the prisoners that the surviving Prisoner is not Mootheran but

Nullan

3d April 1845

Nullaw. It is vain to suppose that they could have been mistaken in this point their statements are either true or wickedly false. No motive is apparent which could indeuce them to give such false testimony and it is therefore imperatively necessary that this point should be fully and thoroughly investigated and as it appears to the Court that the Magistrate possesses both greater facilities and better opportunities for carrying out the investigation they resolve to direct the Session Judge to furnish him with a complete copy of the whole of the papers and to request him to use his utmost endeavors to sift the matter to the bottom reporting the result of the investigation and submitting any proceedings which he may hold in the case for the consideration of the Foujdaree Adalut.

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Calicut for his information by pyon. returnable in XX days from and after its receipt.

Sent following precept

J. U

Friday
4th April 1845. At a Court of the Foujdaree Adalut

Present:

Henry Dickinson Esqre 1st
G. J. Waters Esqre 2d
Malcolm Lewin Esqre 3d

Puisne Judges

Read letter dated 13th Ultimo, from the Sessions Judge of Salem, submitting for the final Sentence of the Court of Foujdaree Adalut the proceedings in Case No. 11 of 1845.

(Here enter No. 904.)

Mr. H. Dickinson.
Mr. G. J. Waters.

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

1st Pantakalaven,
and
2d Mottay.

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the crime of Murder and Wounding do acquit them thereof; but, considering that strong suspicion tho' not amounting to conviction, attaches to them they direct, that they be required under Clause Sixth Section II Regulation XV of 1803, to find security

4th April 1845

Security each of 25 Rupees, for their good behaviour and appearance when required within two years, or in default thereof, that they be detained for 2 years in confinement.—

On a careful and deliberate consideration of the record laid before the Court, by the Sessions Judge, it appears to the Judges of the Foujdaree Adalut that, the improbabilities — connected with the statement against the Prisoners made by the 2nd Prosecutor, would not justify the sentence of death which has been proposed by the Sessions Judge to be passed on them. It further appears to the Court that the circumstances of the alleged wounding, both as respects its origin and the parties by whom perpetrated, are involved in too much doubt and obscurity to warrant the full conviction of the Prisoners. They therefore have resolved to hold them to find security to the extent specified in the Court's sentence.

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

(Sent following Letter No. 469)

Read Calendar dated the 25th January 1845, submitted by the Sessions Judge of Chicacole of

4th April 1845.

Case No. 1 of 1845.—

(Here enter No. 659 of 1845)

In this case the 1st 2nd and 3rd —

1. Prisoners are charged with burglary and theft of — property amounting to 150 or 160 Rupees and the 4th 5th and 6th with being receivers of different parts of the stolen property.—

2. The Law officer convicted the 1st 2nd and 3rd Prisoners of the crime charged against them but declared Hud to be barred "for some reasons". He also found the 4th prisoner the wife of the 3rd guilty of concealing a part of the stolen property, and pronounced them all liable to discretionary — punishment.—

3. On a second question being put to the following effect,—"If there are no grounds to extricate "the 1st 2nd and 3rd Prisoners, what punishment would "they be liable to", in that case?—The Mahomedan Law officer replied—"If no grounds exist to extricate "the 1st, 2nd, and 3rd Prisoners from Hud, they will be "liable to have the wrists of their right hands cut "off."

4. The 5th and 6th Prisoners were acquitted

5. The Sessions Judge records his sentence thus—"the 1st 2nd 3rd and 4th Prisoners are found

"found guilty, not only on their confession but on
"evidence of having committed the Burglary charged,
"and the Law officer having declared them only —
"punishable under Ookoobut, a second question was
"put, when he said by his second futwa to the loss
"of a limb, to which the Sessions Judge agrees with
"him and passes sentence under Section XXI Regulation
"VII of 1802. on the 1st 2nd and 3rd Prisoners to 7 years
"on the roads in irons, and the 4th being the wife of
"the 3rd for receiving the stolen property, and confessing
"she knew it was stolen, thereby being a participator
"in the robbery after the act, though in a lesser degree,
"to 3 years of the roads without irons under Section IV
"Regulation VII of 1832. The 5th Prisoner has not been
"proved to have known the cloth she purchased, to
"be stolen but under the circumstance of a horse-
"keeper being the seller and the property of much greater
"value than a horsekeeper could become possessed of
"honestly, as well as of much greater value than she
"gave for them; even say her story is true that she
"took them in pawn, there is strong suspicion against
"her that she must have known them to be stolen,
"she is ordered to find security for her good behaviour
"for 12 months in the sum of 100 Rupees or be confined
"in the Jail for that time under Circular Order 5th

"June 1815. There is no crime brought home to the
"6th Prisoner nor any thing against him beyond
"having been in the Jail before for a crime of a
"fraudulent nature he is to be released and at the
"same time warned to be a little more careful how
"he has any thing to do with stolen property for
"the future".-

6. The Law Officer having failed in
his futwah to state the grounds of the exception
to a sentence of Hud being passed on the 1st 2nd
and 3rd Prisoners it became the duty of the Sessions
Judge to enforce the observance of the provisions
contained in Section II Regulation XV of 1803 as
pointed out in Circular Order 28th May 1832.-

7. But as he has omitted to do this
part of his duty. the Court desire that he will
now call for a Statement of the grounds which
barred the adjudication of Hud and submit the
answer of his Law Officer for the consideration
of the Foujdaree Adalut.-

8. The Court are much grieved to be
again under the necessity of noticing the style
and language of the remarks of the Sessions Judge
which exhibit a degree of carelessness by no means
creditable to that officer. They commence by stating
that

that the 1st 2d 3d and 4th Prisoners are found guilty not only on their confession but on evidence of having committed the burglary charged" How the 4th Prisoner was not convicted on either her confession or on evidence, of having committed burglary, but of having received from her husband, the 3d Prisoner, his share of the booty, and of having concealed it knowing it to have been stolen.-

9. The Court are of opinion on a consideration of all the circumstances of the case that the punishment which the 4th Prisoner has already suffered is adequate to her crimes and they therefore resolve to direct that she be set at liberty.-

10. The Session Judge has omitted to name the Clause of the Section under which he passed sentence on the 4th Prisoner.-

11. The Law Officer having fully and completely acquitted the 5th Prisoner of all guilty knowledge in receiving the property, adducing the fact that she sent the articles offered to her in pawn to the bazar to be valued before she would receive them, in proof of the openness and publicity of the transaction, the Court do not perceive on what grounds she was liable to be imprisoned until she should furnish security.- The Session Judge is accordingly required to direct that she be at once released from

confinement and the security Bonds cancelled should they have been executed.-

12. The Court have never yet had before them a question propounded in the form of the one put by Mr. Lylas and considering that this officer has held the post of a Judge of a Provincial Court they are of opinion that nothing can justify his utter disregard to that precision which is so necessary in a sentence of a Court of Justice and to the use of those technical terms to which he must have become familiar by his duties as a Judge of Circuit much less do they think that any thing can warrant his utter disregard to the grammatical construction of his sentences and the glaring errors which characterize his writings in general.-

Ordered that Extract from these proceedings be forwarded to the Session Judge of Chicacole, for his information by precept returnable in V days from and after its receipt.

(Sent following precept No 470).

Read Copy of the Calendar in Case No 8 of 1845 Submitted by the Session Judge of Calicut.-

(Here enter F.C. No 913 of 1845).

1. The Session Judge recommends, a

mitigation

mitigation of the punishment to which the Second Prisoner in this Case, convicted of house breaking and theft of property valued at ₹ 36-12-7 has rendered himself liable on the grounds that the aggravating circumstance which led to the committal of this case was the previous conviction of the 1st prisoner, and that in the absence thereof the case would have been disposed of by the Subordinate Judge the amount of property stolen being but small and because the 2nd Prisoner has hitherto borne a good character.—

2. The Court of Foujdaree Adalut having maturely considered the circumstances of the case represented in the above 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

2. Cherneguel Rekha Nair

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 sent to the Sessions Judge of Calicut for his information by precept returnable in 3 days from and after its receipt.—

(Sent following precept № 271).

Read again Criminal Reports for the

month of May 1844 submitted by the Principal Sudr. Ameen of Nellore.—

(Here enter F. C. № 1479 of 1844.

Read also again letter dated 25th July 1844 from the Acting Magistrate of Nellore forwarding explanations submitted by the Acting Head Assistant Magistrate connected with the charges preferred in Cases Nos. 34 and 35 of 1844 of the above Criminal Reports and remarked on by the Foujdaree Adalut in the Extract from their proceedings dated 12th July 1844.—

(Here enter F. C. № 1721 of 1844).

Read return dated 4th October 1844 from the Sessions Judge of Nellore to the precept of the Foujdaree Adalut of the 8th August preceding forwarding certain explanations submitted by the Acting Head Assistant Magistrate of Nellore in support of his Committal of the prisoners in Cases Nos. 34, and 35 of the Criminal Reports for May 1844 and in complaint of the Principal Sudr. Ameen for not sufficiently appreciating the reasons he had assigned for the Commitment of the cases and requiring the Session Judge to call for the records of those cases and pass on them such orders as appeared proper.—

(Here enter F. C. № 2697 of 1844).

Read return dated 15th March 1845 from the same officer to an Extract from the proceedings

of the Court of Foujdaree Udalut under date the 27th September last calling for a return to their precept of the 8th August preceding in the matter of Nos. 34 and 35 on the Criminal file of the Principal Sudr Ameen.—

(Here enter F. C. No. 864 of 1845)

1. In their proceedings of the 12th July 1844 the Court of Foujdaree Udalut having noticed the insufficient grounds on which the Acting Head Assistant Magistrate Mr. Ratliffe sent up cases Nos. 34 and 35 to the Principal Sudr Ameens Court that Gentleman deemed it necessary to submit certain explanations in support of his proceedings and complaining that the Principal Sudr Ameen had not sufficiently appreciated the reasons assigned for the commitment of these cases.

2. These explanations were forwarded to the Sessions Judge for his report who with the last return forwards an Extract from the proceedings of the Session Court held in review of the cases in question.—

3. In these proceedings the Sessions Judge expresses his opinion as to the cases themselves as follows. He considers "that the complaint preferred "by the Acting Head Assistant Magistrate bears on

the

"the face of it so manifest an air not only of improba-
"bility but of having been invented that he can
"only wonder at its having appeared in any other
"light to that officer. The circumstances of the family
"name of the 1st witness mentioned in it being the
"same as that of the 2nd Prisoner should at once have
"awakened the Acting Head Assistant Magistrates
"suspicion and in the opinion of the Session Judge
"the Principal Sudr Ameen was right in not putting
"the Prisoners on their trial".—

4 The Court consider the return of the Session Judge to be a very clear and satisfactory one and they entirely concur in the opinion recorded by him of the correctness of the Principal Sudr Ameens proceedings.—

Ordered that Extract from these proceedings be sent to the Session Judge of Nellore with directions to communicate the same to the Principal Sudr Ameen.—

(Sent in No. 472)

Ordered also that Extract from these proceedings be sent to the Magistrate of Nellore for communication to Mr. Ratliffe.—

(Sent in No. 473)

Read Criminal Reports for the month of February 1845. Submitted by the Principal Sudr Ameen of Trichinopoly.—

(Here enter F. C. No. 845 of 1845)

The

4th April 1845.

Suppl. Report
Case No. 14 and
Report No. V
Cases No. 22 and 24.

1.

The Court of Foujdaree Udalut seeing reason to question the propriety of the manner in which these cases have been disposed of, resolve to direct the Sessions Judge to call for the proceedings held in, and pass such orders on them as may seem proper, reporting the result for the information of the Foujdaree Udalut.

Case No. 27.

2.

It does not appear to the Court that the instructions issued by the Magistrate to the Police Ameen in this case were correct, but they desire the Acting Session Judge to look into the case and submit a report thereon for their information.

Ordered that Extract from these proceedings be sent to the Session Judge of Trichinopoly for his information by Precept returnable in XXV days from and after its receipt.

(Sent following Precept No. 474)

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

(Sent in No. 475)

Saturday
5th April 1845.

J. U.

At a Court of the Foujdaree Udalut

Present.

Henry Dickinson Esqre 1st
George F. Waters Esqre 2d
Malcolm Lewin Esqre 3d
} Puisne Judges

Read letter dated the 15
Ultimo from the Acting Magistrate
of Rajahmundry stating that the
Precept of the Foujdaree Udalut dated 23
October last is not found in the Office
of the Magistrate, and requesting to
be furnished with copy thereof.

(Here Enter No. 887.)

Ordered that the Session
Judge of Rajahmundry be required to
furnish to the Acting Magistrate
of that District a transcript of the
communication applied for.

Ordered, that Extract from
these proceedings be sent to the Ses-
sion Judge of Rajahmundry for his
information

5th April 1845 informations and guidance

/Sent in No 478/

Read Calendar in Case No 3
of 1845, on the file of the Sessions Court
of Tellicherry.

/Here enter No 967/

The prisoners in this case
were charged with housebreaking being
armed with Sticks and Knives and were
convicted, but the Sessions Judge being
of opinion that, as the prisoners are of
the lowest and most ignorant class of
human beings, and as it is not proved
that they took an active part in the
commission of the burglary, the prescribed
punishment would be too severe, recom-
mends 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

5th April 1845 direct that the prisoners

1. Punnayen Cooty and
2 Punnayen Caroopan

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.-

Ordered, that Extract from
these Proceedings be sent to the Ses-
sion Judge of Tellicherry for his in-
formation.-

/Sent in No 479/

Read Calendar in Case No 3
of 1845, submitted by the Sessions Judge
of Tellicherry.-

/Here enter No 967/

The prisoners in this case are
charged with Highway Robbery and were
convicted; but the Sessions Judge being
of opinion that the prescribed punish-
ment is too severe recommends a
mitigation thereof.-

2 The Court of Foujdaree
Udalut having maturely considered
the circumstances of the case

Represented

5th April 1845 represented in the Calendar sanctioned
under clause third Section III Regula-
tion I of 1825 the mitigated punishment
recommended by the Sessions Judge
and accordingly direct that the prisoner
1st Mapsrata alias
Moosa and Supurna
be imprisoned and kept to hard labor in
irons on the public roads or other public
works for and during the period of [illegible] seven
years. and the prisoner
2d Nalagatha Cheria
Moideen Coutty
to be imprisoned and kept to hard labor
in irons on the public roads or other
public works for and during the period
of [illegible] nine years.

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

(Sent in No 480)

Read communication dated
the 1st Instant from the Sessions Judge

F. H.

5th April 1845

of Nellore, submitting Report on the man-
ner in which the Sudr Ameen of the
Zillah Court has exercised the Crimi-
nal Jurisdiction vested in him by
Section II Regulation III of 1833 during
the latter half of the year 1844.—

(Here Enter No 751)

1. As relevant to the Remar
made in the above Report the Sess
Judge states he thinks it advisable
the Foujdaree Adalut should give the
opinion upon the question whether a
Sudr Ameen, if a Mahomedan Law
Officer, should decide cases agreeably
to the Mahomedan Law of evidence,
or should modify that Law agreeably
to the various Regulations and Cir-
cular Orders which have been passe
on the subject.—

2. The Court of Foujdaree
Adalut are not satisfied that doubt ca
reasonably exist on the point referre
to by the Sessions Judge, Sudr Ameens
being bound, in their capacity of crim-
inal

4th April 1845. Criminal Judge, to pass sentence accord-
ing to the Regulations, which as affecting
Criminal Judges contain no mention
of any allowance being made for the
technicalities of Mahomedan Law.

3. As regards the instances to
which Mr. Walker adverts, of Mahome-
dan Sudr Ameen having refused to adjudge
interest in their Decrees because of
its being forbidden by their law, the
Judges would only observe, that bound
as those functionaries were to administer
justice according to the Regulations,
the scruples thus declared rendered
them unfit for the office bestowed on
them and the Sessions Judge should at
the time have made it his duty to
bring the matter to the notice of the
higher Court.

4. The Session Judge would
seem to have overlooked the fact that
under ordinary circumstances the rejec-
tion of evidence by a Mahomedan Sudr
Ameen would be discovered by the

Sangaree

5th April 1845. Sangaree Adalut in their review of the
annual Criminal Reports.

Ordered, that Extract from
these proceedings be sent to the Sessions
Judge of Nellore for his information
and guidance.

(Sent in No. 481)

Read letter from the Sessions Judge of Madura dated the 15th
Ultimo, submitting the Report required
by Section XXXVII Regulation VII of 1802
for the year 1844.

(Here enter No. 873)

The Calendar submitted with
the above Report appearing not to have
been reviewed by the Sessions Judge
of Madura, it is ordered that they be
returned to that officer in view to
their Retransmission accompanied by
an Extract from the proceedings which
may have been held or which he may
now hold on them.

Ordered that Extract from the
proceedings be sent to the Sessions Judge

Sangaree Adalut Circular
Letter dated 22nd July
1845.

5 April 1815. of Madura by precept Returnable in XII days from and after its receipt.—

(Sent following precept No 482)

Read letter dated 8th ultimo from the Magistrate of Malabar.—

(Here Enter No 8 of 815)

1. In the above communication the opinion of the Sheristadar (Mr Ahut is solicited on the point whether this Principal Sudr Ameen of Cochin, in his capacity of Justice of the Peace, has jurisdiction in the matter of a charge preferred before him by certain native British subjects for an extensive assault committed on them by some of the Cochin Rajahs subjects, at sea, four miles off Connanguel, a place in the territory of the Rajah, and 2 or 3 miles from Cochin.—

2. It appears from the papers which accompany the Magistrates letter that a charge of a similar nature has been brought by the parties accused before the Principal Sudr Ameen, against the

5 April 1815.— the individuals charging them, with the Cutcherry of a police authority, under the jurisdiction of the Dewan of Cochin and that this officer objects to the surrender, on the Requisitions of the Principal Sudr Ameen, as justice of the Peace, of those who are complainants in the territory of the Rajah.—

3. Adverting to the circumstance of the assault having as would appear, occurred four miles out at sea, it is clear to the Court of Sudr Adalut, as respects the charge arising from it which has been preferred before the Principal Sudr Ameen of Cochin, that that Officer possesses jurisdiction and is competent to dispose of it.—

4. It would therefore seem necessary that the persons charged should be surrendered to stand their trial.—

Ordered that Extract from these

5th April 1845. These proceedings be forwarded to the Magistrate of Malabar for his information and guidance.—

(Sent in No. 483)—

Monday
7th April 1845

F. C.

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esqre. 1st Puisne Judge
George. S. Waters Esqre. 2d Puisne Judge
Malcolm Lewin Esqre. 3d Puisne Judge

Read communication dated the 28th February 1845 from the Sessions Judge of Calicut requesting instructions respecting a case of burglary inadvertently referred to the Sudr Ameen Pundit for trial and decision; it having been found, on a perusal of the proceedings upon an appeal from the Prisoner (convicted and sentenced by Sudr Ameen to 2 Years imprisonment,) that he was formerly punished for a like offence, and consequently that he should have been committed for trial under Clause second Section II Regulation XI of 18[illegible]

(Vide enter No. 739)

The Court of Foujdaree Udalut

7th April 1845.— Udalut approve the instructions issued to the Subordinate Judge not to enforce the sentence passed on the Prisoner in question by the Hindoo Sudr Ameen, who under the circumstances represented, was not competent to take cognizance of the charge preferred in the case adverted to, and could not therefore legally adjudge punishmennt.—

The Court consider that the sentence of the Sudr Ameen should be set aside and the Prisoner committed for trial by the Sessions Judge.—

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Tuticorin.—

(Sent in No. 490)

Read the Criminal Reports submitted by the Subordinate Judge of Chittoor for the month of February 1845.—

(Here enter No. 87)

7th April 1845.

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 Subordinate Judge of Chittoor for his information.—

(Sent in No. 491)

Read Calendar No. 8 of 1845 on the file of the Sessions Court in the Tillah of Madura.—

(Here enter F. C. No. 945)

1. The 1st Prisoner is charged with having caused the death of the Prosecutors elder brother — Ramasawmy Cotten by giving him a dose of arrack mixed with some deleterious drug — the other Prisoners are charged with having aided and abetted in the commission of the above offence.—

2. The Prisoners are also charged with having thrown into

7th April 1845.-

into a Tank the corpse of the said Ramasawmy Cotten with the intent to conceal his death.-

3 On a perusal of the Calendar it appears that the evidence adduced was insufficient to the Conviction of the Prisoners but there being a strong suspicion that the 1st Prisoner was guilty of the crime laid to his charge the Sessions Judge deemed it necessary to place him under a requisition of security for his good behaviour and appearance when required in 2 sureties of 50 Rupees each for three years. The other prisoners were ordered to be released.

4 The Court of Foujdaree Adalut observe that there could be no necessity for an interval of 13 days occurring between the termination of the trial and the sentence unless circumstances not within the Court's knowledge have caused so unusual a delay.-

Ordered that Extract from

7th April 1845.-

these Proceedings be sent to the Sessions Judge of Madura for his information and future guidance.-

(Sent in No. 492)

Read communication dated the 3rd Ultimo from the Sessions Judge of Chittoor reporting on the Criminal business transacted by the Sudder Ameens at that station during the two half years of 1844.-

(Here enter No. 416)

Adverting to the closing observations of the above Report, it seems necessary only to intimate to the Sessions Judge that, as now constituted, the Court of Foujdaree Adalut are not prepared to restrict the supervision by Sessions Judges of the work of Sudder Ameens in the Criminal department, to the extent declared in the proceedings of this Court noted marginally, which almost prohibit supervision.-

15th March 1844
3d April "

7th April 1845. 2. The Foujdaree Adaulut are of opinion, as shown in their proceedings circulated on the 18th February last, that Sessions Judges should be encouraged to supervise and review the labours of Sudder Ameens and pass such orders thereon as may not refer to the construction of the law, the Circular Orders of the Foujdaree Adaulut or the general practice of the Courts. This may without difficulty be effected where Sentences come before the Sessions Judges in Appeal, but under ordinary Circumstances, the Court think that a copy of each case, as it stands in the Criminal Report Book, should be submitted by the Sudder Ameens to the Sessions Judge for the information of the latter functionary immediately on the trial being closed and Sentence passed.

Ordered that Extracts from these Proceedings be sent to the Sessions Judges for their information

7th April 1845. information and guidance and communication to the Judicial Authorities exercising Criminal power within their Jurisdiction.

(Sent in Red)

F. C.

Tuesday,
8th April, 1845.

At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esq^re ——— 1st Puisne Judge,
Geo. L. Waters Esq^re ——— 2d Puisne Judge,
Malcolm Lewin Esq^re — 3d Puisne Judge,

Read Calendar of Case No. 11 of 1845 on the file of the Sylhet Court in Zillah Cachar.

(Here enter F. C. No. 966 of 1845)

The 1st Prisoner is charged with having severely wounded the 1st and 3d Prosecutors. the 2d Prisoner with having wounded the 2d Prosecutor.

2 It appears from the abstract of the examination held that the affray from which the charge results originated in a quarrel about arrears of rent, due by the prisoner to the 1st prosecutor:— and the charge against the prisoner of having wounded the prosecutor is borne out by the evidence adduced.

3 The remarks of the Sylhet Judge

Judge do not show how the 1st prosecutor was wounded; if not severely, the Sentence under the circumstances is considered by the Court of Sunjdaree Udalut severe.—

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

(Sent in No. 496)

Read Calendar in Case No. 8 of 1845 on the file of the Sessions Court in the Zillah of Cuddapah

(Here enter F. Ille No. 940 of 1845)

1. The 1st and 2d Prisoners were charged with Burglary; the 3d Prisoner with having received part of the stolen property and the 4th and 5th prisoners with having purchased the said property knowing the same to have been stolen.

2. The 2d Prisoner was convicted of the crime laid to his charge and punished accordingly; the 1st prisoner was ordered to be released under a requisition of Security and the charge against the 3d 4th and 5th prisoners

prisoners not having been established, they were ordered to be unconditionally released.—

3. On perusal of the Calendar the Court observe that the 4th and 5th prisoners ought not to have been committed by the Subordinate Court.—

Ordered that Extract of these proceedings be sent to the Sessions Judge of Cuddapah for communication to the Acting Subordinate Judge.—

(Sent in No. 497)

Read translation of Miscellaneous Petition No. 47 of 1845 presented on the 24th of February last by D. Pullaya Chetty of the Zillah of Chittoor.—

(Here enter F. Ille No. 47 of 1845)

1. The object of this Petition is to induce the Court of Sunjdaree Udalut to issue orders to the Session Judge of Chittoor directing him to examine into a charge preferred by Petitioner in the month of December 1843 before the Head of Police of Narayanavanum in the Zillah of Chittoor against nine

8th April 1846.

1 Curumma Ayaswamy Pillay
2 Thirugury Chengamma
3 Rookamma Kondalangadoo.
4 Govinda Chetty
5 Cota Soobba Chetty
6 Ponniappa
7 Mudabeera Reddy
8 Veeyala Soobbayadoo and
9 Chenchoo Naidoo.

nine persons noted in the margin for breaking into his house and stealing therefrom certain Jewels, monies &c.

2. Petitioner alleges that the Head of Police neglected to enquire into the case and that on his applying to the Magistrate that officer took no notice of his complaint.

3. Under the circumstances the Judge of the Court of Tondaree Mudaliar resolves to call the attention of the Sessions Judge to the matter of Petitioners complaint and directs that he will enter into communication with the Magistrate and take any steps in the case, that may appear necessary, reporting the same to this Court.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Chittoor by precept returnable in XXX days from and after its receipt.

(Sent following precept No. 498).

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

Read

2)

J. M.
8th April 1846.

Read Miscellaneous Petition presented on the 24th February 1846 by Sygoreinguar of the Zillah of Tinnevelly.

(Here enter J. M. M. P. Nos 440 of 1846)

The Petitioner complains that that the instigation of Soolochena Moodelly the Nair Serristadar of Tinnevelly a false charge of assault was preferred against him and his son and the case forwarded to the Criminal Court: that in his absence his house was broken into by the Tahsildar a creature of the Nair Serristadar, a Peishcar and 20 Peons and property consisting of Jewels &c. valued at 2000 plundered together with his accounts and pattahs. That some of his property has been sold for sums far below its value under a pretence of his having fallen into arrears in the payment of his revenue that he brought a suit against the Collector and Tahsildar which was referred to the Principal Sudr Ameen who headed in favor of the Collector turned him out of Court because he would not file a Razeenamah &c.

He then goes on to detail the acts

acts of alleged oppression on the part of the Naib Serishtadar and Collector and states that tho' he has brought all the circumstances to the notice of the Sessions Judge he has not been able to obtain redress. He mentions having obtained a copy of the Sessions Judges order rejecting his Petition but it is observed he has failed to file it with this Petition and concludes with a prayer for redress.

Before disposing of the Petition the Court desire the Petitioner to file a certified copy of the Sessions Judge's order alluded to in the 9th paragraph of his address.

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

Read Miscellaneous Petition presented on the 3rd March 1845 by Soobarayen of the Zillah of Combaconum.

(Here enter F.M.M.P. No. 49 of 1845.)

The Petitioner in his representation declares himself to be the son of the prisoner in case No. 12 on the Combaconum Calendar for 1844, complains that the conviction of his father

father of the crime of perjury charged against him, was unjust and his punishment of 5 years imprisonment consequently illegal.

The Court of Foujdaree Adalut having referred to the Calendar see no reason to question the justice of the conviction or the propriety of the Sentence passed on the prisoner in question.

The prayer of the Petition is accordingly rejected.

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

Read Miscellaneous petition presented on the 3rd of March 1845 by Sudrayeshpa Naicken of Zillah Cuddalore.

(Here enter F.M.M.P. No. 50 of 1845.)

The object of this petition is to induce the Court of Foujdaree Adalut to call for and peruse the entire record[x] in this case and to issue a precept to the Acting Sessions Judge directing him

[x] 20 of 1844 before the Sessions Court of Cuddalore.

8th April 1845.

him to release Petitioner's Son who is the prisoner therein.—

2 The petition is grounded on the alleged fact that no credit is to be attached to the evidence of nine of the witnesses examined in this case who are said to have made in the Sessions Court a diametrically opposite statement to that recorded at their examination before the Head of Police.—

3 The Court have already maturely considered the evidence offered against the Prisoner, and concurred in the propriety of his conviction and of the Sentence passed upon him.—

4 The Court refuse to interfere with the Sentence.—

5 Petition is dismissed, and the Petitioner to be furnished with an Extract of these proceedings on application.—

Read Miscellaneous Petition presented on the 3d Ultimo by Vayathinatha Pillay late a Peon of the Dewan attached to the Tondaman Moolah in Zillah Chingleput.—

(Here enter P.C. M.P. No 64 of 1845)

No.

8th April 1845.

The Petitioner would seem to complain against the proceedings of the Collector of Chingleput, directing his dismissal from the Office of Curnum of Davathore and the employment in his place, of one Veeraswamy Pillay.—

The Petitioner asserts his entire guiltlessness and represents that having appealed for redress to the Session Judge of Chingleput, that Officer referred him to the Board of Revenue.—

He prays, as the Collector, in his capacity of Magistrate, ordered his removal from Office, that the Court of Foujdaree Adalut will direct his reinstatement.—

There are no documents presented to show that the Magistrate were concerned in the matter referred to in the Petitioner's address the Foujdaree Adalut accordingly decline to interfere on the Petitioner's behalf in the manner solicited.—

Petition dismissed

Ordered

8th April 1845.

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

Vesalatchy Ummaul, moved the Court to return the enclosures in his Miscellaneous Petition No 42 of 1845.—

Ordered accordingly.

Read letters dated the 22d February and 24th March 1845 from the Sessions Judge of Chicacole, reporting the execution of Vennalacottah Kullaiah 1st Prisoner in Case No 10 on the Calendar of the Sessions Court for 1845.—

(Here enter Fle Nos 975 and 976 of 1845)

Exd WH

DDM
hcf

Wednesday
9th April 1845.

Fle

At a Court of the Zoujdaree Adalut

Present

Henry Dickinson Esqre —— 1st Puisne Judge
Jno J. Waters Esqre —— 2d Puisne Judge
Malcolm Lewin Esqre —— 3d Puisne Judge.

Read letter dated 25th Ultimo from the Sessions Judge of Salem transmitting the record of the trial in Cases No 10 and 12 on the Calendar of the Sessions Court for 1845.—

(Here enter Fle No 954 of 1845)

Mr Dickinson and 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 prisoners

1st Vembadyan
2d Iralyalen,
and
4th Maurun,

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

them

their own confession, of the crime of wounding in an attempt to commit robbery, do acquit them thereof, but considering that strong suspicion, tho' not amounting to conviction, attaches to them, they direct that the prisoners

1st Vembadyan

and

2d Malyalen

be required under Clause 4th, Section II Regulation XV of 1803, to find two Sureties each, at 50 Rupees each Surety for their good behaviour and appearance within two years, or in default thereof that they be detained for two years in confinement - and the Prisoner

4th Mauroo

to find two Sureties, at 100 Rupees each Surety, for his good behaviour and appearance when required within three years or in default thereof that he be detained for 3 years in confinement.

It is not possible, the Court of Sonjdaree Adalut think, to doubt that

that the 4th Prisoner wounded the Prosecutrix, but they do not think that the evidence is sufficient for his conviction.

2. The Court do not believe the Statement of the Prosecutrix that she recognized the 2d and 4th Prisoners - She did not make this Statement until four days after the wounding took place, when the 1st and 2d witnesses had discovered from the 1st Prisoner the circumstances attending the borrowing of the Razor &c.

3. They have therefore resolved to require the Prisoners to find Security, each in two Sureties, the 4th for 3 years at 100 Rupees each Surety, and the 1st and 2d for 2 years, at 50 Rupees each Surety -

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

(Sent following letter No. 591)

Read letter dated the 29th Ultimo from the Acting Sessions Judge of Coimbatore transmitting the record of the Trial in Case No. 3

9th April 1845

Kc Dickinson and Inr Waters.

on the Calendar of the Sessions Court for 1845.

(Here enter F.C. No. 996 of 1845)

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

Javanum

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. 502)

Read return dated the 18th Ultimo, from the Acting Sessions Judge of Trichinopoly, to the Precept of the Foujdaree Adalut dated the 6th idem, calling on that Officer to submit a more detailed Statement of the circumstances of the cases Nos. 2 and 4 of 1845, on the file of the Sessions Court of Trichinopoly.-

(Here enter F.C. No. 997 of 1845)

In

2/ No. 996

9th April 1845

In the proceedings of the 6th Ultimo the Court observing that the contradictions on account of which the prisoners have been acquitted in Cases Nos. 2 and 4 appeared of no importance whatever, while the facts which are disposed to vouch, in their opinion have had some origin, and that, further they were wholly false (which is not alleged) and the result of conspiracy on the charge would appear to be proved, called on the Acting Sessions Judge to submit a more detailed Statement of the circumstances of the evidence in the Cases.-

2. The Statements submitted with the foregoing return, fully confirm the apprehensions entertained by the Court. It appears to them that there has been a great failure of justice in these cases and that the evidence is quite sufficient for a conviction.-

3. The Court look for greater circumspection and attention in the future

Sutherst

9th April 1845.

duties of the Sessions Judge.

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

(Sent in No. 503)

Read return dated 15th Ultimo, to the Precept of the Tanjore Undertaker under date the 6th March 1845, calling on the Sessions Judge of Honore to State more in detail the grounds of the Sentence of 2 years imprisonment passed on the Prisoner in Case No. 4 of 1845, on the Calendar of the Sessions Court.—

(Here enter F.R. No. 914 of 1845)

1. It appears from the Return of the Sessions Judge, that the intention of the Prisoner in this case was to sell the prosecutor's daughter as a prostitute, or to keep her for the same purpose.—

2. The Court consider that under these circumstances the Sentence passed by the

9th April 1845

the Sessions Judge was far too lenient.—

3. Ordered, that Extract of these proceedings be sent to the Sessions Judge of Honore for his information and future guidance.

(Sent in No. 504)

Read Calendar of Case No. 16 of 1845, on the file of the Sessions Court in Zillah of Chingleput.—

(Here enter F.R. No. 929 of 1845)

1. The prisoner is charged with having ill-treated and severely wounded his wife, the Prosecutrix.—

2. From the abstract of the examinations made in the Principal Sudder Ameen's Court, it appears that the assault occurred during the night, when the prisoner was alone with the prosecutrix, who was found the next morning in a perfectly helpless state, in which she continued for nearly one week in the Zillah Hospital.—

3. The Sessions Judge is informed that "Strong suspicion" is insufficient to

conviction

9th April 1845

convictions; if the future convicts upon "Zemeyka's bib" (which no doubt is the case) it should have been noticed as "strong presumptive proof."

Ordered, that Extract of these proceedings be sent to the Sessions Judge of Chingleput for his future guidance.

(Sent in No. 505)

Read return dated 14th March 1845, from the Sessions Judge of Tellicherry to the precept of the Foujdaree Adalut of the 17th February preceding, directing that enquiry be made as to whether Kakoory Cherroolly Coorkul, the individual reported in the Acting Joint Criminal Judge's letter of the 8th December last or any relative is willing to stand Security for, and undertake the responsibility of taking such charge of Durman Coorkul, a prisoner in the Gaol at Tellicherry, as shall secure the public safety in respect of him.

(Here enter F.R. No. 894 of 1845)

In this return the Sessions Judge reports that "the said Kakoory Cherroolly Coorkul has expressed his willingness to stand

Security

No. 116.

9th April 1845.

Security for the said Prisoner in the Sum of 15 Rupees only, being the amount of his share of the family property, as the other members of the family now refuse to come forward to make up the Sum to Rupees 52.

Under these circumstances the Court of Foujdaree Adalut deem it unsafe to release the prisoner Durman Coorkul the refusal of the other members of the family to come forward on behalf of the prisoner tend to indicate their apprehensions of the danger of his being set at liberty.

The Sessions Judge will continue to make the usual periodical reports of the state of Durman Coorkul's mind, and of the probability of any one consenting to undertake the responsibility of receiving charge of him.—

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

(Sent in No. 506)

Read Criminal Reports for

the

9th April 1845

the month of February 1845, submitted by the Principal Sudr Ameen of Tinnevelly

/Here enter F. No. No. 782 of 1845/

Supplemental Report Case No. 6.

As it would appear that a report of the misconduct imputed by the Principal Sudr Ameen to the Tahsildar of Punjanaul Taluk in this case has been made to the Sessions Judge with a view to the circumstances being brought to the notice of the Magistrate. The Court of Foujdaree Udalut desire to be informed of the result of the reference to the Magistrate.

2. The Magistrate will be required to furnish a report direct to the Foujdaree Udalut of the result of the proceedings held by him into the conduct of the Tahsildar in question.

Case No. 7

3 Adverting to the proceedings of the Sessions Judge held in review of the Principal Sudr Ameen's decision in this case, the Court of Foujdaree Udalut resolve to direct that an English translation of the record of the whole case be forwarded for their consideration.

Report No. 7. Case No. 12.

4 The Court of Foujdaree Udalut observe that the imputations cast by the Principal Sudr Ameen on the conduct of the Police officer who had

9th April 1845

primary cognizance of this case have been declared by the Sessions Judge in his proceedings of the 6th Ultimo, to be altogether unfounded and unsupported. The Court accordingly deem it unnecessary here to take further notice of the remarks of the Principal Sudr Ameen, but will issue separate instructions on the communication of the Sessions Judge.

Case No. 14

5. The Court of Foujdaree Udalut seeing reason to question the propriety of the decision of the Principal Sudr Ameen in this case 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 the Foujdaree Udalut.

Case No. 15.

6. The prisoner who is a Taluk Peon is charged with gross and culpable neglect in allowing a prisoner to escape from his custody.

7. He admits the escape but pleads ignorance of the fact that the escaped person was a prisoner and asserts that the Duffadar failed to inform him of this fact. He has been released by the Principal Sudr Ameen the charge not being proved.

The

9th April 1845

2

The Court observe that before releasing the prisoners the Principal Sub Ameen should have examined the Duffadar. The Court will not now disturb the Sentence but they direct that the Principal Sub Ameen be called on to state why he omitted to examine the Duffadar.

Ordered, that Extract from these proceedings be forwarded to the Principal Sub Ameen of Tinnevelly for his information by precept returnable in 5 days from and after its receipt.

(Sent following precept No 507)

Ordered also, that Extract from these proceedings (paras 1, 2, 3 and 5) be forwarded to the Sessions Judge of Tinnevelly for his information by precept returnable in 15 days from and after its receipt.

(Sent following precept No 508)

F. U.

Thursday
10th April 1845.

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esquire 1st Puisne Judge
George J. Waters Esquire 2d Puisne Judge
Malcolm Lewin Esquire 3d Puisne Judge.

Read letter dated the 1st February 1845 from the Sessions Judge of Honore forwarding trial in Case No 12 of 1846 on the Calendar of the Sessions Court of Honore.

(Here enter F. U. No 458.)

Read return dated the 24th March last from the Sessions Judge of Honore to the precept of the Foujdaree Udalut of the 25th February 1845 forwarding letter from the late Acting Sessions Judge of Honore containing his opinion on the merits of the above trial.

(Here enter F. U. No 986.)

Mr Waters
and
Mr Lewin

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the Case in evidence before them

being

being of opinion that the prisoners,

1st Purmiya alias Paramanny,

and

3d Poottiya na Gunnapiya.-

are not convicted on presumptive proof, or on the evidence of credible witnesses or on their own confessions of the crime of murder, do acquit them thereof, and direct that they be unconditionally released.

1. The late Acting Sessions Judge dissents from the Futwah of the Law Officer, expresses his opinion that the evidence is sufficient to the conviction of the 1st Prisoner and that there are strong grounds for suspicion that the 2d and 3d prisoners were concerned in the commission of the Murder and accordingly recommends that sentence of death be passed on the 1st prisoner: and that the 3d prisoner be required to find one security for the sum of 150 Rupees for the period of 3 years.

2. After a careful consideration of the record of the Case and of the letter submitted by the late Acting Sessions Judge of Honore, the Court of Foujdaree Udalut

are

10th April 1845.

are of opinion that the evidence adduced is not sufficient to convict any one of the prisoners of the crime laid to their charge.-

3. The Court consider that it is much more probable that the murder was committed by the 5th Witness whose sudden flight and protracted absence from the place where he pretends to have witnessed the deed agrees not with the conduct of an innocent man.

4. The Court observe that a great error has been committed in the non-examination by the late Acting Sessions Judge of the 1st Witness (before the Police) Gowry who though of tender age would probably have been found sufficiently intelligent to describe what she had seen and know that she was bound to tell the truth.

5. The Court consider that no credit is to be attached to the story of the 2d Witness who if his statement were true it must be inferred would have communicated it to the prosecutor at an earlier period than he appears to have done.-

6. The evidence of the 10th Witness who deposes to the prisoners confession before

him

him is rendered perfectly worthless by him not having communicated the fact to the Rotail on delivering the prisoner into his charge, or to the Tahsildar at the examination of the bodies of the deceased on which occasion he was proved to have been present, and to have given a Mu-harzeenamah.

7. On the whole, the Judges of the Court of Foujdaree Udalut are of opinion that nearly all, if not all, of the evidence that tells against the prisoners has been fabricated and accordingly resolve to direct the Session Judge of Honore that the two surviving prisoners be immediately unconditionally released.

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

(Sent following letter No. 512

Read report dated the 12th Ultimo submitted by the Joint Magistrate in charge of Salem, of Cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the month of February 1845.

(Here enter No. 842.)

In

F. M.

10th April 1845.

Case No. 3.

16th August 1844.

In this Case a prisoner convicted of Cattle stealing has been sentenced on the 4th February last by the Joint Magistrate under Section VII Regulation X of 1816, to two months imprisonment with Labor in irons.

2. The Court 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 1822.

3. The sentence of the Joint Magistrate is therefore illegal and must be annulled and the party committed to the Criminal Court of the Session Judge should on a revision of the proceedings be of opinion that the powers vested in the Magistrate by Section XXXIII Regulation IX of 1816 are inadequate to the punishment of the party concerned.

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

(Sent following precept No. 513)

Ordered

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

(Sent in No 514)

Read letter dated 28th February 1845 from the Session Judge of Rajahmundry submitting copy of a Petition from the Prosecutrix in Case No 6 of 1843 with a copy of the sentence passed in the case and recommending, that as it was at the request of the Prosecutrix, the Prisoner was punished, and as that request is now withdrawn, it may be considered consistent with the principles of Criminal justice to commute the remaining part of the sentence to an obligation to maintain the prosecutrix for life.-

(Here enter No 738.)

1. The Court cannot withhold the expression of their regret and surprize that the Session Judge upon whom for some time have devolved the functions of a high judicial office, should have adopted a proceeding so glaringly improper and so inconsistent with the first principles of Criminal Justice - the clear provisions of the Law which he is bound to dispense - and the instructions of the Superior Court, and this too in behalf of an object in no way deserving of the slightest consideration.

2. The prisoner in whose behalf the appeal of the Session Judge is made, was charged with having severely beaten the prosecutrix with a rice pounder above her knee and broken her leg, and stamped on her stomach so as to cause blood to issue out of her private parts.

3. He was convicted and sentenced to 7 years imprisonment with labor and has already undergone 16 months of it - but because the prosecutrix derives no benefit but on the contrary suffers a further injury in being deprived of the help and maintenance which she formerly derived from the prisoner - and has now withdrawn her request to prosecute - he suggests that it may possibly be considered by the Judges of the Foujdaree Adalut consistent with the principles of Criminal justice to commute the remaining part of the sentence of imprisonment to an obligation to maintain the prosecutrix -

4. The Session Judge appears entirely to have forgotten the end of all punishment viz: the prevention of crime - and to have

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

(Sent in No 514)

Read letter dated 28th February 1845 from the Session Judge of Rajahmundry submitting copy of a Petition from the Prosecutrix in Case No 6 of 1843 with a copy of the sentence passed in the case and recommending, that as it was at the request of the Prosecutrix, the Prisoner was punished, and as that request is now withdrawn, it may be considered consistent with the principles of Criminal justice to commute the remaining part of the sentence to an obligation to maintain the prosecutrix for life.-

(Here enter No 738.)

1. The Court cannot withhold the expression of their regret and surprize that the Session Judge upon whom for some time have devolved the functions of a high judicial office, should have adopted a proceeding so glaringly improper and so inconsistant with the first principles of Criminal justice - the clear provisions of the Law which he is bound to dispense - and the instructions

of the Superior Court, and thus too in behalf of an object in no way deserving of the slightest consideration.

2. The prisoner in whose behalf the appeal of the Session Judge is made, was charged with having severely beaten the prosecutrix with a rice pounder above her knee and broken her leg, and stamped on her stomach so as to cause blood to issue out of her private parts.

3. He was convicted and sentenced to 7 years imprisonment with labor and has already undergone 16 months of it - but because the prosecutrix derives no benefit but on the contrary suffers a further injury in being deprived of the help and maintenance which she formerly derived from the prisoner - and has now withdrawn her request to prosecute - he suggests that it may possibly be considered by the Judges of the Foujdaree Udalut consistent with the principles of Criminal justice to commute the remaining part of the sentence of imprisonment to an obligation to maintain the prosecutrix.-

4. The Session Judge appears entirely to have forgotten the end of all punishment viz: the prevention of crime - and to

have

have fallen into a very common error of confounding two perfectly distinct considerations the moral guilt of the offender, and the propriety of punishing him for the sake of example.-

5. In Section XXVII Regulation IX of 1816. it is declared that "no private compromise or "Razeenamah shall be admitted by the Magistrate in crimes of a heinous nature such as on "conviction may require exemplary punishment "for the ends of public justice".

6. The Court of Foujdaree Udalut have ruled in their Circular Order 27th August 1829 that the principle of the prohibition contained in the above Clause is applicable to and "obligatory upon the whole of the Criminal Courts" and they desire the several Provincial Courts "to instruct the Criminal tribunals in their respective divisions that it is illegal to admit any "compromise in Cases of a heinous nature in "which description are included all Cases forwarded to the Criminal Court.-

7. It follows therefore that no Session Court would be justified in admitting a compromise in Cases of a heinous nature, such as require exemplary punishment for the ends of

of justice, especially crimes of this description which have been recognized as such in the regulations and where it has been expressly directed that the offenders should be brought to trial before the Criminal Courts.-

8. With reference to the remarks in the 3d para of his letter that had the prosecutrix declined to prosecute - the Court would have had no cognizance of the offence - the Court of Foujdaree Udalut deem it sufficient to point Mr Anstruther's attention to the concluding Clause of the Circular Order above cited wherein it is distinctly affirmed that if the complainant declines to prosecute, the Government Vakeel should be directed to conduct the prosecution.-

9. The Court would finally urge on Mr Anstruther a more careful and attentive consideration of the Regulation and Circular Orders, and they trust that by a closer adherence to the instructions therein conveyed he may in future be preserved from errors similar to those which he has of late so frequently fallen into and which have in them

dangerous

dangerous if not destructive principles.

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

(Sent in No. 515)

Read Calendar dated the 25th Ultimo submitted by the Acting Session Judge of Cuddalore in Case No. 27 of 1845.

Here enter No. 949.

1. The prisoner in this Case was charged with theft of property amounting to 560 Rupees but as upon an attentive consideration of the record received from the Principal Sudr Ameen's Court, no sufficient grounds appeared for proceeding to trial; the case was called in Court and dismissed by the Acting Session Judge, as directed in the Circular Order dated 26th November 1821.

2. Adverting to the remarks of the Acting Session Judge in this Case, the Court of Foujdaree Udalut deem it right before expressing any opinion on the propriety of that Officer's proceedings, to call for further information in the case.

The

3. The Acting Session Judge will accordingly submit without delay a clear and full explanation of the main facts of the Case as it affects the Prisoner in the Case under remark, and the other prisoners released by the Principal Sudr Ameen.

4. The Court trust that the Magistrate will fully inquire into the conduct of the Police Officers alluded to by Mr. Baynes, and they desire that a report of the result of the enquiries be submitted for their consideration by the Magistrate direct to the Foujdaree Udalut.

Ordered that Extract from these proceedings be forwarded to the Acting Session Judge of Cuddalore for his information and communication to the Magistrate of South Arcot, by precept returnable in XX days from and after its receipt.

(Sent following precept No. 516)

Friday
11th April 1845

Ft Ude.

At a Court of Fouzdaree Udalut

Present

Henry Dickinson Esqre 1st
George S. Waters Esqre 2nd } Judges
Malcolm Lewin Esqre 3rd

Read letter dated the 14th
February last, from the Acting Sessions Judge
of Tinchinopoly, requesting instructions, whether
Pond on the establishment of the Jail 1845
his charge, through whose neglect a prison-
has escaped should be forwarded to the Prin-
-cipal Sudr Ameen, or whether the 25.
Judge is authorized to direct their Cri-
-tal to be tried before himself.

(See entry No 599)

Read also return dated
26th February last from the Sessions
of Tinnevelly to the Precept of the Fouz
Udalut dated 26th January 1845 directing
that Officer to explain how or whether
the Criminal Case No 47 of 1844 of
a Convict in confinement in the Lit-
-ter

April 1845 was charged with striking a fellow Convict, was forwarded by him to the Principal Sudr Ameen for trial.-

(Here enter No 830)

Adverting to the remarks contained in the foregoing Communication the Court of Foujdaree Udalut, as now constituted, see reason to doubt the correctness of their proceedings, noted in the margin, declaring that the "Officer in charge of a Jail has plenary cognizance of all offences including escape, committed against its discipline" and having brought the subject under reconsideration, they resolve to cancel the proceedings adverted to.

2 Circular Order 23rd June 1820 last reference to the question of whether or not Prisoners committing offences in Jail should be forwarded by the Magistrate or punished at once by the Criminal Judge without the intervention of the Magistracy. and it was decided that the latter was the proper course.

3 a Principal Sudr Ameen in Districts in which there are such officers now

11th April 1845 stands in the place of the Criminal Judge, performs all duties (the charge of the Jail ex- that were performed by the late Criminal Judge)

The Court think that the Udalut

4 of punishing offences in Jails had devolved the other powers of the Criminal Judge on Principal Sudr Ameen. So that the intervention of the Magistracy is avoided, they see no reason why an exception should be made to the rule that all criminal charges should go before a subordinate Court before coming before the Criminal Judge (1845

5. in the case of prisoners committing offences in Jail. 245.

With regard to the question proposed by the acting Session Judge of Cuttack, whether the Court are of opinion that persons he refers to, should be forwarded to the Principal Sudr Ameen for Committal if necessary to the Session Judge. the power of Committing for trial not being (except in some defined cases) vested in the Criminal Judge.

Ordered that Extract

April 1845

these Proceedings be forwarded to the Sessions Judges at Tinnevelly, Tuticorin Tooly and Sumtoor for their information and future guidance.-

(Sent in Rec. 517/5

Saturday
12th April 1845

P. 20

At a Court of the Poydaree Adalut

Present

Henry Dickinson Esquire 1st
George S. Waters Esquire 2d } Puisne Judges
Malcolm Lewin Esquire 3d

Read letter dated 1st April 1845 from the Sessions Judge of Cuddapah submitting the records of Trial in Case No 3 on the Calendar of the Session Court for 1845.

(Here enter Pc. 971)

Mr H. Dickinson and Mr M. Lewin.

The Court of Poydaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the prisoners

1st Coomara Sunjeevagadoo.
2d Ogareddy Nangadoo.
and
3d Mandega Pameegadoo

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the Crime of

Murder

Murder and Robbery, do acquit them therefr, 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 1810 to give Security at 100/ one hundred Rupees each for their good behaviour and appearance when required within three years, or in default thereof that they be detained for three years in confinement.

(Sent following letter No. 521)

Read Calendar in case No. of 1845 dated 22d March last on the file of the Sessions Court of Calicut.

Here enter F. W. No. 946

1. The Prisoners were charged with Gang robbery and assault.

2. The evidence against the 2d 4th 5th 6th and 7th prisoners not being sufficient to their conviction they were ordered to be unconditionally released.

3. The 3d prisoner against whom there were strong grounds for suspicion of his having been concerned in the crime was placed under a requisition of security.

The

4. The crime of having aided and abetted in the commission of Gang robbery was proved against the 1st prisoner, but in consideration of the robbery not having been attended with any aggravating circumstances, together with the extreme youth of the prisoner and the good character he has hitherto borne the Sessions Judge being of opinion that the prescribed punishment is too severe has submitted his case to the Court of Foujdaree Adalut for a mitigation of sentence with reference to the provisions of Clause Second Section III Regulation I of 1825.

5. After a full consideration of the Calendar and of the remarks of the Sessions Judge the Court of Foujdaree Adalut are of opinion that although the circumstances set forth by the Sessions Judge may be favorable to the prisoner as an individual there is nothing to justify the mitigation of the prescribed sentence in the case of such a robbery as the one now reported.

Ordered

12th April 1845

Ordered, that Extract of these Proceedings be sent to the Sessions Judge of Calicut for his information and guidance.

(Sent in No. 522)

Read Calendar in case No. 208 of 1845 under date the 31st of March last on the file of the Sessions Court of Cuddalore.

(Here enter F. D. No. 1000)

1. The Prisoner was charged with rape.

2. On a perusal of the Calendar the Court observed that the evidence adduced was insufficient to convict the Prisoner of the crime laid to his charge.

3. The Court of Foujdaree Adalut are of opinion that the acting Sessions Judge should have confined his remarks to the evidence and the Futwa without entering into a dissertation on the law as applicable to the case now reported.

Ordered, that Extract of these proceedings be sent to the acting Sessions Judge of Cuddalore for his information and future guidance.

(Sent in No. 523)

12th April 1845.

Read report submitted by the Agent to the Governor of Fort St. George in Vizagapatam of Casco pending on the 28th February 1845 and committed for trial during the month of March 1845 and which have been before the Court of the Agent to the Governor of Fort St. George in Vizagapatam for a period in excess of 25 days calculated from the date of commitment.

(Here enter No. 1019)

As no cases are exhibited in the above Statement the attention of the Agent to the Governor of Fort St. George is directed to Foujdaree Adalut Circular order of the 4th September 1820 directing the discontinuance of the practice of forwarding Blank Returns to this Court.

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

(Sent in No. 524)

Read letter dated 2d Instant from the Acting Magistrate of Guntoor.

Reporting

reporting that there have been no cases tried by the Magistracy under the provisions of section LIV act VII of 1843 during the Month of March 1845 in the Guntoor Zillah.

(Here enter No. 1032.)

Read letter dated 5th Instant from the Acting Magistrate of North Arcot reporting that during the Month of march last the Magistracy did not exercise the powers vested in them by section LIV of act VII of 1843.

(Here enter No. 1034)

Read letter dated 1st Instant from the Sessions Judge of Tellicherry stating that 4 Cases were committed for trial in March but as none of them were before the Sessions Court for a period in excess of 25 days from the date of Commitment no Report is submitted.

(Here enter No. 1035)

Read supplemental return dated 5th Instant from the Principal Sudr ameen of Trichinopoly to the Precept of the Fouzdaree Adalut of the 25th January 1845, directing the Principal Sudr ameen to forward for their consideration Copy of the Indictment and abstract of the particulars of Case No 34 and calling for a full explanation of the delay

of

of the Pottadar in forwarding the Prisoner in case No. 125 to the Police ameen.

(Here enter No. 1037)

Read letter dated 2nd Instant from the agent to the Governor at Vizagapatam forwarding warrant issued by him to his Assistant for the execution of Pilly Conchados who was convicted of wilful murder and sentenced to suffer death.

(Here enter No. 1038)

Read letter dated 5th Instant from the Subordinate Judge of Salem submitting the explanation called for in No. 150 on the Supplemental Report and also offering a few remarks in explanation of the decision in Case No. 13 on the Criminal Reports for the Month of January 1845.

(Here enter No. 1039)

Read letter dated 8th Instant from the Magistrate of Chingleput informing that no cases have been tried by the Magistracy under the provisions of Act VII of 1843 during the Month of March 1845.

(Here enter No. 1059)

Read

12th April 1845

Read Calendar of Case No 11 of 1845 Submitted by the Acting Sessions Judge of Combaconum -

(Here enter No 1069)

Read return dated 8th Instant from the Acting Sessions Judge of Combaconum to the precept of the Foujdaree Adalut under dat the 25th March 1845 directing that the sentence passed against the Prisoner in Case No 42 of 1844 be now carried into effect.

(Here enter No 1070)

F. W.

Monday.
14th April 1845.

At a Court of the Foujdaree Adalut.

Present.

Henry Dickinson Esqre 1st
G. J. Waters Esqre ____ 2d
Malcolm Lewin Esqre ____ 3d
} Puisne Judges

Read Miscellaneous Petition presented with eight enclosures on the 10th of March last by Vadaveissa Butter of the Zillah of Trichinopoly.-

(Here enter F. W. M. P. No 54)

1. The object of this Petition is to induce the Court of Foujdaree Adalut to reverse an order of the Magistrate of Trichinopoly passed on the 21st of July 1840. in which that officer declined to interfere in the disputes which existed between the Tengalayengar (to which caste Petitioner belongs) and the Vadagalayengar who are alleged to have performed certain ceremonies in direct opposition to the orders of former Magistrates and to the decrees of the Courts. Petitioner also states that the Magistrate in the said order referred the parties to the Civil Court and warned them that if their disputes were attended by any breach of the peace, they would both be severely punished.

2. On a mature consideration of the Statements

Statements advanced in this Petition the Court refuse to interfere with the orders of the Magistrate in this matter, as they appear to be in all respects correct and proper.-

3. The Court observe that it is not the province of a Magistrate to enquire whether this or that be in the enjoyment of what they consider to be their rights; but to preserve the peace, and if he finds that to have been broken it is his duty to punish the offenders whether they be Vaisyalayars or Teugalayars.-

4. If the Teugalayars have been deprived of their right they may sue for their recovery and for damages but with their rights the Magistrate has nothing whatever to do.-

5. The Petition is therefore dismissed.-

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

Read Miscellaneous Petition presented on the 10th Ultimo by Ramasamy of the zillah of Chittoor.-

(Here enter F. W. M. P. No. 57 of 1845)

1. The object of this Petition is to induce the Court to examine certain Witnesses who are said not to have been examined by the Sessions

Judge of Chittoor at the trial of Poomasamy Petitioners younger brother, who was sentenced by that officer to 4 Years imprisonment for having fraudulently appropriated a Bank Note for Rupees 100.-

2. Petitioner is referred to the former Orders of this Court on the matter of this petition which have been declared final.-

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

Read Miscellaneous Petition presented on the 10th Ultimo by Soondarammal Saraveena Moodely and Palany Moodely of the zillah of Cuddalore

(Here enter F. W. M. P. No. 58 of 1845).

1. The Court again decline to interfere in the matter of this petition which has been repeatedly brought under the consideration of the Foujdaree Adalut.-

2. Petitioners are referred to the Proceedings of this Court under date the 2d of September and 4th November 1844 and 3d January & 24th February 1845.-

3 Petition is dismissed.-

Ordered that Extract of these proceedings be furnished to the Petitioners on their application.-

Read

Statements advanced in this Petition the Court refuse to interfere with the orders of the Magistrate in this matter, as they appear to be in all respects correct and proper.-

3. The Court observe that it is not the province of a Magistrate to enquire whether this or that be in the enjoyment of what they consider to be their rights; but to preserve the peace; and if he find that to have been broken it is his duty to punish the offenders whether they be Vakeyalayars or Tengalayars.-

4. If the Tengalayars have been deprived of their rights they may sue for their recovery and for damages but with their rights the Magistrate has nothing whatever to do.-

5. The Petition is therefore dismissed.-

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

Read Miscellaneous Petition presented on the 10th Ultimo by Ramasing of the Zillah of Chittoor.-

(Here enter F. W. M. P. No. 57 of 1845)

1. The object of this Petition is to induce the Court to examine certain Witnesses who are said not to have been examined by the Session Judge

Judge of Chittoor at the trial of Poornasing Petitioners younger brother, who was sentenced by that officer to 4 years imprisonment for having fraudulently appropriated a Bank for Rupees 100.-

2. Petitioner is referred to the former Orders of this Court on the matter of this petition which have been declared final.-

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

Read Miscellaneous Petition presented on the 10th Ultimo by Soondarammal Saraveena Swoodely and Palany Swoodely of the Zillah of Cuddapah.-

(Here enter F. W. M. P. No. 58 of 1845).

1. The Court again decline to interfere in the matter of this petition which has been repeatedly brought under the consideration of the Foujdaree Adalut.-

2. Petitioners are referred to the Proceedings of this Court under date the 2d of September and 4th November 1844 and 3d January & 24th February 1845.-

3 Petition is dismissed.-

Ordered that Extract of these proceedings be furnished to the Petitioners on their application.-

Read

Read again letter dated the 29th January 1845 from the Acting Agent to the Governor of Fort St. George at Ganjam submitting for the final sentence of the Foujdaree Adalut the record of the trial in Case No. 1 of 1845 on his file.-

(Here enter F.A. No. 440)

Referring to the proceedings of the Foujdaree Adalut Court of the 19th February last the Court of Foujdaree Adalut noticed the irregularity of the Agent in dispensing with the solemn affirmation of the Surgeon in his examination in the foregoing case deem it proper to call Mr. Smollett's attention to this point and to enjoin on him a stricter adherence in future to the Provisions of the Law on this subject enacted.-

Ordered that Extract from these proceedings be sent to the Acting Agent to the Governor of Fort St. George at Ganjam for his information.

(Sent in No. 525)

Read Report of Cases tried by the Magistracy of Canara under the provisions of Section LIV. Act VII of 1843 during the month of February 1845.-

(Here enter No. 969 of 1845)

Case No. 1. 1. It appears from the remarks of the

the Joint Magistrate that this case was first examined as a petty offence before the Head of District Police, but that, viewing the case more seriously, the Joint Magistrate called it up for personal investigation.-

2. The Prisoner was accordingly charged in the Joint Magistrates Court with a "serious Trespass" the Prosecutor who is the superintendent of a Pagoda, and the Prisoner who is the Shumbogue, were, it appears, employed in distributing the salaries of the establishment when the Prisoner, taking advantage of the Prosecutor being engaged in signing a receipt, ran off with 12 Rupees being the pay of the Prosecutor, which was lying by his side.-

3. The Prisoner was fined 20 Rupees, in default of payment, to be imprisoned for 6 weeks and out of the amount 12 Rupees were paid to the Prosecutor on account of loss.-

4 The Prisoner did not it is shown deny the crime but pleaded the permission of the Prosecutor alleging that Rupees 4 of his own salary had been returned on a previous occasion by that person.-

5. Under the circumstances represented the

the Court of Foujdaree Udalut are of opinion that the case was one of "Theft" for which the infliction of a fine was not a suitable punishment and they think that the offender should have been imprisoned.-

Ordered that Extract of these proceedings be sent to the Acting Magistrate of Canara to be communicated to the Joint Magistrate for the information and guidance of that office.-

(Sent in Dft. 526).

Read letter dated the 29th of March last from the Agent to the Governor of Fort St. George in Kurnool submitting a Summary of the evidence taken before him in a Case of highway robbery No. 9 of 1845 committed by a single individual stating the opinion that the prisoner is convicted of the Crime laid to his charge and requesting the sanction of the Court of Foujdaree Udalut to pass with reference to the provisions of Regulation I of 1825 the mitigated sentence of five years imprisonment with hard labor in irons the commission of the act charged not having been attended with any aggravating circumstances.-

(Here enter Fileé No. 1008)

On a perusal of the remarks of the Agent

14th April 1845.

Agent the Court of Foujdaree Udalut regret to observe the great negligence displayed by the Police Peons deputed to search the prisoner's house and examine the spot where the robbery was said to have been committed.-

2. The Court of Foujdaree Udalut are of opinion that the evidence as summed up in the letter of the Agent, is insufficient to convict the prisoner, but consider the circumstances to be of so suspicious a character as to render it expedient that he should be placed under a requisition of security for his good behaviour and appearance when required.-

3. The Court therefore resolve to direct the Agent to demand security from the prisoner Vencata the amount of which is to be left to the discretion of that officer.-

Ordered that Extract of these proceedings be sent to the Agent to the Governor of Fort St. George in Kurnool for his information and guidance by Precept returnable in V days from and after its receipt.-

(Sent following Precept No. 527)

Succajee Rao and Seroomala Rao, moved the Court to return the enclosures in their Petition

14th April 1845

Petition No. 40 of 1845.-

Ordered accordingly.-

Read return dated the 19th Ultimo from the Acting Subordinate Judge of Calicut to the precept of the Fouzdaree Adalut under date the 14th Ultimo requiring amendment of sentences passed in No. 6.788. by the Pundit Sudr. Ameen; that the point of reference to the Magistrate in Case No. 11 may be stated and that a Copy of Case No. 17 and of para 5 of the Fouzdaree Courts proceedings may be sent to the Magistrate.-

(Here enter F. A: No. 917 of 1845)

Read return dated the 20th Ultimo from the Agent to the Governor of Fort St. George of Vizagapatam to the precept of the Fouzdaree Adalut under date the 11th Ultimo containing their remarks on the Criminal Reports for the month of January 1845.-

(Here enter F. A: No. 923 of 1845).-

F. A.

Wednesday
16th April, 1845

F. A.

At a Court of the Fouzdaree Adalut.

Present :

H. Dickinson Esqre ——— 1st Puisne Judge,
G. S. Waters Esqre ——— 2d Puisne Judge,
Malcolm Lewin Esqre ——— 3d Puisne Judge.

Read letter under date the 26th Ultimo from the Acting Subordinate Judge of Calicut requesting the sanction of the Court of Fouzdaree Adalut for the admission as an approver of an accessory in the murder charged against three individuals in Case No. 48 of 1845 on the file of the Subordinate Court.-

(Here enter F. A: No. 987 of 1845)

After a careful perusal of the abstract of the evidence and of the remarks contained in the letter of the Acting Subordinate Judge of Calicut, the Court resolve to grant the sanction applied for by that officer for the admission as an approver of Caroopan who has been sent up by the Police as 1st witness in the Case above referred to.-

Ordered that Extract from these Proceedings be sent to the Acting Subordinate Judge of Calicut for his information and guidance.-

(Sent in No.

Read

16th April 1845.

Read letter received from the Sessions Judge of Salem under date the 28th March 1845, submitting with opinion record of trial in Case No. 13 of Commit Calendar, wherein the Prisoner Patchamoottoodien and four others are charged with violent assault, during which the arm of the 1st Prosecutor was broken and a wound inflicted on the head of the 2d Prosecutor by blows inflicted with a stick by the 1st Prisoner.-

(Here enter F. W. No. 104 of 1845)

Mr. G. S. Waters
&
Mr. W. Lewin

The Court of Fouzdaree Adaulut 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 Patchamoottoodian
2d Crossappoodian
3d Sengoda Coonden
4th Marooden
and
5th Palany Coonden,

is sufficient to convict them of the crime of wounding, for which, according to the Mahomedan Law, as declared in futwahs of their Law Officer, discretionary punishment is awardable, do convict them thereof, and, with reference to the provisions of Clause third Section VIII Regulation XV of 1803, do sentence the prisoner,

1st Patchamoottoodian,

to be imprisoned and kept to hard labor in irons, on the public

public roads or other public works, for, and, during the period of three years, and the prisoner,

2d Crossappoodian

to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and, during the period of two years, and the prisoners,

3d Sengoda Coonden
4th Marooden
and
5th Palany Coonden,

to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for, and, during the period of six months.-

The Futwah acquitted the Prisoners of the charge on the ground of certain discrepancies in the evidence but declared the 1st 2d and 5th liable to suspicion. The Sessions Judge dissenting dwells upon the evidence and recommends that the 1st Prisoner be sentenced to 3 years imprisonment in irons with hard labor and the others to eighteen months under clause VIII Section II Regulation XV of 1803.-

2. The Court having considered the record in this Case are of opinion that the evidence adduced is sufficient to convict the 1st Prisoner of wounding and the others of aiding and abetting in the commission of the said crime, and accordingly sentence the 1st Prisoner to 3 years and the 2nd to two years imprisonment with irons

Petition No. 40. 1101.

12

16th April 1845.

irons and hard labor under Clause VII Section II Regulation XVII of 1803.-

3 As regards the 3d 4th and 5th Prisoners the ends of justice will no doubt be attained by a much milder sentence than recommended by the lower Court; they are, therefore, each sentenced to six months imprisonment in irons and hard labor.

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

(Sent following letter No. 15)

End H.

J. C.

Thursday 17th April 1845.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqr. 1st
G. J. Waters Esqr. 2d
Malcolm Lewin Esqr. 3d
} Puisne Judges

Read letter under date the 8th Instant from the Sessions Judge of Chittoor submitting the translated proceedings in case No. 7 of 1845 on the file of the Sessions Court for the consideration and final decision of the Court of Foujdaree Adalut.-

(Here enter F. C. No. 1062)

Mr. H. Dickinson.
Mr. G. J. Waters.
Mr. M. Lewin.

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

Seelamam Sheriff,

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.-

The prisoner in this case was charged with

16th April 1845.

irons and hard labor under clause VII Section II Regulation XV of 1803.

3. As regards the 3d 4th and 5th Prisoners the ends of justice will no doubt be attained by a much milder sentence than recommended by the lower Court; they are, therefore, each sentenced to six months imprisonment in irons and hard labor.

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

Sent following letter No 15

Thursday 17th April 1845.

F. C.

At a Court of the Fouzdaree Adalut

Present:

Henry Dickinson Esqr. 1st
G. I. Waters Esqr. 2nd
Malcolm Lewin Esqr. 3rd
} Puisne Judges

Read letter under date the 8th Instant from the Sessions Judge of Chittoor submitting the translated proceedings in case No 7. of 1845 on the file of the Sessions Court for the consideration and final decision of the Court of Fouzdaree Adalut.-

(Here enter F. C. No 1062)

Mr H. Dickinson.
Mr G. I. Waters.
Mr M. Lewin.

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

Seelaman Sheriff,

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.-

The prisoner in this case was charged with

with having wounded with a sharp pointed weapon called "Krandoo" and thereby caused the death of — Moonasamy a Police Peon —

2. After the conclusion of the trial the prisoner's father Hoosain Sheriff a pensioned — Jemadar of the 2d. Regiment of Light Cavalry presented a petition to the Sessions Judge stating that the — prisoner was labouring under insanity when he committed the crime laid to his charge and begged that certain witnesses might be examined in support of this assertion —

3. This request was complied with by the Sessions Judge —

4. The Sessions Judge recommends that in consideration of the character and respectability of the Prisoner's father and because he could have had no previous intention to kill the Peon, to whom he bore no malice or hatred, a mitigated Sentence of transportation beyond the Seas with hard labor in irons during his natural life be passed on the prisoner, Selamaw Sheriff —

5. On a perusal of the Records of this case and of the letter of the Sessions Judge the Court of Foujdaree Udalut are of opinion that there is not the slightest

17th. April 1845.

slightest truth in the plea which has been advanced of the prisoner's insanity —

6. This plea, had there been any truth in it would have been advanced and supported at an earlier stage of the trial; but the circumstance of his being permitted to wander about armed, his immediate flight and the care with which the fatal instrument of death (to this moment undiscovered) has been concealed; the evidently collected manner in which his original deposition before the Police Ameen was given all clearly prove that the prisoner was in a sound state of mind when he perpetrated the murder of which he has been found guilty —

7. The Court observe that the Surgeon of the 6th. Cavalry should have been examined on oath as to the cause of the death of the deceased. The Sessions Judge should also have taken a deposition on oath from the Zillah Surgeon of Chittoor as to the prisoner's state of mind —

8. From the dissolute habits of the prisoner it is very probable that during the height of intoxication he may have committed the greatest excesses but this does not constitute insanity on which a prisoner could be relieved from responsibility for

for his actions.-

9. The Court consider the remarks of the Sessions Judge as to the respectability of the Prisoner's father, altogether irrelevant and the recommendation of a mitigated sentence founded on such grounds extremely irregular and unjustifiable.-

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

(Sent following letter No. 537)

Read again letter from the Acting Agent to the Governor in Ganjam under date the 8th of February last reporting the case of a Prisoner tried before him for murder.-

(Here enter F. C. No. 621).

Read also return dated the 24th Ultimo to the precept of the Foujdaree Adawlut dated the 28th of February last directing the Acting Agent in Ganjam to submit a translation of the proceedings held on the trial of the Prisoner above referred to, in Case No. 4 of 1845 before the Court of that officer.-

(Here enter F. C. No. 985).

1. In the above communications the Acting Agent states that he still adheres to the opinion expressed

expressed in his letter of the 28th February that the case under remark is one of manslaughter of an aggravated nature.-

2. After a careful perusal of the record submitted by the Acting Agent the Court of Foujdaree Adawlut are of opinion that altho' the case in question in some respects has the character of a murder, the blow which caused the death of the deceased was not premeditated, but was inflicted when the Prisoner was smarting under the ill-treatment received in a previous scuffle with the deceased which feeling of irritation was increased by the deceased following him when he went to complain of the injury he had received.-

3. Under these circumstances the Court resolve to direct that the sentence of seven years imprisonment with hard labor suggested by the Acting Agent with reference to the provisions of Clause Second Section XV Regulation VII of 1802 be passed on the Prisoner Gellammuchy Lamudoo.-

Ordered that Extract of these Proceedings be sent to the Acting Agent in Ganjam for his information.-

(Sent in No. 538)

Read letter dated 18th February 1845 from

for his actions.—

9. The Court consider the remarks of the Sessions Judge as to the respectability of the prisoner's father, altogether irrelevant and the recommendation of a mitigated sentence founded on such grounds extremely irregular and unjustifiable—

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Chittoor for his information and guidance.—

(Sent following letter No. 537)

Read again letter from the Acting Agent to the Governor in Ganjam under date the 8th of February last reporting the case of a Prisoner tried before him for murder.—

(Here enter F. 16. No. 631).

Read also return dated the 24th Ultimo to the precept of the Foujdaree Adaulut dated the 28th of February last directing the Acting Agent in Ganjam to submit a translation of the proceedings held on the trial of the Prisoner above referred to, in Case No. 4 of 1845 before the Court of that officer.—

(Here enter F. 16. No. 985).

1. In the above communication the Acting Agent states that he still adheres to the opinion

expressed in his letter of the 28th February that the case under remark is one of manslaughter of an aggravated nature.—

2. After a careful perusal of the records submitted by the Acting Agent the Court of Foujdaree Adaulut are of opinion that although the case in question in some respects has the character of a Murder, the blow which caused the death of the deceased was not premeditated, but was inflicted when the prisoner was smarting under the ill-treatment received in a previous scuffle with the deceased which feeling of irritation was increased by the deceased following him when he went to complain of the injury he had received.—

3. Under these circumstances the Court resolve to direct that the sentence of seven years imprisonment with hard labor suggested by the Acting Agent with reference to the provisions of Clause Second Section XV Regulation VII of 1802 be passed on the prisoner Gellammuchy Lammdoo.

Ordered that Extract of these Proceedings be sent to the Acting Agent in Ganjam for his information.—

(Sent in No. 538)

Read letter dated 18th February 1845 from

from the Acting Sessions Judge of Coimbatore forwarding for the consideration and orders of the Foujdaree Adalut Copy of a sentence passed by the late Acting Principal Sudr. Ameen of Coimbatore on a lad of 12 years of age, a prisoner in Case No. 122 of 1844.-

(Here enter F: R: No. 637)

1. The Prisoner was charged with another with house-breaking and theft of property amounting to Rupees 43½.-

2. The prisoner confessed his guilt and delivered up the stolen property. - but being a boy of about 12 years old, he was sentenced on the 30th November last to 3 Months imprisonment under the custody of the Nazer and to be employed in sweeping and cleaning the Court house.-

3. The Court observe that the sentence in the case in question has expired and therefore need not be disturbed.-

4 They concur with the Acting Sessions Judge in considering that the mode of punishment adopted by the late Acting Principal Sudr. Ameen is illegal and at variance with the regulations.-

5. The Sudr. Ameen must be informed of this opinion and be cautioned against again transgressing the Law - means should be taken for separating youths from the more hardened and depraved Criminals

17th April 1845.

Criminals and preventing their associating with them. This separation it is presumed the structure of the Coimbatore Jails afford facilities for making.-

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

(Sent in No. 539)

Read Communication dated the 25th Ultimo from the Session Judge of Madura forwarding Copy of a letter from the Subordinate Judge at that station requesting the opinion of the Judges of the Court of Foujdaree Adalut as to the disposal of the case therein alluded to.-

(Here enter No. 963)

1. The Subordinate Judge has solicited the instructions of the Foujdaree Adalut regarding the disposal of a Case pending before the Court in which the Prisoners (who together with the Prisoner are inhabitants of Tanjore and Madura districts) are charged with having wounded and robbed the Prosecutor near Columboo in the Island of Ceylon.-

2. The Prisoners being charged with an offence committed beyond the jurisdiction of the Courts of the East India Company, should be made over to the Magistrate of the District who will take

measures

measures for causing them to be brought to trial in the Court to which they are amenable.-

3. The Court observe that it was incumbent upon the Session Judge of Madura when forwarding the letter of the Subordinate Judge for the orders of the Foujdaree Adalut to record his own opinion on the point submitted for their consideration.-

Ordered that Extract from these Proceedings be sent to the Session Judge of Madura for his information and guidance, and for Communication to the Subordinate Judge of that Zillah.-

(Sent in No. 540)

Read letter under date the 29th Ultimo submitted by the Acting Subordinate Judge of Mangalore requesting information regarding the instructions intended to be conveyed by the Court's Proceedings under date the 8th Ultimo.-

(Here enter F. C. No. 996)

1. The Court are of opinion that the reference of the Acting Subordinate Judge Mr. Irvine was altogether unnecessary, as the order alluded to speaks for itself it being distinctly specified "that fetter of the weight and description therein mentioned be henceforward invariably used in every Jail.-

The

2. The Court accordingly resolve to direct the Acting Subordinate Judge to carry out the instructions contained in the Proceedings of Court above alluded to, by causing the irons now used in the jail under his charge to be altered to the new muster.-

Ordered that Extract of these Proceedings be sent to the Acting Subordinate Judge of Mangalore for his information and guidance.-

(Sent in No. 541)

Read Calendar in Cases Nos. 29. 30. and 31. of 1845 on the file of the Sessions Court of Cuddalore submitted by the Acting Sessions Judge on the 2nd April 1845.-

(Here enter F. C. No. 1006).

1. The Court would observe of the future for information of the Acting Sessions Judge that it was not necessary for him to have tried all these cases. In all cases where a prisoner or prisoners may be charged with more offences than one the most heinous should be selected for trial and if conviction takes place and the whole measure of punishment which the Court is enabled to award has been passed - the trial of the other cases is unnecessary.-

2. They would further point out to

whe

when a Prisoner or Prisoners may be brought to trial in two or more cases in the same Calendar all of which are described to be similarly circumstanced the Law officer should not be required to declare to what punishment he or they be subjected until the trial of all the separate cases shall have been completed, and then his futwa should be demanded not on any one but on the whole of the proceedings held against the Prisoner or Prisoners and the Judge will be guided in passing sentence by the Provisions of the existing regulations.-

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

(Sent in № 542).

Read return dated the 31st Ultimo from the Principal Sudr Ameen of Masulipatam to the Precept of the Foujdaree Adalut dated the 28th Ultimo directing the return of the fine imposed on the 1st and 2nd Prosecutor's witnesses in Case № 2 of 1845 on the File of the Principal Sudr Ameen's Court at that Station.

(Here enter № 1010)

1. The Principal Sudr Ameen reports that the case in question having been disposed of by the

the Moofty Sudr Ameen, a Copy of the proceedings of the Court of Foujdaree Adalut held on the above case has been sent to that officer together with a Memorandum desiring him to give effect to the orders therein contained.-

2. The Court of Foujdaree Adalut observe that there being no treasury attached to the Court of the Moofty Sudr Ameen, the fine objected to ought to have been lodged in the Court of the Principal Sudr Ameen.

3 Under these circumstances the Court consider that the return submitted by the Principal Sudr Ameen should have shewn that the Moofty had actually conformed to the Court's orders: if the Period allowed for making Return to the Precept of the Court were insufficient, the result should have been communicated in the usual course, by a Supplemental Return.-

4 The Court therefore now direct the Principal Sudr Ameen of Masulipatam to submit a full return to the orders under observation.-

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

(Sent following Precept № 543)

Read

17th April 1845.

Read Calendar in Cases Nos 9 and 10 of 1845 on the file of the Sessions Court of Coimbatore.

(Here enter F. C. No. 1065)

1. In case No 9 the prisoner was charged with having proceeded in a group to the Cattle shed of the 1st Prosecutor assaulted him with an axe when he was lying asleep in a hut in company with his servant, the 2nd Prosecutor, and robbed them of property valued at Rupees 1-8 -

2. On consideration of the circumstances of the above case as exhibited in the Calendar and of the remarks of the Acting Sessions Judge the Court of Foujdaree Adalut are of opinion that the sentence passed against the prisoner was far too severe.-

3. The Court therefore resolve to direct the Acting Sessions Judge to report whether it appears that the blows which the 1st Prosecutor received were severe, and whether he bore any marks of them at the time of trial.-

Ordered that Extract of these Proceedings be sent to the Acting Sessions Judge of Coimbatore by precept, returnable within V days from and after its receipt.-

(Sent in No 544)

Friday
18th April 1845

F. C.

At a Court of the Foujdaree Adalut

Present

W. Dickinson Esqre 1st
G. J. Waters Esqre 2nd
M. Lewin Esqre 3rd
} Puisne Judges

Read Calendar in Case No 13 of 1845, on the file of the Sessions Court of Tranjore.

(Here enter F. C. No 1086)

1. The prisoner was charged with assault and high way robbery.-

2. The evidence against the prisoner was sufficient for his conviction, but as it is proved that with the exception of throwing down the prosecutrix and holding her till he had removed the earrings from her ears, he did not offer her any further violence, the Sessions Judge recommends with reference to the provisions of Section IV Regulation I of 1825, that a mitigated sentence of 10 Years imprisonment with hard labor in irons be passed upon him.-

3. Under the circumstances of the case as stated in the Calendar and in the remarks of the Sessions Judge the Court resolve to sanction the mitigated sentence proposed by the Sessions Judge.-

Ordered,

Ordered, that Extract of these Proceedings be sent to the Sessions Judge of Mangalore for his information.—

(Sent in No 547

Read letter dated the 27th Ultimo from the Sessions Judge of Mangalore, forwarding Copy of a letter from the Acting Magistrate of Canara with its enclosure, submitting the question whether the Police are competent to receive a charge of uttering a forged Document in the Court of a District Moonsiff either whilst the matter to which it relates is still pending or after it had been decided, and stated as his opinion that much inconvenience would arise from charges of Forgery being preferred to and investigated by the Police pending the trial of the suit in which the deed alleged to have been forged was filed.—

/Here enter F. R. No 978/

The Judges of the Foujdaree Vedalut concur in the view of the above question which has been taken by the Sessions Judge and are of opinion that the Police authorities have no jurisdiction whilst the enquiry in which a charge of Forgery may have originated is pending before a District Moonsiff's Court. After the closing of proceedings before the District Moonsiff, if that officer should declare any of the documents coming judicially under the enquiry held by him to be a forgery he

Should

should make over the guilty parties, supposing them to be known, to the proper Police authority.—

Ordered, that Extract of these Proceedings be sent to the Sessions Judge of Mangalore for his information and for communication to the Acting Magistrate of that District.—

/Sent in No 548

Read letter dated the 18th of March from the Sessions Judge of Combaconum requesting instructions as to the Course to be pursued in order to effect the speedy realization of a fine which he had imposed on a prisoner convicted of arson in addition to the sentence of imprisonment with the object of paying to the Prosecutor Rupees 30 out of the fine as compensation.—

/Here enter F. R. No 866/

Read also Calendar Case No 8 of 1845 in the file of the Sessions Court of Combaconum.—

(Here enter F. R. No 868/

1— In the above Calendar the prisoners were charged with Arson accompanied by Assault and Robbery and were sentenced to imprisonment for various periods by the Sessions Judge.—

2— In addition to the sentence of imprisonment with hard labor for 3 years a fine of Rs 100 commutable if not paid to a further period

of

of 3 years imprisonment with hard labor was imposed by the Sessions Judge on the 1st Prisoner at whose instigation the crime was proved to have been committed the authority quoted for such sentence being Clause First Section XXXIX Regulation VII of 1802 and Clause Seventh Section III Regulation XV of 1803.

3. On a perusal of the Calendar and of the letter of the Sessions Judge referring to the Calendar above recorded the Judges of the Court of Foujdaree Udalut are of opinion that the imposition of a fine in the case reported is illegal as being in direct opposition to Clause first Section XXXIX Regulation VII of 1802.

4. The Judges observe that this is the first instance of the Crime of arson being punished by a fine that has come before the Court of Foujdaree Udalut.

5. It is to be much regretted that the Sessions Judge Wm. F. Mc. Lewin instead of passing an illegal and unjustifiable sentence did not award a longer period of imprisonment which the crime proved against the prisoner so justly deserved and which he has thus escaped.—

Ordered, therefore that that portion of the sentence imposing a fine on the 1st prisoner in case No. 8 of 1845 on the file of the Sessions Court of Combaconum be annulled.—

Ordered also, that extract of this

Proceedings be sent to the Acting Sessions Judge of Combaconum by Precept returnable within V days from and after its receipt.—

Sent following Precept No. 349

Read letter dated the 19th November last from the Acting Magistrate of Guntoor reporting that there have been no cases tried by the Magistracy under the provisions of Section LIV act VII of 1843 during the Month of October 1844 in the Guntoor Zillah.—

(Here enter No. 3219 of 1844)

Read letter dated the 18th November last from the Acting Subordinate Judge of Mangalore conveying the explanation furnished by the Tahsildar of Barcoor regarding the delay incurred in forwarding Case No. 188 on the Criminal Reports for the Month of October 1844 to the Court.—

(Here enter No. 3223 of 1844)

Read return dated the 15th November last from the Principal Suds Ameen of Ilchapoor to the Precept of the Foujdaree Udalut under date the 6th November 1844 ordering to release the Prisoner concerned in Case No. 2 of 1844 and to restore him to his office.—

(Here enter No. 3224 of 1844)

F. W.

Saturday 19th. April 1845.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre. 1st.
G. I. Waters Esqre. ---- 2d.
Malcolm Lewin Esqre. --- 3d.
} Puisne Judges

Read Criminal Reports for the month of March last, submitted by the Principal Sudr. Ameen of Tinnevelly.--

(Here enter F. W. No. 1043).

Suppl. Report 1. Case No. 18. The Court of Foujdaree Adalut direct that a Copy of this case as it stands in the report and of this Parah be sent to the Magistrate, who will be pleased to ascertain and report why it was sent up to the Principal Sudr. Ameens Court, when the Police officer entertained a strong opinion that it had evidently been trumped up against the prisoners and "that the Prosecutrix should be punished as a false "complainant. Her bearing a bad character and shewing "a few hurts" were not sufficient grounds to justify its transmission, nor do they in any way bear upon the case.--

Report No. V Case No. 22. 2. Adverting to the grounds of the sentence recorded in this case the Court of Foujdaree Adalut observe

observe that a bare reference to an old report is inconvenient and has been declared to be objectionable and irregular. Every report should be in itself perfect, and each case should succinctly and clearly shew the grounds of the sentence passed in it.—

Case No. 24 3. The Court of Foujdaree Adalut consider the remarks recorded in this case by the Principal Sudr. Ameen for the information of the Magistrate, to be irrelevant to a Criminal Sentence and to be highly objectionable and irregular.—

Case No. 25. 4. The Magistrate will be pleased to state and report where the prisoner in these cases, was between the date of his apprehension and his appearance before the Head of Police; the consumption of 8 days in the "road" appears to the Court to be preposterous.—

Ordered, that Extract from these proceedings be sent to the Principal Sudr. Ameen of Trinomally for information and communication of (paras. 1-3 and 4) to the Magistrate of Tripatty.

(Sent in No. 551)

Read the Criminal Reports for the month of March 1845. submitted by the Acting Subordinate Judge of Calicut.

(Were entered No. 1068. of 1845).

1. The Court observe with regard to the cases noted in the margin, that the Acting Subordinate Judge of Calicut, has for the last three months used the column of explanation of delay Vide. referred to his former report; by following up this unusual and prohibited medium of reference, it is ascertained that the cases have not been disposed of, because "The Leaders were required to be apprehended.—

19th. April 1845.

133-210.

Suppl. Report.

2. The Acting Subordinate Judge will remark that the Court of Foujdaree Adalut have often objected to officers referring to old reports for information and directed to the effect that such information shall, in each report, appear before them in a tangible form.— His attention is also drawn to the Circular Order of the 11th. April 1832. the provisions of which have been entirely disregarded.—

3. It is necessary that these cases should be disposed of without further delay, and the Prisoners now in confinement be placed upon their trial upon whatever evidence may be forthcoming against them; unless good reason can be assigned for a contrary course of proceeding. The Acting Subordinate Judge will also report for the information of the Court what measures have been adopted and in course of execution for the last three months in order to effect the apprehension of the "Leaders".—

Report No. V 52. 4. In this case the charge should have

have shewn from what place or under what circum-
-stances the Heifer was stolen or driven away, it is
the province of the lower Courts whilst avoiding un-
-necessary matter to afford full information
upon all points essential to a due understanding
and correct estimation of a charge affecting the interests
and liberty of the accused, thus in Nos. 25 and 38
of the Supplemental Report it would have been
satisfactory to have known what causes led to the
Commission of the offences therein charged against the
Prisoner.-

5th

Referring to the statements of punish-
-ments under Regulation X of 1832. It appears to
the Court that had the sentences which obtain in the
1st and 2nd cases been substituted the one for the
other, they would have been more appropriate -
In the 3rd Case also considering the nature of the
offence with reference to Jail discipline the sentence
was too lenient assuming the Convict to have been in
good health.-

Ordered that Extract from these proceedings
be forwarded to the Acting Subordinate Judge of
Calicut for his information by precept returnable in
XV days from and after its receipt.-

(Sent following precept No. 362).

Read

F. C.

19th April 1845.

Read Criminal Reports submitted
by the Sessions Judge of Honore under date the 4th
Instant for the month of March 1845.-

(Here enter F. C. No. 1092).

Case No. 14. 1. The Court observe that as the
Prisoner was a servant employed in the house of
the Prosecutor the crime of which he was convicted,
comes under the provisions of clause fourth Section III
Regulation VII of 1822.-

2. The Court however under the circum-
-stances of the case as stated in the Report deeming
the punishment to be sufficient think it unnecessary
to interfere with the sentence passed by the Sessions
Judge.-

Ordered that Extract of these Proceed-
-ings be sent to the Sessions Judge of Honore for
his information and future guidance.-

(Sent in No. 553).

Read report dated 29th Ultimo
Submitted by the Sessions Judge of Chingleput
of a Prisoner sentenced under clause 2nd Section V
Regulation VII of 1822.-

(Here enter F. C. No. 959 of 1845)

Read Calendar dated 28th Ultimo
Submitted

Submitted by the Sessions Judge of Combaconum
of Case No. 10 of 1845.-

(Here enter F. C. No. 964 of 1845)

Read Calendar dated 26th Ultimo
Submitted by the Sessions Judge of Bellary in
Case No. 8 of 1845.-

(Here enter F. C. No. 965 of 1845).

Read report dated 29th Ultimo —
Submitted by the Magistrate of Tanjore of Cases
tried by the Magistracy in the District of Tanjore
under the provisions of Section LIV Act VII of 1843
during the month of February 184[illegible]

(Here enter F. C. No. 968 of 1845)

Read Calendar dated 28th Ultimo —
Submitted by the Sessions Judge of Guntoor of Case
No. 9 of 1845.-

(Here enter F. C. No. 979 of 1845).

Read Calendar dated 28th Ultimo —
Submitted by the Sessions Judge of Mangalore in
Case No. 3 of 1845.-

(Here enter F. C. No. 990 of 1845)

Read Calendar dated 28th Ultimo
Submitted by the Sessions Judge of Mangalore in
Case No. 4 of 1845.-

(Here enter F. C. No. 991 of 1845)

Read

Read Calendar dated 29th Ultimo —
Submitted by the Sessions Judge of Cuddapah in Case
No. 12 of 1845.-

(Here enter F. C. No. 992 of 1845).

Read Calendar dated 27th Ultimo —
Submitted by the Sessions Judge of Chingleput in
Case No. 4 of 1845.-

(Here enter F. C. No. 993 of 1845)

Read Calendar dated 27th Ultimo.
Submitted by the Sessions Judge of Rajahmundry
in Case No. 3 of 1845.-

(Here enter F. C. No. 994 of 1845)

Read report dated 1st Instant.
Submitted by the Sessions Judge of Chingleput
of Cases pending on the 28th February and committed
for trials during the month of March 1845.-

(Here enter F. C. No. 998 of 1845.)

Read letter dated 1st Instant.
from the Sessions Judge of Chittoor. Stating that there
was no case before the Sessions Court pending
for a period in excess of 25 days in the last month
and that the required report is not therefore —
transmitted —

(Here enter F. C. No. 999 of 1845).

Read return dated 27th Ultimo from
the

19th April 1845

from the Acting Agent to the Governor of Fort St. George in Guzjam to the Precept of the Foujdaree Adalut under date the 15th Ultimo pointing out the provision under which the Case No. 1 of 1845 of the Agents Criminal file falls, unless house breaking was proved, and calling upon the Agent to explain whether house breaking was proved or not.

(Here enter F: C: No. 1001 of 1845).

N.

F. C.

Monday 21st April 1845.

At a Court of the Foujdaree Adalut.

Present.

Henry Dickinson Esqre 1st
G: S: Waters Esqre -- 2d
Malcolm Lewin Esqre -- 3d
} Puisne Judges

Read Miscellaneous Petition presented on the 9th of December 1844, by Kistnasawmy Padcoyatchee of the Zillah of Trichinopoly.-

(Here enter F: C: Gen: P: No. 177 of 1844).

Petitioner requests the interference of the Court in the case of his elder brother, who was sentenced by the Session Judge of Combaconum to 14 Years imprisonment, with hard labor in irons for being concerned in a gang robbery.-

2. Petitioner alleges that the charge was brought by the Prosecutor, a Meerassee Barber, out of enmity towards his brother who had deprived him of his Meerassee for misconduct, and that at the time of the commission of the crime with which he was charged, the prisoner, was absent with the Tahsildar at a Village 25 Miles distant from the place where the robbery occurred.-

Ile.

3. The Court observe, that the prisoner Appavoo failed in the alibi which he attempted to prove and was convicted by a jury in concurrence with the Sessions Judge.-

4. The Court see no reason to doubt the justice of the Sentence passed upon the said prisoner.-

5. Petition is accordingly dismissed.-

Ordered that Extract of these Proceedings be furnished to — Petitioner on his application.-

Read Miscellaneous Petition presented on the 3rd of February last by Ramanadhen Ramaram of the Zillah of Tellicherry.-

(Here enter F: R: Mc: P: No: 25 of 1845)

1. This is an application for the reversal of Sentence of 4 Months imprisonment with hard labour in irons, passed by the late Sessions Judge of Tellicherry on one Couren (who is a nephew of the Petitioner) for having lodged a false complaint before the Acting Tahsildar of Canye Talook.-

2. Petitioners allege that the complaint for which the prisoner was punished was true.-

3. On a perusal of this petition the Court see no reason to question the justice of the Sentence passed by the late Sessions Judge in the case referred to.-

Petitn

4 Petition is accordingly dismissed.-

Ordered that Extract of these Proceedings be furnished to — Petitioners on their application.-

Read Miscellaneous Petition presented on the 10th Ultimo, by Nullummay of the Zillah of Cuddalore.-

(Here enter F: R: Mc: P: No: 56 of 1845).

1 The Court again decline to interfere with the Proceedings of the Session Judge in the matter of this Petition.-

2. Petitioner is referred to the Proceedings of this Court under date 29th July 1844.-

3. Petition is dismissed.-

Ordered that Extract of these Proceedings be furnished to Petitioner on her application.-

Read Miscellaneous Petition presented on the 10th Ultimo, by Kristnama Chetty in behalf of himself and seven others of the Zillah of Chittoor.-

(Here enter F: R: Mc: P: No: 59 of 1845).

1. The object of this petition is for reasons assigned at length to induce the Court of Foujdaree Adalut to direct the reversal of a Sentence of fine imposed on Petitioners by the Head Assistant Magistrate of North Arcot which was confirmed in Appeal by the late Acting Sessions Judge of Chittoor.-

The

2. The decision of the Head Assistant Magistrate having been heard in appeal by the late Acting Sessions Judge and pronounced by that authority to be correct, the Court of Foujdaree Adalut on a perusal of the statements contained in this petition refuse to interfere in the matter.-

3. Petition is accordingly dismissed.-

Ordered that Extract of these Proceedings be furnished to Petitioner on his application.-

Read Miscellaneous Petition No. 60 of 1845, presented on the 10th Ultimo, by Moniabo of the Zillah of Combaconum.-

(Here enter F.C. No. P. No. 60 of 1845.)

1. This is a second application for the release of Petitioners daughter, who was sentenced to five years imprisonment, by the Sessions Judge, for being concerned in a robbery.-

The Petitioner is referred to the order of the Court of the 21st of February last.-

Petition dismissed.-

Ordered that Extract of these proceedings be furnished to Petitioner on her application.-

Read letter from the Sessions Judge of Nellore, under date the 27th Ultimo, forwarding a fresh statement of Batta, paid to Prosecutors and witnesses, in trials, before the Sessions Court during the

F.C.
21st April 1845.

the 2nd half year of 1844, with Special reasons for the detention of certain parties, and suggesting that a Statement of Batta, paid in each case, should be appended to the Calendar when originally submitted to the Foujdaree Adalut.-

(Here enter F.C. No. 956.)

1. On a perusal of the letter of the Sessions Judge, the Court of Foujdaree Adalut consider that the reasons assigned by that officer for the detention of parties referred to in the Court's letter of the 21st of February last, are satisfactory.

2. The Judges, however, are of opinion that the Statement of Batta, if drawn up in the prescribed form, contains all the necessary information and the Court see nothing in the communication from the Sessions Judge, now under reply, to induce a modification of the rules under which that statement is furnished.-

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Nellore for his information.-

(Sent in No.)

Read the Criminal Reports submitted by the Acting Subordinate Judge of Combaconum for the month of March 1845.-

(Here enter No. 1133.)

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 Acting Subordinate Judge of Combaconum for his information.—

(Sent in No.)

Read Miscellaneous Petition, presented on the 9th. of December 1844, by Viswanadha pandiady of the Zillah of Combaconum.

(Here enter F: C: Dr. No. 178 of 1845)

1. The object of this petition is to induce the Court to issue a precept to the Sessions Judge of Combaconum, directing the release of the Petitioners brother Fakheree, who was sentenced by that officer to 14 years imprisonment, on the charge of being concerned in the commission of a robbery.—

2. Petitioner alleges that his brother Fakheree had no participation in the crime laid to his charge; that he was sleeping in a house in a neighbouring Village when the robbery occurred, and on being apprised of it, went to the house in company with several others to render assistance to the inhabitants in securing the robbers.—

3. Petitioner also states that the Sessions Judge

Judge refused to call for certain Witnesses cited by the prisoner to prove his innocence.—

4 Before finally disposing of the subject of this petition the Court resolve to call upon the Acting Session Judge to state whether any witnesses in behalf of the prisoner Fakheree were or were not called for, and whether any obstacle occurred to their attendance and examination.—

Ordered, that Extract of these Proceedings be sent to the Acting Session Judge of Combaconum, by Precept returnable within V days from and after its receipt.—

(Sent following Precept No.)

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

Read Return dated 8th. Instant, from the Principal Sudr. Ameen of Tyuntoor, to the precept of the Foujdaree Adalut. under date the 3d. Idem, conveying their observations on the Criminal Reports for the Months of February 1845.—

(Here enter F: C: Dr. No. 1075 of 1845.)

Read Return, dated 4th. Instant, from the Session Judge of Bonore, to the precept

of the Foujdaree Udalut, under date the 28th Ultimo, conveying their orders on the Criminal Reports of the Sessions Court of Honore, for the month of February 1845.—

(Here enter F. C. No. 1076 of 1845)

Read letter dated 8th Instant, from the Session Judge of Salem, transmitting the report for March last, of cases pending before him for upwards of 25 days from date of commitment.—

(Here enter F. C. No. 1077 of 1845)

Read letter dated 7th Instant, from the Magistrate of Madura, reporting transmission on 19th Ultimo of Joint Magistrate's explanation of delay, in 2 cases disposed of by him in February under Act VII of 1843; called for as the not received in Foujdaree Udalut's letter of 2d Instant.—

(Here enter F. C. No. 1079 of 1845)

F. C.

Tuesday 22d April 1845.

At a Court of the Foujdaree Udalut.

Present:

Henry Dickinson Esqre ---- 1st
G. I. Waters Esqre ---- 2d } Puisne Judges
Malcolm Lewin Esqre ---- 3d

Read letter dated 8th April 1845 from the Session Judge of Mangalore, submitting the record of the trial in Case No. 25 on the Calendar of the Session Court of Mangalore for 1845.

(Here enter F. C. No. 1083 of 1845)

Mr. H. Dickinson.
Mr. M. Lewin.

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

1st Billa Beero.
2d Saloo.
and
3d Dher Corruggoo.

is sufficient to convict them of Manslaughter, for which the penalty of Deyut is awardable under the Mahommedan law, as declared in Futwas of their Law Officers, do convict them thereof; and with reference to the provisions of Clause Second Section X Regulation

Regulation VII of 1802. Sentence the prisoner

1st. Billa Beeroo.

to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for and during the period of two years. and in consideration of the punishment that the prisoners

2nd. Saloo

and

3rd. Dher Corruggoo.

have undergone direct that they be unconditionally released.

(Sent following letter No. 562)

Read letter dated the 9th. Instant from the Session Judge of Salem forwarding the record of the trial in Case No. 16. on the Calendar of the Session Court of Salem for 1845.

(Here enter F: Ltr. No. 1173)

Mr. Mc. Lewin.

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

1st. Sungum

2nd. Moorgun and

3rd. Appien.

is sufficient to convict them of the crime of Burglary and theft, do convict them thereof; and with reference to the provisions of Section XXI Regulation VII of 1802.

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 (7) Seven Years.

The regulation on which the Sessions Judge wishes to punish the 2nd. and 3rd. prisoners (Clause fourth Section II. Regulation VI of 1822) in the opinion of the Foujdaree Adalut is not applicable - They are all equally guilty, and punishable under the same regulation - Viz. the one quoted for the 1st. prisoner, Section XXI. Regulation VII of 1802, and there cannot be the least doubt of the guilt of the 2nd. and 3rd. prisoners in the opinion of the Foujdaree Adalut.

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

(Sent following letter No. 563)

Read letter dated 5th. Instant from the Principal Sudr. Ameen of Cuddalore, submitting with reference to an Extract from the proceedings of the Foujdaree Adalut of the 3rd. idem, an Explanation regarding the sentences passed in Cases No. 17 and 42 on the Cuddalore Criminal Reports for the month of February last.

(Here enter F: Ltr: No. 1036).

In

22d. April 1845.

1. In these cases the prisoners were charged in the Report with house breaking but were sentenced for having in their possession stolen property.-

2. The Principal Sudr Ameens examining that the offence of house breaking was not established against the prisoners who were taken on suspicion, and their houses searched, when some of the stolen property was found in their possession, and was identified and proved to belong to the prosecutors.-

3. The Court consider this explanation satisfactory, and under it approve of the sentence passed by the Principal Sudr Ameen, but they would point his attention to Circular Order 4th July 1826 which provides that when the offence for which punishment is inflicted by the Criminal Judge may differ from that with which the prisoner was originally charged a note of the circumstances shall be entered in the column exhibiting the punishment.-

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

(Sent in N. 564) 5

Wednesday
23d. April 1845

F. W.

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esqre 1st Puisne Judge
George J. Waters Esqre 2d. Puisne Judge
Malcolm Lewin Esqre 3d. Puisne Judge.

Read Criminal Reports for the month of March 1845 submitted by the Subordinate Judge of Bellary.

(Here enter F. W. No 1136.)

Supplemental Report Case No. 24

The Prisoners in this case are charged with having entered the prosecutors house, (how it is not known) made a hole in the wall and stolen therefrom silver ornaments to the value of 20 Rs.-

2. It appears from the evidence of the 2d witness the Prosecutor's wife that the prisoners entered the house by the door which was left open in the night in question and that a hole was made in the wall after entering the

house

April 1845.

23d April 1845

house to obtain access to the property which was secured in custody.—

3 The 1st prisoner having only made the hole to get at the property and not to enter the house he was sentenced under Section VII Regulation X of 1816 to six months imprisonment.

4 The 2d Prisoner was pleased.

5 The offence committed by the 1st prisoner appears to the Court to amount to housebreaking and therefore to render him liable to punishment under the Sixth Section II Regulation VI of 1822. which should under the ruling of Circular Order No. 139 be in excess of 6 months.—

6 The Court observe that the first Section II Regulation VI of 1822 renders the party who attempts to break into a house liable to all the penalties of actual breaking.—

Ordered that Extract from these Proceedings be sent to the

23d April 1845

the Subordinate Judge of Bellary for his information.—

(Sent in No. 566)

Read return dated 5th April 1845 from the Sessions Judge of Chicacole to the precept of the Foujdaree Adalut of the 24th March preceding calling upon him to explain the delay of 12 days in taking the prisoners defence in Case No. 9 on the Chicacole Calendar for 1844.—

(Here enter F. Co. No. 1113 of 1845)

1. The Court consider the explanation afforded in this return entirely absolves Mr. Glass from any appearance of delay in taking the defence of the prisoners in the case alluded to.—

2. And they observe that this explanation would have been rendered unnecessary had the depositions of the witnesses been recorded in the order in which they were taken.

Ordered that Extract from

23rd April 1845

from these Proceedings be sent to the Sessions Judge of Chicacole for his information.—

(Sent in No. 567)

Read letter dated 16th December last from the Sessions Judge of Masulipatam submitting for the orders of the Foujdaree Adalut transcript of a correspondence between himself and the Magistrate of Masulipatam in which the point for determination appears to be whether under the present system, the "Statement of Crimes" required by Circular Order 2nd March 1818. to be furnished "at each Jail delivery" to the "Judge on Circuit" by the Magistrate, is still to be submitted by the latter functionary to the Sessions Judge, as well also, as the Half yearly Statement of the same nature.—

(Here enter No. 3496 of 1844)

In the correspondence before the Court the Statement required by

23rd April 1845 by the Circular Order above quoted is referred to as a quarterly Statement, altho' the Circular Order clearly contemplates a Half yearly one. This doubtless is because at Masulipatam under the old system, it was submitted quarterly to the Judge of the Provincial Court of Circuit who, in his turn, presided at the permanent quarterly Sessions held at that place and who under the application of the Circular Order in question, was bound to receive it when delivering the Jail: but its submission as a quarterly Statement can properly have happened only at Masulipatam, Tellicherry, Tinnevelly and Chittoor and its continuance at the present period would not only create a diversity of system it is desirable to avoid, but in the 2d and 4th quarters of the year would throw upon the Magistracy of those parts a double ministerial duty, the advantages of which the Court of Foujdaree Adalut fail to

23d April 1845.

to appreciate in as much as general observations on the state of the Police of a District, are not, under existing rules, expected from Sessions Judges when perusing the Calendars of the Magistracy prescribed by Section XL Regulation IX of 1816 and which by this Courts orders of the date noted *marginally the Sessions Judges should peruse at the close of each quarter.—

2. In this view of the matter the Court of Foujdaree Adalut resolve to relieve the Magistrate of Masulipatam from the duty, formerly imposed upon him, of preparing the statement under remark in a quarterly form and to direct that such statement be no longer required from the Magistrates of North Arcot, Malabar and Tinnevelly should they still be submitted to the Sessions Judges of those Zillahs.—

* 6th October 1843 Para 9

Ordered that Extract from

23d April 1845

from these Proceedings be sent to the Sessions Judge of Masulipatam for his information and guidance and communication to the Magistrate of Masulipatam.—

Ordered also that Extract from these proceedings be forwarded to the Sessions Judge of Trichinopoly Tellicherry and Chittoor for their information.—

(Sentence No. 568)

Read Criminal Reports dated 31st March last submitted by the Principal Sudr Ameen of Salem for the month of March 1845.—

(Here enter F. R. No. 1081 of 1845)

Supplemental Report Case No. 119

The Court of Foujdaree Adalut remark in the case noted in the margin that the Principal Sudr Ameen has, in framing the charge preferred against the Prisoner, lost sight of the meaning and intent of the Circular Order of the 4th July 1826

and

23d April 1845

and 5th August 1829, which direct when facts established before him differ from those set forth in the charge that they should be noted in his sentence, or (as in the present case) upon his proceedings.—

Report No X
Case No 15.

2. It would appear in this case (a simple one in character that persons in its nature) the Prisoner was 7 days before the Police and a like period on reaching the Principal Sudr Ameen the ground of this delay must now be reported by the Magistrate of Nellore direct to Government Madras especially as it does not appear from the evidence that there existed sufficient reason for forwarding the case at all.—

Case No 16

3. The evidence adduced in this case does not prove what were the intentions of the Prisoner in entering the house of the Prosecutor, nor would "the intention" of holding Criminal intercourse with the Prosecutrix (that is with

23d April 1845

with her consent) even if substantiated subject him to punishment, the Principal Sudr Ameen will however remember for his future guidance that the entrance by stealth into a dwelling house of another person by night is an offence (independantly of intention) in itself punishable.

The demand of security was not therefore appropriate and must be annulled, and the Prisoner who has been in durance for a period approaching to two months, released.—

No 18

4. The Theft in this case was attended with "breakage" that is by perforating the wall of the house the 1st Prisoner should in consequence (as also in Case No 20) have been sentenced under Clause 6th Section II (and not Clause fourth Section III) of Regulation VI of 1822.—The Principal Sudr Ameen will explain what is meant by releasing the 3d

to

23rd April 1845.

4th and 5th Prisoners on the ground of there being no proof that they knew the property they received to have been stolen, when it is set forth at the commencement of the sentence that they confessed the crime before himself.—

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Nellore (also) for his information and the communication of para 2 to the Magistrate of Nellore by Precept returnable in X days from and after its receipt.

(Sent following Precept No 569)

Read Calendar in Cases Nos 54 and 55 of 1844 submitted by the Sessions Judge of Madura.—

(See inter Nos 1087 and 1088)

In these Cases two Prisoners charged with perjury were acquitted and released by the Sessions Judge

23rd April 1845

Sessions Judge.—

2. The cases were it appears committed on the 10th February the trials were closed on 10th March but Sentence was not passed till the 25th idem.—

3. The Court consider these cases to evidence a most lamentable delay in the disposal of Criminal business in the Sessions Court of Madura. Two innocent persons have been detained in Jail for 1 month and 15 days when with proper arrangements the Court are of opinion their cases might have been disposed of in 2 or 3 days at the utmost.—

4. The Sessions Judge will be pleased to explain the causes which prevented the trial being closed before the 10th March and why it was necessary that 15 days should be consumed in declaring Sentence on the prisoners.

Ordered that Extract from

23d April 1845

from these Proceedings be forwarded to the Session Judge of Madura for his information by Precept Returnable in V days from and after its receipt. —

(Sent following Precepte No. 570)

F. U

Thursday,
24th April 1845. At a Court of the Tanjore Adalut.

Present,

Henry Dickinson Esqre 1st Puisne Judge
George. J. Waters Esqre 2nd Puisne Judge
Malcolm Lewin Esqre 3d Puisne Judge

Read letter dated 17th March 1845 from the Acting Session Judge of Cuddalore forwarding with certain remarks Calendar of Cases in Nos. 14, 15. 16. 17 18. 19. 20 21 and 22 on the file of the Session Court of Cuddalore. —

(Here enter F. U. No. 903 of 1845)

1 In these 10 Cases different portions of a gang of robbers who have for a series of years infested the jungles of Tinderanum are charged with different specified crimes. —

2 Nine out of the Ten cases have been finally disposed of. —

3 In the 10th Case - 25 prisoners

23rd April 1845 from these Proceedings be forwarded to the Sessions Judge of Madura for his information by Precept Returnable in V days from and after its receipt. —

(Sent following Precepte No. 670)

Thursday,
24th April, 1845. At a Court of the Tirjadaree Udalut.

Present,

Henry Dickinson Esqre 1st Puisne Judge,
George. J. Waters Esqre 2nd Puisne Judge,
Malcolm Lewin Esqre. 3rd Puisne Judge,

F. W.

Read letter dated 17th March 1845 from the Acting Sessions Judge of Cuddalore forwarding with certain remarks Calendar of Cases in Nos 13 14, 15. 16. 17 18. 19. 20 21. and 22 on the file of the Sessions Court of Cuddalore. —

(Here enter F. W. No. 903 of 1845)

1 In these 10 Cases different portions of a gang of robbers who have for a series of years infested the jungles of Tindevanum are charged with different specified crimes. —

2 Nine out of the Ten cases have been finally disposed of. —

3 In the 10th Case - 25 prisoners

were charged on two counts of the
with having on the 18th November
~~1844~~ on the Highway near the village
Ellut in the Talook of Tindivanum
armed with sticks and Kinnes beat-
and ill treated the Prosecutor and 4
others and robbed them of sundry ar-
=ticles to the value of Rupees 12-
Annas 15 and Pice 8. and Secondly
with having committed several other
Highway robberies on different dates
and places; and ill treated the trav-
=ellers and committed rapes and
other Crimes and 7 others with having
received a part of the plundered property
knowing it to be such.—

4. The Acting Sessions Judge
has passed sentence on 23 out of
the 32 prisoners in this last case
and has deferred declaring judgment
on the other 9 till he shall have
received a solution to certain legal
doubts which he has referred for
the

the consideration and orders of the
Sudder Udalut.—

5. With reference to 8 out of
the 12 prisoners who have been convict-
and sentenced in this case to 14 Years
imprisonment, the Acting Sessions
Judge submits with some hesitation
a recommendation that the sentence
be mitigated on the ground that they
were individually convicted, on their
own confessions and that with
reference to the numbers captured
and the more severe punishment
of the apparent leaders, he con-
=siders the mitigated punishment
of 8 Years imprisonment may per-
=haps be held sufficient for the
ends of Public justice.—

6 The Court having ma-
=turely weighed the grounds of
the Acting Judges recommendation
and the circumstances of the case as
set forth in the Calendar see no reason
whatever for complying with the suggestion
that

that a mitigated sentence should be
passed on the 8 prisoners in question
The Gang with which they were connected
is shewn to have committed very great
enormities, and there seems to be
reason to suppose that they are not
less guilty than the others who have
been sentenced to the full measure
of punishment which the Acting
Sessions Judge is empowered to pass
under Regulation XX of 1803.—

"As to the 9 which remain,
"the Acting Sessions Judge states that
"he should have no moral hesitation
"in sentencing them all to the same
"punishment as the 8 already spoken
"of, whatever that may be, being
"without doubt as to actual guilt in
"exactly the same category, but before doing
"so, he is desirous of taking the opinion
"of the Judges on two legal points con
"nected with their conviction".—

"The Police having included
"as many of the Prisoners as they
"were able in the former charges, and
being

24th April 1845 "being unwilling to release any no-
"torious members of such a gang,
"merely because they could not specify
"the particular times and places at
"which they had of late exercised
"their profession framed a 2d Count to
"the indictment in No. 22, which in
"effect charges the Prisoners with
"being active members of a Gang of
"robbers and with having as such
"taken part in divers Rapes highway
"robberies &c." to this charge they pleaded
"guilty before the Police and the Crimi-
"-nal Court, and there is no reason
"to doubt the truth of their confession,
"which is, indeed confirmed by the
"strongest presumptive evidence, and
"the Mohomedan Law Officer convicts
"and declares them liable to punishment,
"an opinion in which the Acting Ses-
"-sion Judge fully concurs."—

The legal objections which
occur to Mr Baynes are 1st whether
in consequence of the 2d Count, to
which these 9 persons plead guilty
their

being framed on the prosecution of an individual who has no direct concern in the matters alluded to in the 2d Count the prosecution can be sustained, and 2d whether a party can be brought to trial for being a gang robber and on conviction be punished.—

6. The Court do not pretend to follow Mr Barnes through his arguments on these points. They are so involved with references to ill digested views of English Law and floating notions of Government that it would be no easy task to attempt to pursue his course of reasoning. They would further observe that there is an obvious irregularity and absurdity in the reference made by the Acting Judge for if it were necessary to obtain a right construction of the Law the reference should have been made before the case was tried a material error could not be rectified at this stage of the

the proceedings but would vitiate the whole trial and would necessarily invalidate the conviction of the prisoner.

9 With reference to the 4th point the Court observe that a quitam action has no applicability to this Country nor to the subject matter of the case in discussion. When the natural prosecutor is dead or prevented from attending or when the prosecution is a public one it should be conducted on the part of Government by the Government Vakeel who is to be furnished with a Vakalutnamah as laid down in Circular Order 27th December 1815 to this order the attention of the Acting Judge is recalled.—

10 The mode of prosecution adopted in the present instance tho' irregular cannot however vitiate the facts of the case and the proceedings on which they were founded.

11 In regard to the 2d point there does not occur to the Court any objection to the bringing the prisoner to trial for being a highway robber the

24th April 1845

it is essential that
tho, the Court consider that the
person accused should be proved
to have been associated as a member
with, and actually belonging to, a
gang of robbers and that the char-
-acter of the gang should be es-
-tablished by specific acts proved
to have been committed.—

12. Adverting to the charge
in the particular case under re-
-ference the Court see no objection
to the terms in which the 2nd
Count of the indictment has been
drawn out, the first three clauses
of Section IV Regulation XX of 1823
clearly provide for the punishment
of not only the leaders of Gangs
but of all who shall have been
actually concerned in any robbery
or attempt at robbery or who shall
have been present only aiding and
abetting at such robbery or attempt
or, who, tho' not present, have pro-
-cured and caused by his Council
or Command the perpetration of
such robbery or attempt to rob.

in

24th April 1845

in pursuance of a preconcerted plan
for this purpose - Where however a
charge may be preferred under this
regulation similar to the 2d Count in
Case No. 25 it must, in the opinion
of the Court be preferred in connec-
-tion with some specific act proved to have
been committed by the gang to which
the Prisoner belongs.

13. The only remaining point
in the reference made by the Acting
Sessions Judge is the case of the 25th
prisoner in Case No. 22. This Pris-
-oner was convicted by the Law
Officer in No. 22, in which the
Sessions Judge concurs should be
sentenced to 14 years. There is no
ground for mitigation.—

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

(Sent in No. 575)

Read Criminal Report
submitted by the Sessions Judge of

Calic

24th April 1845. Calicut for the month of March 1845

(Here enter No. 1020 of 1845)

The Court of Zoujdaree Udalut are of opinion that the practice which is shewn by this Statement to obtain in the Tellah Court of Calicut of proceeding with the trial of Criminal cases only on alternate days is highly objectionable. Criminal business should have a general precedence over all Civil work, and heavy work of the latter kind, such as would require the setting apart of a whole day to the detriment of Criminal business should not be undertaken.

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

(Sent in No 376)

Read Criminal Reports submitted by the Session Judge of Tellicherry for the month of March 1845.

(Here enter F. R. No. 1132)

The

24th April 1845.

Case No. 1. The prisoner was charged with having wounded the prosecutor with a knife.-

2. It appears from the remarks of the Session Judge that the prisoner bears a bad character.

3 The attention of the Session Judge is directed to the order of Government often repeated by the Zoujdaree Udalut which has declared it to be necessary that all cases of wounding in Malabar should be punished with great severity.-

4 Under these circumstances the Court consider the punishment in this case of six months imprisonment with hard labor in irons to be very insufficient and accordingly resolve to intimate the same to the Session Judge for his future guidance.-

Extract Minutes Court Rations 2 November 1836

Case No. 5 The Prisoners who were charged with having caused the death of their brother O. Camaran

by

24th April 1845

by striking him with part of a Cocoanut branch have by the Sessions Judge been placed under a requisition of security.—

6. The Court consider the remarks of the Sessions Judge in this case to be altogether unsatisfactory and accordingly direct that a translation of the whole record in the case be sent up without delay for the information of this Court.—

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Tellicherry by Precept returnable within XXX days from and after its receipt.—

Sent following Precepts viz.—

Read Criminal Reports for the month of March 1845 submitted by the Subordinate Judge of Madura—

(Here enter No. 102)

Adverting

No. 24

24th April 1845

Supplemental Report Case No. 16.

1. Adverting to the evidence of the Prosecutor in this case which implicates certain of the Talook Peons in acts of extortion and misconduct and to the remarks of the Pundit Sudr Ameen in releasing the prisoner - the Court are of opinion that the circumstances of the case require that it should have been brought to the notice of the Magistrate and if this course has not already been adopted the Court direct that a copy of it as it stands in the report and of this parah be now sent to the Officer who will be pleased to investigate the conduct of the Peons attached and take such notice of it as he may deem proper reporting the result for the information of the Foujdaree Adalut.—

2 The Court also consider that the Police Officer by whom the case was transmitted to the Subordinate Court should be required to explain the grounds on which

24th April 1845

he transmitted it.—

Case No. 21.— 3.

With reference to the abstract of the evidence given in this case the Court of Tondaree Uddalut are disposed to question the propriety of the unconditional release of the Prisoners—

The evidence appears to the Court to throw great suspicion on the prisoners and would have justified a requisition of security from them, but in this present instance the sentence that has been passed by the Subordinate Judge must not be disturbed.—

Report No. V— 4.

Case No. 26.

The Magistrate is requested to ascertain the cause of the detention in the Talook for 10 and 5 days of the prisoners concerned in this case and should the reasons assigned by the Police Officer who transmitted it, not appear satisfactory the Magistrate will be pleased to take such notice of the Police Officers conduct as may appear to be proper, reporting the result for the information of

24th April 1845

of the Tondaree Uddalut.—

Ordered that Extracts from these Proceedings be sent to the Civil Judge of Madura for his information by Precept returnable in 5 days from and after its Receipt.

(Sent following Precept No. 578)

Read Calendar dated the 9th Instant submitted by the Session Judge of Tinnevelly in Case No. 7 of 1845.—

(Here enter F. C. No. 1104 of 1845)

Thirteen Prisoners are charged in this case with having on the 18th January 1845 cut away 6 Cuttahs of Cumboo grain valued at 18 Rupees raised by the the Prosecutor and with having at 12 o'Clock A.M. of the next day in company with 30 others, beaten the Prosecutor, his wife and others with their hands and robbed the Prosecutor's ready Cash, gold Jewels, Bandy and other property to the value of Rupees 191-4-0 on the common west of Vencatasooraporumm and the 14th and 15th prisoners with

24th April 1845 with having on the 24th and 25th March 1845 been found in possession of the said Bandy Veau valued at 21/4 Rupees knowing the same to have been stol-

2 In the abstract of the evidence given in this case it was stated that the Prosecutor and 5 witnesses sworn to the fact of the case as laid down in the charge - the Sessions Judge has recorded however that no examination at all has been made by the Principal Sudr Ameen in regard to the robbery of money and Jewels -

3 The Court are unable to reconcile these two statements they resolve therefore before approving of the proceedings of the Sessions Judge to call on him to submit an explanation of the apparent discrepancy above noticed -

4 If any robbery of Jewels be established the Court consider the case to be cognizable by the Sessions Court and not by the Principal Sudr Ameen -

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Tinnevelly by precept, returnable in 4 days from and after its receipt - (Sent following Precept No 579) -

NDR
MN

Friday
25th April 1845

At a Court of the Poojdaree Adalut

Present

Henry Dickinson Esqre — 1st Puisne Judge
G J Waters Esqre — 2d Puisne Judge
Malcolm Lewin Esqre — 3d Puisne Judge

Read Calendar dated 14th Instant submitted by the Sessions Judge of Tinnevelly in Case No 9 of 1845.

/ Here Enter No 1185 /

1 The Prisoners in this case were committed by the Principal Sudr Ameen on a charge of House breaking and theft of property amounting to Rupees 4 - 8 - because they were watchmen of the Village where the burglary was committed -

2 The Law Officer and the Sessions Judge acquitted the Prisoners of the crime charged -

3 The Sessions Judge further doubted whether this was a proper

proper commitment and whether the par-
circumstance of the 3d prisoner being
Cavilgars is sufficient to bring the case
within the intendment of Clause 2d
Section II Regulation VI of 1832.

4 He observes that every
"village in this District contains many
"Cavilgars; if the Robbery had been
"committed by any of the Cavilgars whose
"special duty it was to guard the pro-
"perty in the village on that night
"such persons it appears to the Sessions
"Judge would have been liable to com-
"mitment, but he conceives that the term
"watchman" was not intended to apply
"to all Cavilgars indiscriminately whe-
"ther on watch or not. The Prisoners
"having been acquitted of the graver crime
"the record of the present case was returned
"to the Lower Court for disposal."

5 The Court of Foujdaree Adalut
approve of the proceedings of the Sessions
Judge in this case and they agree

with

with him in considering that there
were no grounds for committing the
Prisoners for trial.

Ordered that Extract from
these Proceedings be forwarded to the
Sessions Judge of Tinnevelly for his
information and communication to the
Principal Sudr Ameen.

/Sent pr Ct 582/

Read Calendar dated the
11th Instant submitted by the Sessions
Judge of Masulipatam in Case Nos
of 1845.

/Decr. Foter 7th Nos 1179 of 1845/

In this case 2 persons,
servants of the Prosecutor, were committed
by the Principal Sudr Ameen on a
charge of having during the night
of the 28th March 1845 combined to-
gether and opened the lock of a large
box in the prosecutor's hall and stolen
therefrom a small Chundooga or box
containing Gold and Silver ornaments
&c of the value of Rupees 550 Amount

Do

25th April 1845

2 From a perusal of the Record and of the Abstract of the Case as recorded in the Calendar the Sessions Judge being of opinion that there was not a shadow of evidence as to the imputed Theft, nor as to the value or description of the property said to be lost, except from the Complainants own Statements deemed that there were not sufficient grounds for proceeding with the trial and ordered the discharge of the Prisoners, under the Tanjore Adalut Standing orders dated 26th November 1821.

3 The Proceedings of the Sessions Judge appear to the Court of Tanjore Adalut to be correct but the Magistrate should be urged to stimulate the Police to render every exertion for the discovery of the stolen property and to bring the offenders to justice.

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Masulipatam for his information

PR

25th April 1845

information and for communication to the Magistrate of Masulipatam.

(Sent in No 583)

Read letter dated 9th April 1845 from the Acting Sessions Judge of Trichinopoly forwarding in accordance with Extract from the Proceedings of this Court of the 1st instant a reply to their Proceedings of the 15th January last directing him to call for the Proceedings held in Case No 118 on the Criminal Reports for November 1844 and pass such orders thereon as may appear to him proper, reporting the result for the information of the Tanjore Adalut.

(Here enter PR No 1082)

1 With his letter the Acting Judge forwards copy of a minute from the Principal Sudr Ameen explaining the circumstances under which he failed in accordance with the instructions of this Court contained in

in the concluding para of their proceedings of the 10th January last to communicate to the Sessions Judge the order contained therein directing him to call for the Proceedings in Case № 118.

2. The Principal Sudr Ameen admits that the last para was not attentively perused when received, "it being little imagined that it contained any such directions as the above "as orders of the Foujdaree Adalut to "the Sessions Court had hitherto been "forwarded direct instead of thro' the "Principal Sudr Ameen's Court."

3. The Court observe that the orders of the Foujdaree Adalut are to be followed literally and strictly - and they conceive the disregard of them in this instance has not been satisfactorily explained by the Principal Sudr Ameen and that a want of order and precision is apparent in the arrangements of his Court and in the performance of his duty.-

Ordered

Ordered that Extract from these Proceedings be forwarded — to the Acting Sessions Judge of Trichinopoly for his information and communication to the Principal Sudr Ameen.-

/Sent in № 584-/

Read letter from the Acting Head Assistant Magistrate in charge of Trichinopoly forwarding an invent from the acting Sessions Judge on the Commissary of Ordnance of Trichinopoly and requesting the Court to obtain the sanction of Government for the same.

Here Enter Ple № 1097

The Court observe that the order quoted by the Acting Head Assistant Magistrate in charge is only applicable to arms and accoutrements; the articles now indented for, are not contained in the provisions of that order.-

2. The Court see no reason why an invent from the Sessions Judge should have

have been forwarded to the Foujdaree Adalut by the acting Head Assistant Magistrate in charge, it is accordingly returned.-

Ordered that Extract of these Proceedings be sent to the Magistrate of Nellore for his information and guidance & for communication to the acting Sessions Judge.

/Sent in No 585/

Read Criminal Reports for the Month of March 1845 submitted by the Principal Sudr Ameen of Masulipatam

(Here enter Flo: No 110)

1 — The Reports appear to call for no further remark than that they are written in a straggling way and occupy much more space than appears necessary.

2 — The Principal Sudr Ameen will warn the writers in his establishment to transcribe them in future in a more condensed form.-

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

/Sent in No 586/

pen

74.

+

F: C:

Saturday 26th April 1845.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqre 1st
G: J: Waters Esqre ---- 2d
Malcolm Lewin Esqre 3d
} Puisne Judges

Read return dated 31st March 1845, from the Sessions Judge of Nellore, to the precept of the Foujdaree Adalut of the 26th Idem desiring him to call upon his Law officer to state whether he uses the term Ghazeb, usurpation in the sense that the prisoner usurped the property of another with the intent of making it his own and without the knowledge of the owner.-

(Here enter F: C: No 988 of 1845).

1 — Adverting to the reply of the Law officer and all the circumstances of the case, the Court are of opinion that the offence committed by prisoner is clearly established to be theft.-

2 — They see no reason however for disturbing the Sentence which they consider to be correct.-

Ordered that Extract from these proceedings

Proceedings be sent to the Sessions Judge of Bellary for his information.-

(Sent in No. 588)

Read Criminal Reports for the month of March 1845, submitted by the Acting Subordinate Judge of Mangalore.-

(Here enter F. li. No. 1099)

Report. No. V
Case No. 46. 1.

The Court of Foujdaree Udalut observing that the misconduct of the Potail alluded to in this case has been reported to the Magistrate, desire to be informed direct from that office if any and what notice has been taken of it.-

Case No. 47. 2.

In this and the next cases the same prisoner has been charged with having entered into the houses of separate Prosecutors but the mode of entry without a knowledge of which the Foujdaree Udalut cannot properly appreciate the sentence passed has not been specified. The Subordinate Judge will be pleased to supply this omission and be careful to prevent its occurrence in future reports.-

3.

The Court further observes that a delay of four months has been allowed in the transmission of these cases to the Subordinate Court, without even an attempt at explaining its cause, the cases having been examined by the Assistant Magistrate that Officer should be required to explain the circumstances

of this extraordinary delay thro the Magistrate, who will make his report direct to the Foujdaree Udalut, and at the same time state, why the usual and requisite particulars were not in the first instance furnished to the Subordinate Court.-

Case No. 52. 4

In this case one of the prisoner entered in Case No. 51 is charged with having effected his escape while detained by the Village Potail on account of the charge in No. 51. and in explanation of the case not having been disposed of it is stated that he has not yet been reapprehended.-

5.

Under such circumstances the Court are of opinion that this case should not have been inserted in the Report.-

6.

The Court also desire it may be explained how the statement regarding the delay in the disposal of the case consists with the entry in Column 6 of the prisoners arrival at the Subordinate Court on the 8th March.-

Case No. 60. 7.

The Prisoner in this case a very young lad has been charged with having appropriated to his own use property belonging to his relations and which had been entrusted to his care.-

8.

In consideration of his youth the Acting Subordinate Judge sentenced him to 3 months imprisonment.-

proceedings be sent to the Sessions Judge of Tellicherry for his information.-

(Sent in No. 588)

Read Criminal Reports for the month of March 1845, submitted by the Acting Subordinate Judge of Mangalore.-

(Here enter F. C. No. 1099)

Report No. V
Case No. 46. 1.

The Court of Foujdaree Adalut observing that the misconduct of the Peishcar alluded to in this case has been reported to the Magistrate, desire to be informed direct from that office if any and what notice has been taken of it.-

Case No. 47. 2.

In this and the three next cases the prisoner has been charged with having entered into the houses of separate Prosecutors but the mode of entry without a knowledge of which the Foujdaree Adalut cannot properly appreciate the sentence passed has not been specified. The Subordinate Judge will be pleased to supply this omission and be careful to prevent its occurrence in future reports.-

3.

The Court further observe that a delay of four months has been allowed in the transmission of these cases to the Subordinate Court, without even an attempt at explaining its cause, the cases having been examined by the Assistant Magistrate that Officer should be required to explain the circumstances

of this extraordinary delay thro the Magistrate, who will make his report direct to the Foujdaree Adalut and at the same time state, why the usual and requisite particulars were not in the first instance furnished to the Subordinate Court.-

Case No. 52. 4

In this case one of the prisoners entered in Case No. 51 is charged with having effected his escape while detained by the Village Potail on account of the charge in No. 51. and in explanation of the case not having been disposed of it is stated that he has not yet been reapprehended.-

5.

Under such circumstances the Court are of opinion that this case should not have been inserted in the Report.-

6.

The Court also desire it may be explained, how the statement regarding the delay in the disposal of the case coincide with the entry in Column 6 of the prisoners arrival at the Subordinate Court on the 8th March.-

Case No. 60. 7.

The Prisoner in this case a very young lad has been charged with having appropriated to his own use property belonging to his relations and which had been entrusted to his care.-

8.

In consideration of his youth the Acting Subordinate Judge sentenced him to 3 months imprisonment.-

9. If the desire to save the boy from the contamination necessarily attendant on a Jail in any way swayed the Acting Subordinate Judge in awarding the punishment adjudged in this case the Court of Foujdaree Udalut are of opinion that he would have exercised a sounder discretion had he released the boy with an admonition to his relation to give him a good whipping. The Court trust that the lad has been kept separate from the other bad characters in the Jail and direct that he be now released.

Ordered, that Extract from these proceedings be sent to the Acting Subordinate Judge of Guntoor for his information by Precept returnable in 5 days from and after its receipt.

(Sent following Precept No. 589)

Read Criminal Reports for the month of March 1845 submitted by the Principal Sudr. Ameen of Chingleput.

(Here enter F. C. No. 1129.)

Case No. 31. Report No. V

1. A Police Peon is charged with having by gross and culpable neglect allowed the escape of a Prisoner under trial on a charge of murder.

2. It is stated that the "Prisoner" confesses the charge before the Police and Court. and the 1st and 2nd witnesses depose to the prisoner having by his neglect allowed Puthadoo to escape while he was in his charge for trial on a charge of murder".

3. Notwithstanding, he was by the Principal Sudr. Ameen "ordered to be released under Foujdaree Udalut Circular Order No. 156".

4. The Court of Foujdaree Udalut desire a fuller explanation of the Principal Sudr. Ameens sentence in this case. the Circular Order quoted by the Principal Sudr. Ameen distinctly declares the jurisdiction and punishments prescribed by Section XI Regulation XIII of 1832. applicable to such a case as this where the offender is a "Peon properly so called".

Ordered that Extract from these proceedings be sent to the Principal Sudr. Ameen of Chingleput for his information by Precept returnable in 3 days.

(Sent following Precept No. 590).

Read return dated the 12th Ultimo. from the Principal Sudr. Ameen of Tinnevelly to the Precept of the Foujdaree Udalut under date the 7th March 1845. directing the unconditional release of the Prisoners in Criminal Case No. 156 of 1844. and calling upon him to state the grounds on which the Prisoner in Criminal Case No. 4 of 1845 was convicted of having preferred a false and malicious

Malicious charge and whether her person was examined.-

(Here enter F: C: No. 859 of 1845)

Read Communication dated the 17th Ultimo from the Magistrate of Madura forwarding a letter from the Sessions Magistrate explaining causes of delay in closing cases No. III and 119 of 1844.

(Here enter F: C: No. 907 of 1845)

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 Rajamundry to the Agency and regarding whom no final orders had been passed at the date of the Report ending 31st January 1845.-

(Here enter F: C: No. 924 of 1845)

Read return dated the 26th Ultimo from the Magistrate of Chingleput to the precept of the Fouzdaree Adalut under date the 24th Idem directing that the fine levied from certain Prisoners may be refunded to them.-

(Here enter F: C: No. 936 of 1845)

Read return dated the 26th Ultimo from the Sessions Judge of Nellore to the precept of the Fouzdaree Adalut under date the 24th February 1845. on the Criminal Reports of the Principal Sudr Ameen

26th April 1845.

Ameen of Nellore for January last.-

(Here enter F: C: No. 938 of 1845)

Read Calendar dated the 20th Ultimo Submitted by the Session Judge of Honore of Case No. V of 1845.-

(Here enter F: C: No. 939 of 1845)

Read Calendar dated the 24th Ultimo Submitted by the Session Judge of Cuddapah in Case No. 9 of 1845.-

(Here enter F: C: No. 941 of 1845)

Read Calendar dated the 25th Ultimo Submitted by the Session Judge of Chingleput of a trial for Gang Robbery held in Case No. 3 of 1845.-

(Here enter F: C: No. 943 of 1845)

Read Calendar dated the 22nd Ultimo Submitted by the Session Judge of Calicut in Cases No. IX and X of 1845.-

(Here enter F: C: No. 947 of 1845)

Read Calendar dated the 20th Ultimo Submitted by the Session Judge of Salem in Case No. 14 of 1845 and the translation of the futwah required by the Circular Order No. 948.-

(Here enter F: C: No. 948 of 1845)

Read.

26th April 1845.

Read return dated the 26th Ultimo — from the Sessions Judge of Mangalore to the Precept of the Foujdaree Udalut under date the 10th February 1845. requiring the Sessions Judge of Mangalore to submit his Sessions Report for 1844 and to explain for the information of Government, the causes — which have prevented its earlier transmission —

(Here enter F. U. No 953 of 1845)

Read Supplemental Return dated — the 26th Ultimo, from the Subordinate — Judge of Salem to Precept of the Court of Foujdaree Udalut under date the 27th December 1844 "requiring to be informed what has been done and in what measure the Tripatore Tahsildar's misconduct in forwarding the cases Nos 135 and 136 of 1844 to the Subordinate Court has been noticed"

(Here enter F. U. No 957 of 1845).

Monday
28th April 1845

F. U.

At a Court of the Foujdaree Udalut.

Present

H. Dickinson Esqre 1st Puisne Judge
G. J. Waters Esqre 2d Puisne Judge
Mc. Leuin Esqre 3d Puisne Judge

Read Letter dated the 19th Instant, from the Sessions Judge of Mangalore, submitting the record of the trial in Case No 18 on the Calendar of the Sessions Court at Mangalore for 1845.

(Here enter No 1213)

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 Krishna Maramparaditaya.
2nd Appana.
3rd Govindoo and
4th Mahalinga.

is sufficient to convict them of the crime of Rape, for which in the absence of

the

the requisite conditions of Hindu discretionary punishment is awardable under the Mahomedan law, as declared in Fulwas of the Law Officers, do convict them thereof, and with reference to the provisions of Clause third Section VII Regulation XI of 1803, Clause third Section II Regulation I of 1825 and Regulation VIII of 1829, sentence the prisoner

1st Kristnia Narayanabhatajar

to receive 150 lashes with a Cat o' nine tails, and to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of 14 years. And the prisoners

2nd Appana

3rd Govindoo and

4th Mahalinga

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.

The Court resolve to direct the Session Judge to report to the Foujdaree Adalut the result of his

communication

communication with the Magistrate, referred to in Para 5 of his letter under remark, calling for information, as to what measures have been adopted by that Officer with regard to the Potail and Police Duffadar, whose conduct in the above case appears to the Session Judge to have been very culpable.

Ordered, that Extract of these Proceedings be sent to the Session Judge of Mangalore by Receipt returnable within X days from and after its receipt.

(Sent following Receipt No. 593.)

Read Miscellaneous Petition presented on the 10th ultimo by Oydee, of the Gillah of Masulipatam, brother-in-law of Samoodrala Chintaloo, the 1st prisoner in Case No. 14 of 1844 on the file of the Session Court of Masulipatam.

(Here enter F.M.P. No. 53 of 1845)

The object of this petition is for reasons assigned at length to induce the Court of Foujdaree Adalut to call for and peruse the Record of the Case above

above referred to, and to order the release of Petitioners brother-in-law, who has been sentenced by this Court to transportation for life for the murder of Tiruvannee Loobbiah, a peon attached to the Masulipatam Collectorate.

2. On a perusal of the Statements contained in this address, the Court of Foujdaree Udalut see no grounds for a reconsideration of the Sentence passed upon the prisoner S. Chintaloo, which was grounded on a deliberate consideration of all the circumstances of the Case.

3. This petition is accordingly dismissed.

Ordered, that Extracts of these Proceedings be furnished to the Petitioner on his application.

Read Misses Mauney's Petition presented on the 17th instant by Apjee Chetty of the Gillah of Chingleput.

(Here enter Tl. No. 1061 of 1845)

Petitioner

1. Petitioner, who was a peon attached to the Cantonment police of St. Thomé Mount, states, that he presented a petition to the Police Officer Captain Bower complaining of the Conduct of the Cutwall, in employing prisoners, sentenced by that Officer for petty Offences, to work in his garden, but no attention having been paid to this Statement, he resigned the Service dreading the consequences which the enmity of the Cutwall might entail upon him.

2. Petitioner then represented the matter to the Sessions Judge of Chingleput, who made an endorsement on his petition recommending him to apply to the Foujdaree Udalut or to Government, but declining to interfere in the Case which had been disposed of by the Officer in charge of Police at St. Thomas Mount.

3. On a perusal of this petition and of the endorsement of the Sessions Judge of Chingleput submitted therewith, the Court observe that the Commanding Officer at St. Thomas Mount has certified

that

28th April 1845

that the "enquiry" made upon the subject of the Cutwalls conduct was sufficient and satisfactory.

4. The Court of Foujdaree Adalut decline to interfere in the matter of this petition, which is dismissed.

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

Read Miscellaneous Petition presented on the 7th instant by Ramadah of the Gillah of Combaconum.

(Vide inter M.M.P. No 62 of 1845)

1. Petitioner complains of the proceedings of the Sessions Judge of Combaconum in Case No. 60 of 1844 on the file of the Sessions Court, in which her husband and Son were respectively sentenced to imprisonment with hard labor in irons for the periods of 5 and 7 years, for the commission of a Robbery of Jewels valued at Rupees 627- 9- .

Petitioner alleges that the charge was fabricated against the prisoners

28th April 1845.

prisoners by the Deputy Tasildar of Nayaveram Taluk, and Seevaya a Sowcar in the Sub Collectors Cutcherry who were at enmity with her Son; and that the Jewels found in her husbands house were placed there by those individuals.

2. On a perusal of this petition and of the Calendar in the Case above referred to, the Court consider that the charge against the prisoners was clearly proved; and see no grounds to question the justice of the Sentence passed by the Sessions Judge.

Petition is therefore dismissed.

3. Ordered, that Extract of these Proceedings be furnished to the Petitioner on her application.

No further return having been received from the Sessions Judge of Tanjore to the precept of the Foujdaree Adalut dated the 28th February 1845, directing that officer to report what further measures had been adopted for the recapprehension of the Prisoners, who escaped, besides simply a

address

addressing the Magistrate, and what steps have been taken to remedy the defect pointed out in the 8th Para of the Session Judges letter dated 8th February.

Ordered, that the Session Judge of Guntoor be required to make a full return to the precept aforesaid within X days.

(Sent in No. 594)

Read Miscellaneous Petition presented on the 25th of March 1845, by Shaik Hazee, of the Gillah of Nellore

(Here enter No 65 of 1845)

1. The object of this petition is to induce the Court of Sudder Adalut to direct the Session Judge of Nellore to restore the petitioner, who was a Jail Row on the Establishment of the Session Court, to the situation from which he was dismissed by the late Acting Gillah Judge, on the alleged grounds of having been absent from his duty when in charge of certain prisoners employed in cleaning the roads.

Petitioner

2. Petitioner refers to former services, and asserts that he only moved to the distance of three fathoms from the prisoners to quench his thirst, and that another person was employed with him on the same duty, but that the Jailor misrepresented the facts of the case both to the Acting Gillah Judge, who suspended Petitioner for 10 days, and then to the Gillah Judge on his return to the Station, upon which the latter officer dismissed him from his situation.

3. Before finally disposing of the matter of this Petition, the Court resolve to direct the Session Judge to report upon the circumstances of the Case.

Ordered, therefore that Extract of these Proceedings be sent to the Session Judge of Nellore for his information, by precept returnable within XV days from and after its receipt.

(Sent following Receipt No 595)

Ordered also, that Extract

of

of these Proceedings be granted to the Petitioner on his application.

Read Miscellaneous Petition presented on the 24th February and 10th March 1845, by Changareddy, and P. Seshiah & Gillah Nellore.

(Here enter F.I.R. Dis. Nos 26 & 55 of 1845)

1. The Petitioners represent & state selves as relatives of certain Prisoners, who they complain have been unjustly detained in Custody by the Sessions Judge of Nellore on a charge of Perjury, for about 5 or 6 months.

2. Petitioners assert that the charge preferred against the Prisoners in question was false and malicious, and they now pray for the interference of the Foujdaree Adalut, and for the issue of Orders directing their release.

3. The Records of the Foujdaree Adalut do not admit of the Cases to which the Petitioners refer, being clearly traced and identified; but it is observed that the Sessions Judge of Nellore in his return dated 31st December 1844. to the precept of the Foujdaree Adalut

of

of date the 10th December 1844 stated for the information of this Court, that on the 13th of that month he had closed proceedings in the Cases specified in the Return.

Cases Nos 673

4. It is considered possible that those are the Cases to which the Petitioners under notice have reference: if so, the Sessions Judge is required to submit a full explanation of the circumstances of the charge, and progress of the trials; but more particularly of the causes which have led to the omission to lay before the Foujdaree Adalut up to the present date, the Calendars of trials, closed, by the Sessions Judge's own showing, on the 13th December 1844, a period of more than 4 months.

5. Should cases be referred to other than those supposed by the Court to be alluded to by Petitioners, an explanation of the nature above prescribed will be submitted by the Sessions Judge, who will further explain why in the Sessions Court Report for January

28 April 1845.

January 1845. not more than one Case was entered (122 of 1844), if as declared by Petitioners their Relatives have been in Custody for about Six months -

Ordered, that Copies of the Petitions be forwarded to the Sessions Judge of Nellore with extract of these Proceedings by Precept returnable in X days from and after its receipt.

(Sent following Precept No 598)

Ordered also, that Extract from these Proceedings be granted to the Petitioners on their application.

Vadaneasa Peter &
Pitchinoply, moves the Court to return the enclosures in his Miscellaneous Petition No. 54 of 1845.

Ordered accordingly.

J. W.

J. W.

Tuesday
29th April 1845.

At a Court of the Foujdaree Udalut.

Present.

Henry Dickinson Esqre ---- 1st
G. J. Waters Esqre ---- 2nd } Puisne Judges
Malcolm Lewin Esqre ---- 3rd

Read letter dated the 15th Ultimo from the Acting Magistrate of Rajahmundry, stating that the Precept of the Foujdaree Udalut dated 23d October last, is not found in the office of the Magistrate, and requesting to be furnished with copy thereof -

(Here enter No. 887.)

Ordered that the Subordinate Judge of Rajahmundry be required to furnish to the Acting Magistrate of that District a transcript of paras. 4 and 5 of the Proceedings of this Court dated 23d October last, and to explain with reference to the accompanying Copy of a communication from the Acting Magistrate dated 15th March 1845, why transcripts thereof were not furnished to the Acting Magistrate when this Court's proceedings above quoted reached the Subordinate Court -

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Rajahmundry

Rajahmundry by Precept returnable in X days from and after its receipt.—

(Sent following Precept No. 599)

Ordered also that Extract from these proceedings be sent to the Acting Magistrate of Rajahmundry for his information.—

(Sent in No. 600)

Read Criminal Reports submitted by the Acting Subordinate Criminal Judge of Cuddapah for the month of March 1845.—

(Here enter Fs. Us No. 1134.)

Case No. 19. 1. The Court observe that notice should be taken by the Acting Magistrate of the conduct of the Police Ameen, who is stated to have examined some of the witnesses in this Case during the absence of the prisoner.—

Case No. 23. 2. In this Case the prisoner was charged with having been delivered of a male child, and thrown it into a well. It is stated that there being no reason to doubt the assertion of the prisoner that the child was born dead, she was acquitted.—

3. The Court observe that the prisoner was punishable under the provisions of Circular Order No. 151, to which the attention of Mr. Dwayne, the Acting Subordinate Judge is drawn.—

The

Case No. 32. 4. The Prisoners were charged with having entered the house of the Prosecutor by night, by breaking through the wall and have been sentenced to imprisonment in irons and hard labor for a period of six months under Clause Sixth, Section II Regulation VII of 1822.—

5. The attention of the Acting Subordinate Judge is directed to Circular Order No. 139. which requires that every offender sentenced under the above quoted Regulation should be sentenced to imprisonment for a period in excess of 6 months.—

Case No. 35. 6. Adverting to Foujdaree Adalut Circular Order dated 8th December 1831, the Court observe that the names of the prisoners in this Case, who were concerned in Case No. 22 of this report, should have been written in red ink.—

Ordered, that Extract of these Proceedings be sent to the Acting Subordinate Judge of Cuddapah for his information and Communication of (para 1) to the Acting Magistrate of Cuddapah by precept returnable in X days from and after its receipt.—

(Sent following Precept No. 601).

Read Calendar of Case No. 10 of 1845 dated the 2d Instant, submitted by the Sessions Judge.

Judge of Bellary.-

(Here enter No. 1161 of 1845.)

1. The Prisoner in this case committed of having set fire to, and destroyed three of the Prosecutor's stacks, consisting of grass and Cholum valued at 300 Rupees - has been sentenced by the Sessions Judge to four Years imprisonment, with hard labor in irons, under Clause 7th Section II Regulation XV of 1803.-

2. Considering the nature of the offence committed by the Prisoner and the amount of property destroyed by the fire, the Court are of opinion that the punishment awarded is far too light.

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

(Sent in No. 602.)

Read letter under date the 11th Instant from the Acting Subordinate Criminal Judge of Cuddapah, requesting the instructions of the Foujdaree Adalut as to the disposal of the Prisoner referred to in the warrant issued in case No. 12. of the Calendar 2nd Session 1843 by the 1st Judge on Circuit, a certain doubt existing as to the intentions of that officer.

(Here enter F. C. No. 1166.)

1. The Acting Subordinate Criminal Judge has submitted a communication from the Zillah Surgeon

Surgeon of Cuddapah in which that officer adheres to the opinion formerly expressed by him that the Prisoner in the above case is not of unsound mind, but of a sullen and gloomy disposition.-

2. In consideration of the circumstances of the case, the Court of Foujdaree Adalut are of opinion that the Prisoner should not be released from custody unless he produce good and sufficient security in two sureties for his good conduct and appearance when required.

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

(Sent in No. 603)

Read Calendar dated 19th Instant.-

Submitted by the Sessions Judge of Mangalore of Case No. 17 of 1845.-

(Here enter No. 1222)

1. A Prisoner charged with having at about half past 10 O'clock P. M. attempted to escape from custody while detained in a room of the Mangalore Police Ameen's Cutcherry, on account of the charge in Case No. XVI on the Calendar, by taking off the stock in which he was confined and removing the pin of the door of that room, was committed to the Court of Sessions - but the Sessions Judge was of opinion that

that as the escape had not been effected, the offence was not cognizable under Clause 3d. Section V Regulation VI of 1822. and therefore deemed it unnecessary to put the prisoner upon his trial.-

2. The Court approve of the proceedings of the Sessions Judge in declining to place the Prisoner on his trial.-

3. As the Prisoner had not actually effected his escape he was not liable to punishment, the attempt to escape not being declared to be an offence cognizable by the Sessions Court.-

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

(Sent in No. 604)

Read again Criminal Reports dated the 4th Ultimo, submitted by the Principal Sudr. Ameen of Mahapore, for the Months of February 1845.-

(Here enter F: B: No. 803).

Read also return under date the 11th Instant from the Sessions Judge of Chicacole, to present dated the 27th Ultimo, directing that officer to call up the record of Case No. 1 of the Report No. V submitted by the Principal Sudr. Ameen at Mahapore for the months of February 1845, and to pass such orders as

might

might appear to him to be proper, reporting the same for the information of the Foujdaree Adalut.-

(Here enter F: B: No. 1174).

1. The Sessions Judge submits an abstract of the evidence taken, in the above case, before the Principal Sudr. Ameen, and reports, in his return, that the statements of the Prosecutor and of his witnesses are grossly contradictory; whereas the evidence for the defence is as clear and satisfactory, as possible, the alibi set up by the prisoner having been fully established, the manner in which the depositions were taken being both irregular and unfair to the deponents.-

2. Under these circumstances the Sessions Judge has ordered the decision of the Principal Sudr. Ameen to be cancelled, and the prisoner set at liberty forthwith.-

3. On a perusal of the return of the Sessions Judge, and of the abstract of the evidence submitted by that officer, the Court of Foujdaree Adalut consider it necessary to call for the whole record of the above case, in which the Principal Sudr. Ameen appears to have passed a decision directly contrary to all the rules of justice and of law.-

4. The Court accordingly resolve to direct the Sessions Judge to forward a translation of the

whole

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whole proceedings, in the Case, without delay.

Ordered, that Extract of these Proceedings be sent to the Sessions Judge of Chittagong for his information and for communication with the Principal Sudr Ameen, by a precept returnable within XXV days from and after its receipt.

(Sent following Precept No. 605)

Wlank

Ld Am

F. U.

Wednesday 30th April 1845.

At a Court of the Foujdaree Udalut.

Present.

Henry Dickinson Esquire 1st Puisne Judge
George J. Waters Esquire. 2d Puisne Judge
Malcolm Lewin Esquire 3d Puisne Judge.

Circular Order

No. 165.

1. Adverting to the non-applicability of Section XXXVII Regulation VII of 1802, to the Judges of the Session Courts established under the new Judicial System by Act VII of 1843; the Court of Foujdaree Udalut with the sanction of Government, have resolved to direct the discontinuance of the Reports now submitted under the authority above quoted.

2. The Court, however, are not disposed altogether to dispense with the reports they have hitherto received; for, although proceeding from Judges at present stationary, they may nevertheless contain information of importance and proper for communication to the Foujdaree Udalut, but with reference to

the

the difficulty which has been experienced in restricting the observations of the Sessions Judges to matter which should appear in a Report framed in accordance with the provisions of Section XXXVII Regulation VII of 1802, and those regarding the operations of the Magistracy and Police, to Reports submitted under the instructions from Government contained in Foujdaree Udalut Circular Order dated 16th November 1829 B, they direct that the Sessions Report now received at the close of each year, be blended with the Report submitted under the Circular Order above quoted, for the last six Months of the year.-

3. Under this arrangement which is adopted in the belief that the modification of practice will greatly conduce to official convenience and essentially promote the despatch of business, the Criminal Report prescribed by the Circular Order of date 16th November 1829 B. for the first six Months of the Year, will be forwarded to the Foujdaree Udalut and subsequently by the Foujdaree Udalut to Government, as usual, whilst the Report

Report for the following Half Year will contain such observations, and remarks of general interest, as, under existing practice, would have formed matter for two distinct reports.-

(Sent following Circular Order No 610

Read letter dated 31st January 1845 from the Sessions Judge of Guntoor, forwarding correspondence between the Magistrate and Principal Sudr Ameen of Guntoor, relative to the course of procedure to be adopted in a case of embezzlement.

(Here enter Pl. No 385 of 1845.)

1. It appears that a person who had accompanied another as servant to Chintamanikoolagoonta, distant 1½ Coss from Madras, was charged with having at day break on the morning of the 2d December 1844, decamped from that place with a purse containing 150 Rupees in ready money and 3 bonds amounting to 68 Rupees, together with a cloth valued at 1-6-2 which had been entrusted to his Care by his master at Chintamanikoolagoonta.

2. The charge was originally preferred

preferred to the Head of Police of Tanally Tanah in Zillah Guntoor, who committed the case to the Principal Sudr Ameen of Guntoor.

3. As the place where the crime was alleged to have been committed is situated either within the jurisdiction of the Zillah of Chingleput or within the limits of the Supreme Court of Madras, the Principal Sudr Ameen did not consider himself justified in proceeding with the case under Section VII Regulation IX of 1816, and Section XXXV Regulation XI of the same Year.-

4. The Principal Sudr Ameen accordingly requested the Magistrate to inform him on what principal the Case was sent to his Court without being committed to the authorities within whose jurisdiction the said crime was committed.-

5. In his reply the Magistrate observed that "the Village Chintamanboolagoonta "is situated within the limits of another Zillah, "yet the Prosecutor and the Prisoner Muddoorkhoory Boopiah, as well as all the witnesses, with exception of one, being residents of this District,

and

F. C.
30th April 1845.

"and the Prisoner having been apprehended "in the same, orders were issued to the Head "of Police of Tanally to send up the case to the "Court in order to relieve the parties from the "trouble of proceeding to a distant Zillah, and "the consequent inconvenience which they may "have been subjected to by their absence from "home for a long period."

"It therefore appears to me that "there can be no objection to your disposing of "the case as the Prosecutor was merely passing "thro the Village where he was robbed on his "journey to Madras, and the Prisoner who "was engaged in his service was followed up, "and apprehended in this Zillah, of which "all the parties are residents."

6. The Principal Sudr Ameen being dissatisfied with this reply and being in doubt as to his competency of disposing of the case as is suggested by the Acting Magistrate, solicited the instructions of the Session Judge on the subject.-

7. The Session Judge replied that "the crime the prisoner has committed

amounts

"amounts only to a breach of trust, as the pro-
"perty he took away with him, was entrusted to
"his charge, and that he can be tried in this or
any other Zillah in which he may be appre-
=hended. It is a matter, however, on which the
"Court of Foujdaree Udalut alone can decide, and
"therefore he resolved to forward copies of the letters
"from the Principal Sudr Ameen, the Acting
"Magistrate together with the charge against
"the Prisoner to the Foujdaree Udalut with a
"request that they will be pleased to furnish
"him with their opinion on the subject.

8.

The Court having referred to the Magistrate of Chingleput have ascertained that Chintamanikoolagonta otherwise known in Tamil as Polencolum the place from which the prisoner decamped with his masters property is situated within the limits of Her Majesty's Court at Madras, resolve to direct the Sessions Judge to make him over as soon as reapprehended to the Magistrate of the District who will take measures for transferring him to the Superintendent of Police at Madras in order to his being brought to trial in the Court to which he is amenable.-

Ordered

30th April 1845.

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

Sent in No 611

Circular Order

No 166.

The submission by Magistrates of the "Statement of Crimes" required by the Circular Order dated 2d March 1818, being considered superfluous under the present system, inasmuch as the information it contains is embodied in the Returns required to be laid before the present Sessions Courts, with the Magistrates Half Yearly Criminal Reports, the Court of Foujdaree Udalut resolve to cancel the Circular Order above referred to.-

Sent following Circular Order No 612

Read return dated 9th April 18
from the Sessions Judge of Salem, to the proce
of the Foujdaree Udalut of the 31st March pre
ceding, directing him to call for the proceed
ings held in Cases Nos 158 and 24 on the Sale
Criminal Reports for the Month of Janua
1845

1845 and revise them.-

(Here enter F. R. No 1095.)

1. The Court of Foujdaree Udalut are of opinion that the Session Judge should have passed orders on Case No 24.

2. In this case a prisoner Chinnaw or Chinnagounden was charged with preferring a false complaint against one Kylasagounden and by an oversight of Circular Order No 140 was erroneously released by the Subordinate Judge.-

3. The same prisoner it appears was committed to the Session Court on a charge of robbery preferred against him by a relative of the Kylasagounden against whom he had originally preferred the false charge above referred to/ and was released- there being every reason to believe the charge to be altogether false.-

4. The Subordinate Judge having discovered his oversight of the Circular Order No 140 recorded an opinion to the effect that "the prisoner Chinnan in the event of his release on the charge of gang-robbery should again

again be placed on his trial" for the false complaint.-

5. On learning however the issue of the charge of robbery the Subordinate Judge refrained from following up his intention recorded above "under a sense of the manifest injustice which would be committed if the complainant in one of these two cross false complaints should be punished under the above Regulation and the other allowed to escape with impunity owing to the circumstance of the Police Officer having failed to detect the falsity of the charge during the progress of the proceedings in his office.-

6. The Court do not consider that sufficient grounds have been shown for the course proposed to be followed by the Subordinate Judge and the Court direct that the charge of false complaint preferred against Chinnan be revived and disposed of on its merits under Regulation IX of 1832. No case of obviously false complaint should be allowed to pass unheeded.

Ordered

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

(Sent following precept No 613

Read the Criminal Reports for the month of March 1845 submitted by the Subordinate Judge of Chittoor.

(Here enter F. M. No 1135.)

Supplemental Report
Cases Nos 30 and 41.

The abstracts of these Cases as given in the Reports are far too lengthy and discursive and are at variance with the object proposed in requiring them. The attention of the Sudr Ameen attached to the Chittoor Zillah Court must be called to Circular Order 16th November 1831 and they must be informed that the value of their abstract will be in proportion to their brevity and perspicuity.

Case No 43.

2. The Court are of opinion that the sentence passed upon the 2d and 3d prisoners in this Case is too severe and direct their release. They are the wives of the 1st prisoner and of the person not yet apprehended, and have acted

Report No V.
Case No 46.

acted under the coercion of their husbands.

3. The Cumgoody Police Ameen's explanation of the delay in the transmission of this Case to the Subordinate Court is totally unsatisfactory. The case should not have been detained on account of the non-arrival of one witness. The nature of the reference to the Huzoor should also have been explained as required by Circular Order No 62.

Case No 47.

4. There appears to have been unnecessary delay on the part of the Duffadar in executing the search warrants issued in this Case. This should be enquired into and noticed by the Magistrate who will report to the Fouzdaree Adalut the result of his enquiry.

Cases Nos 50 51 and 54.

5. The explanations afforded by the Vellore Police Ameen of the delays which have been allowed in these Cases are wholly unsatisfactory and have been repeatedly denounced by the Court in their Circular Orders as insufficient and inadmissible. The Magistrate will accordingly be pleased to look into the Cases and take such notice of the Police

Officers

Officer's conduct as may appear to him proper reporting the result for the information of the Zoujdaree Udalut.

Cases Nos. 62 and 63.

6. In the former of these cases the prisoner is charged with stealing a rope valued at 2 piece and "in order to create fear "in him" was on the 26th March sentenced by the Pundit Sudr Ameen to 15 days imprisonment.

7. In the latter case the same prisoner is charged with having escaped from his guard a Talian.

8. This custody the Pundit Sudr Ameen rules is not legal and consistent with "the tenor of the Regulations. Hence the charge "is not admitted." The Pundit then comments on the irregularity of the Police in forwarding the case to the Subordinate Court and orders the release of the prisoner under Clause 1st Section IX Regulation X of 1816.

9. The Court see strong grounds for questioning the propriety of the sentences passed in both cases.

10. The sentence in the first case

is

is not justifiable on the grounds cited, and the order in the second case appears opposed to Circular Order No. 156.

11. The Session Judge will accordingly be pleased to revise the proceedings in these Cases and pass on them such orders as may appear proper reporting the result for the information of this Court.

12. The Magistrate will be pleased to submit a translation of the reference made in these cases and will call the attention of the Head of Police of Tirovattoor to Circular Order No. 62.

Ordered that Extract from these proceedings be sent to the Subordinate of Tirupattoor Judge, for his information by precept returnable XV days from and after its receipt.

(Sent following precept No. 614

Ordered also that Extract from these proceedings (paras 6 to 11) be sent to the Session Judge of Tirupattoor for his information by precept returnable in XV days from and after its receipt.

(Sent following precept No. 615

Rd.

Read Report dated the 31st Ultimo submitted by the Magistrate of Malabar of Cases tried by the Magistracy under the provisions of Section XIV Act VII of 1843 during the Month of March 1845.

(Here enter No 1181 of 1845.)

Case No 1. Adverting to the notorious bad character of the 2d Prisoner in this Case - the nature of the injury inflicted, and the circumstances of the Case as detailed in the report, the Court consider that the punishment inflicted was far too leniant.

2. The Court desire to know how the theft in this Case was committed as a knowledge of this circumstance is necessary to enable them to appreciate the propriety of the sentence awarded -

3. The Magistrate observes that the Case ought to have been committed but has failed to explain what circumstance of aggravation rendered such a step proper.

4. This point also requires explanation.

Ordered that Extract from these proceedings be forwarded to the Magistrate of Calicut for his information by precept returnable in V days from and after its receipt -

(Sent following precept No 616)

Read return dated the 23d Instant from the Acting Session Judge of Combaconum to the precept of the Tondaman Adalut under date the 18th April 1845, annulling that part of the sentence imposing a fine of 100 Rupees on the 1st Prisoner in Case No 8 of 1845.

(Here enter F.U. No 1231.)

Read Calendar in Case No 14 of 1845, submitted by the Session Judge of Cuddapah, under date the 23d Instant.

(Here enter F.U. No 1234.)

Read Calendar in Case No 20 of 1845, submitted by the Session Judge of Cuddapah, under date the 25th Instant.

(Here enter F.U. No 1240.)

Read Supplemental Report dated 21st Instant 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 28th February 1845.

(Here enter F.U. № 1243.)

Read report dated the 21st Instant 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 in the months of March 1845.

(Here enter F.U. № 1244.)

Read Calendars in Cases Nos. XV and XXIV of 1845 submitted by the Sessions Judge of Mangalore under date the 22d Instant.

(Here enter F.U. Nos. 1250 and 1251.)

Read Letter dated the 19th Instant from the Sessions Judge of Honore reporting that the two surviving Prisoners in Cause № 12 of 1844 on the Honore Calendar were unconditionally released on the 19th April 1845 pursuant to the sentence of the Foujdaree Udalut.

(Here enter F.U. № 1252.)

F.U.

Thursday 1st May 1845.

At a Court of the Foujdaree Udalut.

Present.

Henry Dickinson Esquire 1st Puisne Judge.
George J. Waters Esquire 2d Puisne Judge.
Malcolm Lewin Esquire 3d Puisne Judge.

Read communication under date the 5th Ultimo from the Session Judge of Tellicherry.

(Here enter F.U. № 1072.)

1. The Session Judge in the above communication requests the permission of the Foujdaree Udalut with reference to the provisions of Section XXI Regulation VIII of 1802 to make an offer of conditional pardon to one Pallaru Shangarambi who was criminated by one of the prisoners charged with the murder of Meddatil Pachambi but there being no further evidence against him was forwarded by the Head of Police of Cartenaad to the Joint Magistrate for the purpose of his being placed under a requisition of Security.

2. It appears from the Letter

of the Sessions Judge that the man said to have been murdered whose body has not yet been found had excited the enmity of his elder brother the 1st prisoner by performing certain ceremonies in the houses of Tiruvandi thereby polluting his family.

3. The four prisoners have confessed the crime laid to their charge both before the Head of Police and before the Sessions Court, but the only evidence against them is the statement of Pillavil Shangaramby for whom the Sessions Judge has recommended an offer of conditional pardon on his consenting to become an approver.

4. This individual is criminated by the 2d Prisoner whose statement however is directly contradicted by the deposition of the 3d prisoner, and there is, it appears, no other evidence against him beyond his own confession that he was aware of the 1st prisoner's intention, and that he withheld information after he knew of the commission of the murder.

5. The Sessions Judge also states that as Alligators abound in the river in which the corpse is said to have been thrown and the current

current is very rapid the probability is that it was either eaten or carried out to sea.

6. Under the circumstances represented in the above communication the Court resolve to grant the permission solicited by the Sessions Judge to make an offer of conditional pardon to Pillavil Shangaramby in the event of his consenting to become an approver, with reference to the provisions of Section XIV Regulation XIII of 1832.

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Tellicherry for his information and guidance.

(Sent in № 620)

Read letter dated the 16th Ultimo from the Magistrate of Salem, regarding Cases №s 151 and 165 of the Criminal Report for the month of December 1844, and forwards translation of a deposition taken from the Police Duffadar of Raizpoor in Case №165.

Here enter J.N. №1192.

Read

1st May 1845.

Read Report dated the 19th Ult.
=timo submitted by the Magistrate of Tanjore
of Cases tried by the Magistracy under the
provisions of Section XLIV Act VII of 1843 during the
month of March 1845.

(Here enter F.U. № 1194.)

Read Calendar dated the 19th
Ultimo submitted by the Sessions Judge of
Combaconum, of Cases № 13 and 14 of 1845.

(Here enter F.U. № 1196.)

Read Return dated the 19th Ult.
=timo from the Sessions Judge of Salem to the
precept of the Foujdarry Adalut under date the
10th Idem directing him to annul the sentence
of the Joint Magistrate in Case № 3

(Here enter F.U. № 1199.)

Read letter dated the 17th Ult
=mo from the Sessions Judge of Tinnevelly
reporting the death of the 1st Prisoner in
Case № 12 of 1845 of the Principal Sudr
Ameens file.

(Here enter F.U. № 1202.)

F.U.

Friday 2nd May 1845.

At a Court of the Foujdarree Adalut

Present

Mr. Lee Kinnon Esqr 1st Mr
Mr. G. J. Waters Esqr 2nd Mr } Puisne Judges.
Mr. Lewin Esqr 3rd Mr

Read letter dated 10th Ultimo from the Acting Sessions Judge of Cuddalore, submitting for the final Sentence of the Court of Foujdarree Adalut the proceedings in Case № 20 of 1845.

(Here enter № 1098)

Mr. Lee Kinnon
=
Mr. G. J. Waters

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

1st Eddaveel Ramen
2nd Ramen
3rd Venkatten alias Venkatachellum
4th Lookaya Odayen
and
5th Narasappa Odayen

is sufficient to convict them of wilful Murder, do severally convict them thereof; and under the provisions of Section XVII Regulation VIII of 1802, sentence the prisoners,

4th Lookaya Odayen
and
5th Narasappa Odayen

to suffer death by being hanged, so soon as conveniently

1st May 1845.

Read Report dated the 19th Ult.
timo submitted by the Magistrate of Tanjore
of Cases tried by the Magistracy under the
provisions of Section XLIV Act VII of 1843 during the
month of March 1845.

(Here enter F. U. № 1194)

Read Calendar dated the 19th
Ultimo submitted by the Sessions Judge of
Combaconum, of Cases № 13 and 14 of 1845.

(Here enter F. U. № 1196)

Read Return dated the 19th Ult.
timo from the Sessions Judge of Salem to the
precept of the Foujdarry Adalut under date the
10th Instant directing him to annul the sentence
of the Joint Magistrate in Case № 3

(Here enter F. U. № 1199)

Read letter dated the 17th Ulto
timo from the Sessions Judge of Tinnevelly
reporting the death of the 1st Prisoner in
Case № 12 of 1845 of the Principal Sudr
Ameens file.

(Here enter F. U. № 1202)

E. E.

Friday 2d May 1845.

At a Court of the Foujdarry Adalut

Present

M. Dickinson Esqr 1st Mr
G. J. Mateer Esqr 2d Mr — Puisne Judges.
M. Lewin Esqr 3d Mr

Read letter dated 10th Instant from the Acting Sessions Judge of Cuddalore, submitting for the final Sentence of the Court of Foujdarry Adalut the proceedings in Case № 20 of 1845.

(Here enter № 1098)

Mr Dickinson
=
Mr G. J. Mateer

The Court of Foujdarry 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 Eddavel Ramen
2d Ramen
3d Venkatten alias Venkatachellum
4th Soobaya Odeyen
and
5th Narasappa Odeyen

is sufficient to convict them of wilful Murder, do severally convict them thereof; and under the provisions of Section XVII Regulation VIII of 1802 sentence the Prisoners,

4th Soobaya Odeyen
and
5th Narasappa Odeyen

to suffer death by being hanged, so soon as conveniently

2nd May 1845.

be after the receipt of this warrant at a spot to be selected by the Acting Sessions Judge, in the immediate vicinity of the place where the murder was committed and their bodies to be subsequently suspended in chains on a high gibbet to be erected on the said spot: and under the provisions of Volume Second, Section VI Regulation I of 1825, the prisoners

1st Eddeard Ramen

2nd Ramen

and

3rd Venkitten alias Venatachellum

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:-

1. After a careful and attentive perusal of the record of this case and of the letter of the Acting Sessions Judge, the Court of Sudder Adawlut entirely concur with that officer in the conviction of all the prisoners, of the atrocious crime laid to their charge.-

2. The Court however do not agree with the Acting Sessions Judge as to the necessity of sacrificing the lives of all the prisoners on account this foul murder.-

3. There can be no doubt that the plan of murdering the deceased originated with the

1st

2nd May 1845

4th prisoner who found in the 5th prisoner (his brother) a ready coadjutor in the perpetration of the black deed.-

4. The guilt of these prisoners is of a far deeper hue than that of the 1st 2nd & 3rd prisoners who acted under their commands.-

5. The Court accordingly resolve to direct that sentence of death be passed on the 4th & 5th prisoners and that the 1st 2nd 3rd be sentenced to transportation beyond the sea for the period of their natural lives.-

6. The Court concur in the suggestion of the Acting Sessions Judge that the execution should take place as near to the scene of the murder as possible and that the bodies should afterwards be hung in chains.-

7. The Court observe that the Acting Sessions Judge has omitted to forward Copies of the warrants which he issued to the Principal Sudder Ameen for the disposal of the prisoners while awaiting their final sentence.-

Circular Order dated 8th May 1818.

8. The Court cannot quit the subject of this trial without noticing the admirable way in which it has been conducted throughout by the Acting Sessions Judge Mr. Bagnes.-

9. The letter of that officer accompanying the trial is also peculiarly excellent.-

10. It is at once copious and luminous displaying a clear perception in the mind

Re

the presiding Judge of every District that the evidence would have and manifesting Injustice Insanity that the perpetrators of so foul a deed should not escape conviction.-

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

(Sent following letter N°67)

Read letter dated the 25th Ultimo from the Sessions Judge of Belleek transmitting the Record of the Trial in Case N°11 on the Calendar for 1845.-

(Here enter N°1268)

The Court of Enquiry Belleek

Mr Dickinson

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

Costumel

is not committed on sufficient proof, or on the evidence of credible witnesses, or on his own confession of the crime of Perjury he is charged with and direct that he be unconditionally released.

1.

The Prisoner, a child of 10 or 12 years of Age ought not, in the opinion of the Court of Enquiry Belleek, to have been put on his trial on a charge of perjury and should now be set at Liberty

2.

The Court further consider that the Sessions Judge manifested great want of judgment in ordering the commitment of so young a Girl for such

2nd day May 1845.

such an offence.-

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

(Sent following letter N°69)

Read return dated the 12th Ultimo from the Acting Sessions Judge of Enniskillen to the precept of the Enquiry Belleek under date the 10th April 1845 calling on that Office for explanation relative to case N°27 of 1845.-

(Here enter N°1148.)

The Court of Enquiry Belleek appear of the proceedings of the Acting Sessions Judge in the foregoing case but under the circumstances therein detailed - as there was no proof of the commission of the crime to which the Prisoner pleaded guilty, and consequently no evidence to show him guilty of it - as the confession was made only before the Police and as it was stated to have been extorted - and a probable account of that extortion given - the Court consider that the Prisoner should not have been committed by the Principal Law Officer but that measures should have been taken in the first instance to trace the conspiracy which the Acting Sessions Judge apprehends was formed in the District to ruin the 3rd Prisoner

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge

2nd May 1845. of Enddalore for his information.

/ Sent in No 159)

Read Return dated 18th Ultimo from the Principal Sudr Ameen of Tinnevelly to the precept of the Zuijdaree Adawlut under date the 9th April 1845. directing him to transmit the Proceedings in Case No 4th to the Sessions Judge and to state why he omitted to examine the Prisoner in Case No 17.

Ed
MB

/ Were entered No 1183.)

by

Saturday
3rd. May, 1845. At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esqr. 1st.
G. S. Waters Esqr. ---- 2nd. } Puisne Judges
Malcolm Lewin Esqr. 3rd.

Read again, letter dated the 4th. Instt. last, from the Sessions Judge of Guntoor submitting for the final orders of the Foujdaree Adalut, a translation of the Record in Case No. 1 of 1845 on the file of the Sessions Court, in which certain Prisoners were charged with being concerned in a riot which occurred during the celebration at Guntoor of the Mohorrum Festival.-

(Here enter No. 748).

Read also return dated the 18th. Ultimo, from the same officer, to the precept of the Foujdaree Adalut dated the 31st. March last, directing that officer to forward a Copy of the last Para: of the letter above recorded, to the Magistrate of Guntoor, for any observations he might have to make regarding the opinion of the Sessions Judge therein declared.-

(Here enter No. 1189)

The

Saturday
3rd. May, 1845.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esqr. 1st.
G. J. Waters Esqr. ---- 3rd. } Puisne Judges.
Malcolm Lewin Esqr. 3rd.

Read again, letter dated the 4th. March last, from the Sessions Judge of Guntoor submitting for the final orders of the Foujdaree Adalut, a translated of the Record in Case No. 1 of 1845 on the file of the Sessions Court, in which certain Prisoners were charged with being concerned in a riot which occurred during the celebration at Guntoor of the Mohorrum Festival.-

(Here enter No. 748).

Read also return dated the 18th. Ultimo, from the same officer, to the precpt. of the Foujdaree Adalut dated the 31st. March last, directing that officer to forward a Copy of the last para: of the letter above recorded, to the Magistrate of Guntoor, for any observations he might have to make regarding the opinion of the Sessions Judge therein declared.-

(Here enter No. 1189)

The

1. The opinion of the Sessions Judge was to the effect that, under the circumstances attending the riot for which the Prisoners in Case No. 1 of 1845 were brought to trial, in all probability no disturbance would have occurred, had the Acting Head Assistant Magistrate been more decided in his conduct towards the Mahomedan Priests, and had called in from the District a sufficient number of Peons, to preserve the peace, and enforce obedience to the proclamation he published.—

2. The Sessions Judge has now submitted the explanation, from the Head Assistant Magistrate of his conduct, as connected with the disturbance in question, and adheres to the opinion formerly expressed, viz. that the Head Assistant Magistrate did not take those proper precautions, nor use those personal exertions, which were necessary for the preservation of the peace; which had he done, there would in all probability have been no riot or disturbance.—

3. On a perusal of the explanatory letters addressed, by the Head Assistant Magistrate, Mr. Newill, to the present Acting Magistrate, the Court of Foujdaree Adalut cannot but concur in the opinion, recorded, in respect of the Head Assistant Magistrate's proceedings, by the Sessions Judge, Mr.

Horsley, who, the Court think, deserves much credit for the labor he bestowed on the examination of the case, and they regret to be under the necessity of intimating for communication to the Head Assistant Magistrate that, so far as the record before the Court shows, his proceedings during the riot were not characterized by that energy and decision, which might have been exhibited; every allowance being made for the fact of his having been kept, to a certain extent, in ignorance of the nature of the disturbance, by persons, whose particular duty it was to have informed him of it.—

4. It is however much to be regretted, in the opinion of the Court, that Mr. Newill, instead of implicitly trusting to reports, did not make a point of visiting the town himself, to ascertain whether the Subordinate Police authorities were on the alert, and to direct the adoption of every precaution, for resisting a disturbance, which might naturally have been apprehended on the occurrence of the festivals in which it originated.—

5. The Court observe that this precaution was the more incumbent, as the Head Assistant Magistrate would appear not to have been unaware of the character of the Head of

of Police, who is shown to have displayed such culpable negligence and incapacity in the performance of his duty.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Guntoor for his information, and for communication to the Acting Magistrate.-

(Sent in No. 635)

Read the Criminal Reports for the Months of March 1845, submitted by the Subordinate Judge of Rajahmundry.-

(Here enter F. W. No. 1090 of 1845).

Supplemental Reports.
Case No. 8.

In this case 8 prisoners are charged, with having entered into a House by breaking, and stolen therefrom property to the amount of Rupees 3-9-6.

2 The Moosty Sudr Ameen sentenced the five first prisoners to 18 Months' imprisonment, under Clause sixth Section II Regulation VI of 1822. and the last three to 14 Months, under Clause fourth Section IV of the same Regulation.-

3. But the Sessions Judge having remitted the sentence passed by the Moosty, ordered the release of the 4th 5th 6th 7th and 8th prisoners.

4 The Court observe that the Subordinate Judge appears to have overlooked the orders of the Foujdaree Adalut contained in their Circular letter of the 27th February 1844, which requires that a Copy of

the Extract from the proceedings of the Sessions Judge should be transmitted in an appendix to the usual Monthly Criminal Reports in all cases in which the sentences passed by the Sudr Ameens may have been overruled".-

5. The Subordinate Judge will be pleased now to supply this omission, as well as a similar one observable in case No. 13.-

6. The Court of Foujdaree Adalut observe that the abstracts of the evidence given in Cases No. 8. and 13, and in other cases in this report, are carried far beyond any objects of public utility, and can serve no other end, than that of obstructing the progress of public business.-

7 They should be divested of all superfluous matter, and be drawn up as required by Circular Order 16th November 1831. in as condensed a form as compatible with perspicuity, being in fact concise, but distinct notes of the grounds of the order or Sentence passed in each case.-

Case No. 10. 8. It appears that in this Case, two Police Peons, entrusted with a general warrant, have acted in the most reprehensible way, apprehending 3 innocent individuals, extorting from them confessions detaining them in the street, and eventually taking them

threw to the Police with Tom-toms beating before threw.- "In a case so got up according to the evidence of "two police peons, entrusted with a general warrant, acting "in an arbitrary way, and shewing, by their conduct in "exposing the 3d and other prisoners in a public procession "with the village-crier, that they had other objects independent "of their duty in view, and under the circumstances "stated in his abstract of the evidence, the Subordinate "Judge was of opinion that there were no grounds for "bringing the Prisoners before the Sessions Court and "released them."-

9. The Court of Foujdaree Adalut trust that the Subordinate Judge did not stop here, but that he took immediate steps to bring to the notice of the Magistrate of the District the conduct of all the Police officers impugned in this case.-

10. If the Subordinate Judge has omitted to furnish the Magistrate with a copy of his remarks, he will be pleased to do so now, requesting him at the same time, fully to investigate into the conduct of all the Police officers concerned, and to report the result direct to the Foujdaree Adalut.-

11. The Magistrate will be pleased especially to call upon the Police officer, by whom the blank warrant was issued, to explain why he acted in direct

direct opposition to the provisions of the Regulations and the instructions of the Foujdaree Adalut laid down in Circular Order No. 117.-

Case No. 15.

12. Adverting to the remarks of the Subordinate Judge in this case, copy of which should be furnished to the Magistrate, the Court desire that the attention of the Magistrate be recalled to Circular Order 24th March 1825, and 30th January 1833, and that he be called on to explain the cause of the neglect in the present instance of those orders.-

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Rajahmundry for his information, by precept returnable in 5 days from and after its receipt.-

(Sent following Precept No. 635).

Read Criminal Reports submitted by the Principal Sudr Ameen of Cuddalore for the month of March 1845.-

(Here enter F. R: No. 1137).

Report No. V
Cases No. 50 and 51.

1. The same prisoner has been charged and convicted in cases No. 50 and 51, with theft and escape, and has been sentenced by the Principal Sudr Ameen in Case No. 51, accumulatively, to six months imprisonment with hard labour in irons under clause III Section V Regulation VI of 1822.-

2. The Court observe that this sentence

is

is irregular, it has been ruled by them in their Circular Order of the 13th July 1839, that the offence of an escape is distinct from all others, because it must be in addition to a former offence, or at least an accusation of one. A separate and distinct punishment should therefore have been passed on the prisoner in each case.-

3. The Court further observe that the course adopted by the Principal Sudr Ameen of declining to summon the witness named by the prisoner because he is single, is at variance with common sense, and opposed to the instructions laid down in Circular Orders 4th October 1833, to which the attention of the Principal Sudr Ameen must be recalled.-

4. The Court seeing reason to question the propriety of the disposal of these cases, resolve to direct the Sessions Judge to recuse them, reporting the result for the information of the Fouzdaree Adalut.-

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Cuddalore for his information and guidance.-

(Sent in No. 637)

Ordered also that Extract from these Proceedings be sent to the Acting Sessions Judge of Cuddalore by precept returnable in X days from and after its receipt.-

(Sent following Precept No. 638).

Read.

F. 16.
3d May 1845

Read return dated the 14th Ultimo from the Session Judge of Madura, calling for a reply to the proceedings of this Court dated the 28th January last, in which he was required to recuse the proceedings in Case No. 173 on the Criminal Reports for the month of December 1844, and to report to this Court what orders he may have deemed it necessary to pass thereon.-

(Here enter No. 1193)

1. In this return, the Session Judge states, that the Proceedings of the Fouzdaree Adalut of the 28th January last have never reached him.-

2. The Court of Fouzdaree Adalut observe that the Subordinate Judge was, by the order affixed to their Proceedings of the 28th January last, required to communicate them to the Session Judge; nevertheless they resolve now to furnish him with a copy thereof, and to require him to submit the necessary report with the least practicable delay.-

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Madura by precept returnable in X days from and after its receipt.-

(Sent following Precept No. 639)

Read Calendar in Case No. 8 of 1845.

Submitted

Submitted by the Sessions Judge of Madura.-

(Here enter F. C. No. 1241).

1. In the above trial, the first five prisoners were charged with having entered the prosecutors house during his absence, removed the planks from the terrace and stolen therefrom Jewels Valued at Rupees 710-10. and the 6th. prisoner with having aided and abetted the other prisoners in the Commission of the above crime.-

2. The evidence adduced being sufficient for the conviction of the 3d. and 4th. prisoners, they were sentenced by the Sessions Judge to imprisonment with hard labor in irons for the period of seven years under Section XXI Regulation VII of 1802.- the 6th. prisoner was convicted of having aided and abetted the other prisoners after the Commission of the theft; by neglecting to report the crime to the Police officer, and preventing their houses being searched, while as Village Accountant it was his duty to have given every assistance in bringing the offenders to justice.-

3. He was accordingly sentenced to be imprisoned with labor in irons for one year under the provisions of Clause Seventh Section II Regulation XV of 1803. the evidence against the 5th. prisoner being

3d. May 1845.

being insufficient for his conviction he was ordered to be released forthwith.-

4 With regard to the 1st. and 2d. prisoners who are nephews of the Prosecutor but appear to have been instigated to the Commission of the theft by the 3d. and 4th. prisoners to whose house the stolen property was carried, the Sessions Judge recommends with reference to the provisions of Section IV Regulation I of 1825, for the consideration of the Foujdaree Adalut, that the instigated sentence of imprisonment with hard labor in irons for three years in the case of the 1st. prisoner, and for four years in the case of the 2d. prisoner be passed upon them; the guilt of the latter prisoner appearing to the Sessions Judge to exceed that of the former.-

5. Under the circumstances of the case as stated in the Calendar, and in the remarks of the Sessions Judge, the Court resolve to sanction the instigated sentences proposed by that officer in the cases of the 1st. and 2d. prisoners respectively.-

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

(Sent in No. 640).

Read letter dated 1st. Ultimo from the

the Sessions Judge of Nellore stating that no cases were pending before the Sessions Court in March 1845 for a period in excess of 25 days calculated from the date of Commitment.-

(Here enter F: W: No. 1002 of 1845)

Read letter dated 1st Ultimo from the Acting Sessions Judge of Cuddalore, reporting that no case was pending trial before the Sessions Court for a period exceeding 25 days during last Month.

(Here enter F: W: No. 1003 of 1845)

Read Calendar dated 17th March 1845. Submitted by the Sessions Judge of Chittoor of case No. 6 of 1845.-

(Here enter F: W: No. 1005 of 1845).

F: W:

Monday 5th May, 1845.

At a Court of the Foujdaree Adalut.

Present.

Henry Dickinson Esqre. ---1st
G. A. Waters Esqre. ---2d
Malcolm Lewin Esqre. ---3d
} Puisne Judges

Read Calendars Nos. 20, 21, 22 and 23 of 1845. Submitted by the Sessions Judge of Mangalore.

(Here enter Nos. 1223, 1224, 1225 and 1226).

1. In the above Calendars one Teelcamal Moossay a Native of the Ameen divie Islands is charged with theft. The Acting Subordinate Judge committed the Prisoner for trial and the Sessions Judge convicting in cases Nos. 20. and 21. before a Jury, sentenced the Prisoner under certain Regulations which he has quoted, and applies to the Court of Foujdaree Adalut to sanction a Mitigation of punishment to 4 Years imprisonment with hard labor in irons.-

2. The Prisoner having confessed his guilt in all these cases must of course be looked upon as a Person of Notorious bad Character, and upon such grounds his committal for trial by the Acting Subordinate Judge was correct; still as he must be considered in the light of a foreigner, ignorant

of

of the nature of the Law, which applies a severe punishment to theft of a trifling nature, as it is not shewn that he was ever before convicted of an offence, and as it cannot be ascertained from the Calendar in Case No. 20, that the Sat-door was so closed as to constitute its removal a breakage, the Court deems the Prisoner a fit subject for a lenient sentence.-

3. The Sessions Judge must however pass sentence under Clause Seventh, Section II Regulation XV. of 1803, there being no other Law which applies to this case, and under which Law he might and ought to have passed sentence of his own authority without applying to this Court. He will observe that Section XXI Regulation VII of 1802. is only opposite when Hud is pronounced, and cannot therefore in cases tried by a Jury be quoted with propriety. Clause first. Section V. Regulation XV of 1803 is explanatory only and not final: and Clauses Second and fifth Section II Regulation VI of 1822, are not to be adduced as authorities under which a Sentence may be actually passed.-

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

(Sent in No. 649)

Read return dated the 22nd Ultimo from

from the Acting Sessions Judge of Coimbatore, to the Precept of the Foujdaree Adalut under date the 17th April 1845, directing him to report whether it appeared that the blows which the 1st Prosecutor in Case No. 9 of 1845 on the file of the Sessions Court of Coimbatore received, were severe and whether he bore any marks of them at the time of the trial.-

(Here enter F. C. No. 1229).

Under the explanation now submitted the Court of Foujdaree Adalut resolve to direct that a translation of the record of the trial in Case No. 9 of 1845 on the file of the Sessions Court of Coimbatore be submitted for their consideration.-

Ordered, that Extract of these proceedings be sent to the Acting Sessions Judge of Coimbatore by Precept returnable in XV days from and after its receipt.-

(Sent following Precept No. 650)

Read Calendar in Case No. 10 of 1845.

Submitted by the Sessions Judge of Cuddapah, under date the 25th Ultimo.-

(Here enter F. C. No. 1239 of 1845).

The Prisoner in this case is reported to have been apprehended on the 3rd April on the recognition and complaint of the Prosecutrix. The note at the foot of the charge however states that the charge was preferred before the

the Head of Police Office on the 10th April. The Court of Foujdaree Adawlut direct that the attention of the Magistrate be recalled thro' the Sessions Court to their Circular Order 29th April 1833, which reprobates the practice here adopted and explains that the manifest intention of Section XXVII Regulation XI of 1816 is that the date of the original information by the Complainant and not that of the examination taken from Prosecutors after the apprehension of the Prisoners should be entered by the Police in their reports as the "date of charge". and also to the Circular Orders noted in the margin.

24th January 1822.
20th February 1823.
28th October 1823.
1st March 1824.

2. The Magistrate will enjoin upon his native Subordinates a stricter adherence in future to the provisions of the Regulation above quoted.—

3. The attention of the Subordinate Judge should also be drawn to the 1st Spark of Circular Order 20th February 1823 C.—

4 The Court further desire to be informed whether the original papers submitted by the Police with Case No. 61 Report No. V for the Month of April shew where the prisoner in the case was, in the interval between his apprehension and his appearance before the Head of Police.—

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddapah by Precept.

F. W.
5th May 1845.

Precept returnable in V days from and after its receipt.

(Sent following Precept No. 651)

Read Calendar of Case No. 11 of 1845 submitted by the Session Judge of Guntoor under date the 25th Ultimo.—

(Here enter F. W. No. 1262).

1. Adverting to the remarks of the Session Judge in this case it does not appear whether the prisoner is found guilty of theft or of an attempt to commit theft accompanied with breaking.—

2. As the case now presents itself the prisoner would seem liable by Clause Seven Section II Regulation XV of 1803.—

3. The Session Judge will accordingly be pleased to submit further explanation in this case.—

Ordered, that Extract from these Proceedings be sent to the Session Judge of Guntoor by Precept returnable in 5 days from and after its receipt.—

(Sent following Precept No. 652)

Read report of cases furnished by the Magistracy of Canara under the provisions of Section LIV Act VII of 1843 during the Months of

March.

March 1845.-

(Here enter F: U: No. 1270)

Case No. 1.

1. The prisoners were charged with having severely assaulted the prosecutors.-

2 The 1st 3d 4th and 8th prisoners against whom the charge was clearly proved, were committed by the Assistant Magistrate to the Zillah Jail for three months, under Section VII Regulation X of 1816, and Section LIV Act VII of 1843.

3. The Court observe that this sentence is contrary to the provisions of the Circular Order 31st August 1833. noted in the margin, which declares that a Sentence of Imprisonment must be wholly nugatory, unless accompanied with hard labor and irons shewing the term of imprisonment, and that a Sentence of Imprisonment without labour must when considered with reference to its operation eventually tend rather to the encouragement than the suppression of offences.-

Ordered, that Extract of these proceedings be sent to the Acting Magistrate of Canara for his information and guidance and for communication to the Assistant Magistrate.-

(Sent in No. 653)

Read return dated the 19th Ultimo from

from the Session Judge of Tinnevelly, to precept of the Foujdaree Adalut under date the previous 9th idem, containing the observations and orders of the Court on the Criminal Reports submitted by the Principal Sudr Ameen for the Month of February 1845.-

(Here enter F: U: No. 1211).

1. Adverting to case No. 6 of the above Reports the Session Judge refers the Court to the letter of the Joint Magistrate in charge, forwarding a report from the Acting Head Assistant Magistrate on the imputed misconduct of the Tahseeldar of Punjamaul Talook, which was submitted to the Court of Foujdaree Adalut with the Session Judge's proceedings of the 17th March.-

2. The Court are of opinion that it would be impossible to dispose of this case with the materials now before them, and accordingly, desire that the whole record, including the proceedings of the Magistrate may be submitted for their consideration without delay.-

3. With reference to case No. 14 the Session Judge states that on a perusal of the proceedings he sees no reason for disturbing the conviction of the prisoner.

4 Adverting to the conduct of the Catechists who were said to have instigated the prisoner to prefer the false charges in question, the Session Judge observes that he by no means concurs in opinion with the

Principal

5th May 1845.

Principal Sub. Assem, that the charge brought against those individuals is clearly proved by the proceedings.—

5. The Session Judge states that while on the one hand there is no sufficient inducement shown for these men having taken the part imputed to them, on the other hand there is a strong probability that the false charge originated in a dispute which occurred between certain Mohammedan shareholders of the Kanjum Village of Easalipooram in which the prosecutor and witnesses have sided with one party and the persons charged with the murder, with the other.....

6. The imputation however having been made, the Session Judge submits the opinion that the matter should not be allowed to drop without further investigation, as the time has arrived for every endeavour being made to put down false accusations between parties opposed to each other on religious grounds in the district of Tinnevelly, and accordingly suggests that the record of the above case be sent to the Magistrate with a view to that officer or one of his European Assistants making a local investigation to determine if grounds exist for putting any of the Catechists on their trial.—

7. Under the circumstances stated in the return

F. W.

5th May 1845.

return of the Session Judge, the Court resolve to adopt the suggestion of that officer, and accordingly direct that he will forward the record of the above case to the Magistrate, who will cause every exertion to be made for the purpose of detecting and bringing to justice the parties concerned in this conspiracy.—

Ordered, that Extract of these Proceedings be sent to the Session Judge of Tinnevelly by precept returnable within XV days from and after its receipt.—

(Sent following precept No. 454.)

Tuesday
6th May 1845.

At a Court of the Foujdaree Adalut

Present:

Henry Dickinson Esq re — 1st Puisne Judge
Geo: J. Waters. Esq re — 2d Puisne Judge.
Malcolm Lewin Esq re — 3d Puisne Judge.

Read letter dated the 25th Ultimo from the Sessions Judge of Bellary transmitting for the final orders of the Foujdaree Adalut the record in case No. 13 on the Bellary Calendar for 1845.

(Here enter F.A. No. 1265 of 1845)

Mr Waters 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

1st Hoosaineo

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

2d Ameen Lubib
5th Soramah
6th Rummoobhy.
7th and Shaik Ally.

&c.

is sufficient to convict them of being accessaries thereto, do severally convict them thereof, and under the provisions of Section X Regulation VIII. of 1802 Sentence the Prisoner

1st Boyapanee

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

2d Amuru Sahib

and

5th Soramah

to be imprisoned and kept to labor without irons for and during the period of one year

and the prisoners

6th Rummoobhy

and

7th Sheik Ally

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of one year.

On a perusal of the record in this case the Court see nothing in the conduct of the Police peculiarly deserving of the commendation which the Sessions Judge is of opinion, should be

vide 12th para of Sessions Judge's letter

be accorded to it.

2. The Court of Sudder Adalut consider that the Police only appear to have done their duty.

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

(Sent following letter No. 665)

Read Criminal Reports Submitted by the Subordinate Criminal Judge of Salem for the month of March 1845.

/Here enter F.C. No. 1101 of 1845/

Case No. 37.

1. The prisoner was charged with having burglariously entered the Prosecutor's house and stolen therefrom certain Jewels

2. The Court observe that the use of the word "Burglariously" unless the breaking took place at night, is wrong.

3. The attention of the Subordinate Judge is called to the Courts Circular Order of the 29th of September 1828 which directs that it be specified in the abstract of charges whether the offence of breaking was committed in

6th May 1845

in the day time or by night.

4. The Court also observe with reference to this case that the grounds on which the Prisoner was sentenced should have been specified in the report for the information of the Sangdaree Adalut who have frequently intimated that to refer this Court to former reports and thus entail on the Judges the necessity of a perusal of them is very irregular and objectionable.

Case No. 38

5. The cause which led to the transmission of this case to the Assistant Magistrate not having been shown in the Police officer's report should now be reported direct to the Sangdaree Adalut by the Magistrate.

Case No. 42

6 As there was a breaking committed in this case, the authority quoted for the Sentence should have been Clause Sixth Section II Regulation VII of 1822 and not Clause fourth Section III of that Enactment which has been applied only to the fact of the Prisoner being a Servant of the Prosecutor.

7 In this case the 2d Prisoner is charged

6th May 1845

charged with having received the Stolen articles.

8. The Court observe that the receipt of the Stolen articles with a guilty knowledge of their having been Stolen should have been Specified in the charge.

Case No. 43

9. Section VI Regulation X of 1822 has been quoted in the Sentence in this case (it is supposed by a clerical error) instead of Regulation II of that year.

10 The Court consider the construction put upon the Regulation referred to by the Subordinate Judge to be too scrupulous. Section VI thereof clearly shows

11 that a conviction for the offence of uttering counterfeit coin depends on the "paying or tendering in payment" coins of that description - and as the offence was not legally punishable by the Subordinate Judge himself, the over nicety of distinction which he has drawn in the case of the Prisoners on the ground of immateriality in the object for which payment was made, would properly have formed matter for the consideration of a higher Court.

The

6th May 1845.

Case No. 46.

12. The Sentence passed by the Moosfy Suor Ameen in this case is omitted, and in its stead certain remarks by the Subordinate Judge which relate thereto have been entered.

13. The Sanjdaree Adalut desire the deficient Sentence may be laid before them and request the Subordinate Judge in future to refrain from withholding Sentences declared by the Suor Ameens over whom he possesses no control whatever according to the existing law.

14 His refraining from recommending the overruling of the Sentence actually passed by the Suor Ameen is consequently superfluous.

15. The instructions of the Sanjdaree Adalut to Sessions Judges in regard to their Supervision of Sentences by Suor Ameens are deemed sufficient without the intervention of the Subordinate Judges or Principal Suor Ameens.

16. The Sessions Judge will now be pleased to call for the record of proceedings held in the matter, and direct that punishment be adjudged, if he be of opinion that it is warranted by the testimony adduced against

Table

6th May 1845.

against the Prisoners.

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Salem for his information and future guidance, and for the communication of para 5 to the Magistrate of Salem, by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 666)

Ordered also, that Extract from these proceedings (paras 12. 13. 14. 15. and 16) be sent to the Sessions Judge of Salem by precept returnable without delay.

(Sent following precept No.)

Circular Order

No. 167.

dated 10th November 1827 and No. 138.

1. Adverting to the Circular Orders of the Sanjdaree Adalut noted marginally, it is resolved to direct that on the occasion of the transfer of convicts under the guard usually furnished by the Magistracy and the Officer in charge of the Jail from which Prisoners have been dispatched, it shall not be necessary that

6th May 1845.

that the Peons of one Zillah accompany the Prisoners throughout the whole line of their march except in cases of absolute necessity.—

2. It is believed that every object will be attained by directing the relieving Peons to remain at the boundary Station until the arrival of the convict party, or until the receipt of further orders.—

(Sent following Circular Order No. 667)

R.

Read return dated the 14th Instant from the Session Judge of Chicacole, to the precept of the Foujdaree Adalut under date the 5th April 1845, conveying their remarks and orders on Calendar of Case No. 1 of 1845, on the file of the Session Court of Chicacole.—

(Here enter F.C. No. 1190 of 1845)

1. The Court observe that the Law Officer completely acquits the 5th Prisoner of having received the Cloth knowing it to have been stolen and they see nothing in the remarks of the Session Judge which would in their opinion justify the requisition of Security from this Prisoner.— They accordingly direct that she be immediately set

F.C.
6th May 1845.

at liberty.—

2. The Court would point out to the Session Judge that the Heading of the translation of the deposition and its endorsement represents Mr. Andrew Anna Reader alias Boopunnah to be the 6th Prisoner instead of the 5th as she is is entered in the Calendar.—

3. The Court also desire the Session Judge in future to date his returns on the date of dispatch.—

4. It would appear that the precept of the Foujdaree Adalut dated the 5th April reached the Session Judge on the 10th, or in 6 days, while the return which purports to be dated 14th April or 1 day before the expiration of the period limited for Return being made, did not reach this Office till the 22d instead of the 20th.—

Ordered, that Extract from these proceedings be sent to the Session Judge of Chicacole for his information by Precept returnable in 3 days from and after its receipt.—

(Sent following precept No. 668)

Read

Read returns dated the 25th February 1845 from the Sessions Judge of Cuycaode, to the precept of the Foujdaree Udalut under date the 10th February 1845, directing him to submit the report prescribed by Section XXXVII Regulation VII of 1802, and to explain for the information of Government the causes which have prevented him from earlier conforming to the provisions of the above Section and Regulation, and to the requisition contained in Para 10 of the proceedings of the Sudr Udalut of the 21st August 1843.

(Here enter F. No. 711 of 1845)

Read letter dated the 1st March 1845 from the Sessions Judge of Mangalore stating that there was no case pending before the Sessions Court of Mangalore for a period in excess of 25 days from the date of commitment for the month of February 1845, and that in consequence the Statement prescribed is not furnished.

(Here enter F. No. 731 of 1845)

Read letter dated the 19th April 1845 from the Magistrate of Malabar, submitting the explanation called for in the Extract from

from the proceedings of the Court of Foujdaree Udalut dated 14th March 1845, regarding Cases Nos. 11 and 17.

(Here enter F. No. 1254 of 1845)

Read return dated the 24th Ultimo from the Principal Sudr Ameen of Masulipatam, to the precept of the Foujdaree Udalut under date the 17th April 1845, requiring a full return to the Foujdaree Court's precept of the 28th March 1845, relative to the return of the fine imposed on 1st and 2d Prosecutor's witnesses, in Case No. 2 of 1845.

(Here enter F. No. 1257 of 1845)

Read return dated the 2d Instant from the Acting Subordinate Criminal Judge of Cuddapah, to the precept of the Foujdaree Udalut under date the 29th Ultimo, commenting upon the Criminal Reports for March last.

(Here enter F. No. 1302 of 1845)

Read letter dated the 12th Ultimo from the Acting Magistrate of Rajahmundry, reporting that the powers vested in the Magistracy by Act VII of 1843 have not been exercised in

Regulation

6th May 1845.

" " " "

for the punishment of false accusations preferred to the Police but is explanatory of the true intent and meaning of Section XX Regulation XXVI of 1802,-

6. Section II Regulation IX or Section VI Regulation XIII of 1832 as the case may be should have been cited.-

7 ——— The Principal Sudr Ameen will be pleased to amend his sentence in conformity with these instructions.-

Case Nº 41 8. Ten prisoners are charged with having stolen plantains valued at 2 Rupees from the Prosecutors garden.-

9. The Principal Sudr Ameen remarks that the charge is proved by the 1st 2nd and 3rd witnesses and that the prisoners appear from the proceedings to be men of bad character and to have been punished before. But he observes, "independent of this if the charge were not true, it is not to be supposed that the Prosecutor would have been at the trouble of making the complaints for property of such trifling value" and has sentenced them each to one months imprisonment.-

10 The Court trust the prisoners have been punished on better grounds than those last specified by the Principal Sudr Ameen but seeing reason to doubt the propriety of the sentence they resolve

to direct the Acting Session 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 the Foujdaree Adalut.-

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 Dº)

Ordered also that Extract from these Proceedings (paras: 8-9&10) be sent to the Acting Session Judge of Trichinopoly by precept returnable in 5 days from and after its receipt.-

(Sent following Precept Dº)

Read Calendar dated the 24th Ultimo submitted by the Acting Session Judge of Cuddalore in case Nº 41 of 1845.-

(Here enter F. Cr. Nº 1264 of 1845).

The prisoner in this case was convicted of having filled the mouth of a boy with sand, half buried him in a pit and robbed him of his earrings valued at Rupees 2-8-- and was Sentenced by the Session Judge to 7 Years imprisonment with hard labor in irons and to receive 150 lashes under Clause IV Section II and Clause II Section III Regulation VI of 1822.-

The

Regula-tion

8th May 1845.

2. The Court do not consider that Clause fourth Section II Regulation VI of 1822 should have been cited in this Case - It is under applicable to cases of theft attended as in this Case with "aggravating acts of personal violence" by Clause third Section III of the same regulation but it ought only to be quoted in aggravated cases of house breaking.-

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

(Sent in Dft.)

Thursday 8th May 1845.

S. C.

At a Court of the Zeyjdaree Adaulut

Present

The Hon'ble Henry Dickinson Esqre. 1st Puisne Judge
The Hon'ble George. S. Waters Esqre. 2nd Puisne Judge
Mr. Malcolm Lewin Esqre. 3rd Puisne Judge

Read Calendars dated respectively the 27th and 31st March 1845 submitted by the Acting Sessions Judge of Coimbatore in Cases Nos. 7 and 8 of 1845

(Here enter Nos. 1041 and 1042)

The two Cases recorded upon these Calendars Nos. 7 and 8 are theft with breakage, and as in each case the property stolen exceeds 100 Rupees, and one of the Prisoners is a servant of the Prosecutor, and another a notorious bad character, the Principal Sudr Ameen acted correctly in committing them for trial under Clause second Section II Regulation

8th May 1845

Regulation VI of 1832.

2. The Court remarking in the former Calendar that the 3d 6th and 8th Prisoners are concerned in that Case only, and that they have been punished under Clause first Section V. Regulation XV of 1803, and Section XXI Regulation VII of 1802 each to 4 years imprisonment with hard labor in irons, point out to the Acting Sessions Judge that the former enactment is explanatory and not penal, and that these three prisoners should have been punished under Section XXI Regulation VII of 1802 by 7 years imprisonment in irons with hard labor, but that in order to doing so in a legal manner, the bar to Hud consisting in "present denial" and conviction by "Zun e ghalib" only should have been removed by further question to the Law Officer.-

3. The 1st 2d 4th 5th and 7th Prisoners

8th May 1845

Prisoners are concerned in both cases, but as the 1st 5th and 7th have been fully acquitted in the case No. 8 when they stand 3d 4th and 8th they were sentenced upon conviction in the Case No. 7 alone the 1st Prisoner to 7 years imprisonment with hard labor in irons with stripes and the two latter to 4 years imprisonment. These three Prisoners (the crime being one and the same and the punishment definite in regard to period) should have been sentenced to 7 years imprisonment with hard labor in irons (with or without stripes) under Section XXI Regulation VII of 1802, but the bar to "Hud" being "Zun e ghalib" in the case of the 5th and 7th Prisoners must be removed in the 1st instance by a 2d Question. In regard to the 1st Prisoner no bar is put forth.-

4. As regards the two remaining Prisoners, that is the 2d and 4th

the

8th May 1845

the former is convicted in both cases Nos. 7 and 8, and the latter in No. 7 only. Against the former the Rule is not barred in Case No. 7, but it is barred in the Case of each Prisoner in No. 8 by "Lum e ghalib" which should have been removed in the usual manner. The Sentence pronounced against the 2d Prisoner to 7 Years imprisonment with hard labor in irons would then have been correct under Section XXI Regulation VII of 1802, but the sentence against the 4th should have been 7 years also and not 5 under the same Law which allows not the Acting Sessions Judge to mitigate the prescribed penalty.

5 The Court of Foujdaree Udalut do not (the Prisoners being chiefly Servants) deem them to be worthy of any favor.

6 Against the 2d Prisoner one Sentence warranted and punishment

but

S. No.

8th May 1845

but Specifying the Nos. Vca. of the two Cases in which he has been convicted, should be framed.

The Acting Sessions Judge to put the additional Questions pointed out, pronounce Sentence anew and report conformity without delay.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Coimbatore by Precept returnable in XV days from and after its receipt.

(Sent following Precept No. 680

Read Calendar dated the 29th January last submitted by the Sessions Judge of Combaconum in Case No. 71 of 1844.

(Here enter F. U No. 344 of 1845)

Adverting to the remarks of the Sessions Judge in this trial and to the plea of insanity set up by the Prisoner and the evidence addduced in support of the plea the

Court

8th May 1845

Court of Foujdaree Udalut deem it proper to direct that an English translation of the record of the Case be forwarded for their consideration and that in the mean time the Sentence passed on the Prisoner be suspended

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Combaconam for information by precept returnable in x days from and after its receipt.—

(Sent following Precept No. 181)

Read Calendar in Cases Nos. 32-33-34-35-36-37-38-39 and 40 of 1845 submitted by the Acting Sessions Judge of Cuddalore under date the 27th Ultimo.—

(Here enter No. 1064)

1. In case No. 39 the Prisoner "Perrean" is convicted of having in conjunction with the Prisoners in Case No. 17 of 1845 beaten and blindfolded the

8th May 1845

the Prosecutor in that case and 3 others and robbed them of property valued at Rupees 167-10- on the high road and has been sentenced to 14 Years imprisonment with labor in irons.—

2 The Prisoner pleaded guilty to being a member of the gang of robbers who attacked the Prosecutor in Case No. 17 but stated in mitigation that he used not to take an active part in the robberies but only receive his share of the plunder. "This" the Acting Sessions Judge observes "is not probable, but "as the evidence against him consists "of his own confession, and as "there is nothing on the record to "show him to have taken any particularly active part. The Acting "Sessions Judge recommends a mitiga"tion of the punishment to which "he has rendered himself liable."

Ans

8th May 1845 3

On a due consideration of all the circumstances of the case the Court of Tonjdaree Udalut are precluded on the grounds stated in their proceedings of the 24th April 1845 para 6. from acceeding to the recommendation made in favor of the Prisoner

"Parrean"

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

(Sent in No. 682)

Fridays
9th May 1845. At a Court of the Tonjdaree Udalut

Present

Henry Dickinson Esqre ——— 1st Puisne Judge
Geo. I. Waters. Esqre ——— 2d Puisne Judge
Malcolm Lewin Esqre ——— 3d Puisne Judge

Read letter from the Sessions Judge of Tellicherry submitting for the final orders of the Tonjdaree Udalut the proceedings in Case No. 4 of 1845 on the Calendar of the Sessions Court.—

Here enter F. Ila No. 1214 of 1845

Mr. Dickinson and Mr. Lewin

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

Pean Teken Naranen

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

him

being hanged at the usual time and place of execution.

1. On a careful perusal of the proceedings in this case and of the letter of the Sessions Judge the Court of Sudder Adalut are of opinion that the prisoner has been clearly convicted of a savage murder and that there are no grounds for a mitigated sentence of transportation for life as recommended by the Sessions Judge

2. The Court observe that it is clearly proved that the deceased Champilla was pregnant by the prisoner; that she had importuned him to acknowledge himself as the cause of her pregnancy, and that when last seen alive, she was in company with him near the spot where part of a human body and large stones besmeared with blood were afterwards found.

3. It is also proved that on the day following that on which the murder is said to have been committed, the prisoner was in possession of, and pledged certain bangles which have been satisfactorily identified as having belonged to the woman whose murder is laid to his charge.

Hence

4. Hence it appears that the prisoner had a motive for getting rid of the deceased, as well as for getting possession of her property which he is proved to have immediately pledged to raise money for a ceremony, the performance of which he could no longer defer.

5. This connected chain of evidence, opposed only by the unsupported assertion of the prisoner that he accidentally killed the deceased by kicking her in the belly, leave not a shadow of doubt on the minds of the Court that the murder was premeditated, and that the deceased was enticed to the unfrequented spot near which she was last seen alive, in order that she might be beyond the reach of all assistance, that the murderer might be enabled to effect his diabolical purpose, without danger of interruption or surprise.

6. Under these circumstances the Court resolve to pass sentence of death upon the prisoner Jean Tekan Naranen.

Ordered

9th May 1845.

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

(Sent following letter No. 686)

Circular Order

No. 168.

The attention of the Zoujdaree Adalut having been drawn by the late Acting Sessions Judge of Tellicherry to an occasional want of correspondence between the criminal accounts as prepared by the Courts and by the Magistracy, owing to offences being classified by the respective authorities under different designations - Murder and culpable homicide, and highway robbery, - gang robbery, and house breaking by night, being for instance, not unfrequently confounded the one with the other; and a proposition having been submitted by that officer that in the monthly criminal returns of the Courts, the designations of the crimes they embrace should be entered as a heading to the statement of the charge, as shewn in the annexed form, and that the Magistrate (to whom these returns are communicated) should adopt

Mr. Morris

adopt the same designations in the periodical Statements sent in by them; - the Judges of the Zoujdaree Adalut in modification of their Circular Order dated 26th September 1832 resolve to direct that henceforth the rule suggested by the Acting Sessions Judge be generally observed.

Gang Robbery

With having, in company with several others, on the night of the come to the Prosecutor's house, armed with swords, guns, and other weapons, broke open the door thereof, ill treated the inmates, and robbed therefrom property to the value of

(Sent following Circular Order No. 687)

Read Calendars in Cases Nos. 17 and 18 of 1845 submitted by the Sessions Judge of Cuddapah -

(Here enter S. A. Nos. 1300 and 1301 of 1845)

The above Calendars not requiring

any remarks from the Court of Fouzdaree Uddalut

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

(Sent in No. 688)

Read return dated the 9th Ulto. from the Sessions Judge of Calicut to the precept of the Fouzdaree Uddalut under date the 2d Ulto., directing him to revise the sentence passed by the Principal Sunder Ameen of Tirooty in case No. 10 on the Register of the Subordinate Court for February last.—

(Here enter F. Dc. No. 1147 of 1845)

1. In the latter part of this return the Sessions Judge proposes the following question viz: whether cases of the nature of those under consideration are to be considered as coming under the provisions of Clause 1st Section VI, or Clause 4th Section VIII of Regulation VII, 1811, in order that the specific penalty prescribed for the offence may be awarded agreeably to Clause 1st Section IV Regulation V of 1831, and solicits instructions for his future guidance.—

The

2. The Court are clearly of opinion that the Prisoner is amenable under Clause first Section VI Regulation VII of 1811, and not under Clause fourth Section VIII of that Regulation.

3. The recovery of the penalty must be sought by a Civil Suit.—

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

(Sent in No. 689)

Read letter dated the 22d February 1845 from the Sessions Judge of Chittoor, transmitting the Report prescribed by Section XXXVII Regulation VII of 1802 for 1844.

(Here enter F. Dc. No. 654 of 1845)

The above Report does not appear to call for any remark from the Court of Fouzdaree Uddalut.—

Ordered that Extract from these proceedings together with a copy of the above Report, be forwarded to the Secretary to Government for the purpose of

being

9th May 1845.

being laid before the Hon.ble Noble the Governor in Council.—

(Sentence No 690)

Saturday
10th May 1845

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esqr 1st
George S Waters Esqr 2nd } Puisne Judges
Malcolm Lewin Esqr 3rd

Read letter dated the 17th Ult. from the Sessions Judge of Chicacole submitting for the final sentence of the Court of Foujdaree Udalut translation of the Record in a trial for Murder received from the Zillah Sudr Ameen of Vizagapatam

(Here enter No 1241

1 Having attentively perused the record of this trial the Court of Foujdaree Udalut are unable owing to the Sessions Judge Mr Glass' lamentable want of attention to the Circular Order of the Court of Foujdaree Udalut to come to any opinion of the Prisoner's state of mind when the Murder was committed which is charged against him.

2 That he put his wife to death with a sword is certain, that he was pronounced insane by the Surgeon of the 12th Regiment Native

10th May 1845

Native Infantry declared unfit for further duty, and discharged the Service, & really so, but what was really his actual state of mind when he cut and killed his wife is doubtful.

3 The Charge preferred by the Government Vakeel is dated 10th December 1844 - altho it is to be presumed that the Sessions Judge had the Record of Police proceedings and those of Mr Ross, Principal Sudr Ameen before him and it must be inferred that had he not looked into them with the necessary attention he must in the course have discovered many passages which relate to the Prisoner's insanity. Without however holding the prescribed Inquiry with a view to satisfying himself as to his former or present state of mind, the Prisoner was placed upon his trial and the Law officer gave his Futwah on the 10th December. On the 29th March 1845 the Surgeon was addressed by the Sessions Judge and required to report upon the Prisoner's state of mind, "since he came under his (your) notice". On the 1st of April the Surgeon answered by observing that he had seen the Prisoner with the other Prisoners, and as he was not reported

10th May 1845

reported by the Jailor to have behaved otherwise than quietly he had not prescribed for him, and could not pronounce any opinion as to his state of mind. With this correspondence the Sessions Judge sent up the case on the 17th of April

4 It is clear to the Court of Sudder Adalut that the Sessions Judge should have placed the Prisoner under the particular care of the Surgeon, when he arrived at the Court Station, that is about the 10th December 1844 whereas from the tenor of that Gentleman's letter the Court are led to believe he did not do so at all, only drawing his attention to the Prisoner a few days before the transmittal of the Record to this Court which did not occur tho' the trial terminated on the 10th December 1844 till the 17th of April.

5 Neither the Jailor nor Peons who must have had numerous opportunities of observing the Prisoner were examined as to his behaviour during the four months he was in Confinement and besides a few general questions put during the trial to the witnesses respecting the sanity of the Prisoner, little or no anxiety has apparently been evinced by the Sessions Judge to ascer

10th May 1845 ascertain his actual State of mind and practical acts upon the day and about the time the Murder was committed.

It is now ordered that the Sessions Judge do send for the Parents of the Prisoner or other of the village who know the Prisoner and examine them at length and with care touching the acts and state of mind of the Prisoner on the day or about the time (a few days before or after) the Murder was committed, that he do also examine the Sailor and Peon as to his conduct since, and also report how he behaved during the trial — Mr Glas' neglect in not placing the Prisoner under charge of the Surgeon upon his arrival, his neglect of holding the preliminary examination before placing the man upon his trial, and in not sending up the Record for four months after the Enquiry closed should also be explained.

The Court observe that a person subject to fits of temporary insanity is of course unfit at any time for a military life, but the prisoner in question, as appears by his marriage and being at large must have had

2 F. No

10th May 1845 had long intervals of Reason; and whether he was in such a state or the reverse at the time of the Murder can only be clearly and satisfactorily proved by further Enquiry

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

(Sent following Precept No 691)

Read Return dated the 20th Ult. from the Acting Sessions Judge of Cuddalore to the precept of the Foujdaree Adalut of the 2nd Ultimo calling for an English translation of the Record of trial in Cases Nos 24 and 25 of 1845 on the file of the Sessions Court of Cuddalore.

(Here enter F. Adl No 1281)

The Court of Foujdaree Adalut on a perusal of the Calendar of the two Cases above mentioned seeing strong Reasons to doubt the propriety of the Sentence passed on the 1st and 2nd Prisoners resolved to call for an English translation of the Records of the Trials a

deliberate

May 1845 ascertain his actual State of [illegible]

10th May 1845 deliberate and careful Consideration of which he has fully Confirmed them in their forms of opinion that the Conviction of these prisoners was unjustifiable.

2 There is no proof whatever that these Prisoners were either Concerned in the Robbery or were accessaries to the fact. It is only shewn that they were apprehended in Company with the 3rd and 4th Prisoners but this bare circumstance is altogether insufficient to implicate them and might be accounted for in many ways without attaching guilt to the Prisoners, it is further remarkable that the robberies are proved to have taken place on the 7th and the 9th February, but the 4 Prisoners were not apprehended till the 15th or 8 days after. There is no proof that the 1st and 4th Prisoners confessed or that any of the stolen property was found upon them, and the Court are unable to place any credit on the recognitions of these Prisoners by the prosecutor and his wife the 1st witness.

3 The Court fear the Acting Sessions Judge was betrayed by a want of matured deliberation into a Confirmation of the Law Officer's

3 Fd

10 May 1845 Officer's futwah and they resolve to direct that the Prisoners

1st Narrainsu and

4th Seroovinjadoo

who were each sentenced to 14 years imprisonment be immediately and unconditionally released.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Cuddalore for his information.

(Sent in No 692)

Read Report dated the 7th February last submitted by Mr Lavie, late Sessions Judge of Cuddapah under the provisions of Section XXXVII Regulation VII of 1802.

(Here enter No 499 of 1845.)

para 3 The peculiar circumstances attending the perpetration of the Gang robbery referred to in this para (3) are deserving the special notice of the Magistrate of Cuddapah who should be requested by the Sessions Judge to report for the information of the Sunderee Adalut, whether the steps taken

10th May 1845. taken subsequent to the Commission of the Rob-
-bery, afford reason for considering that on the
part of the salaried Officers of the Govern-
-ment there has been exhibited that culpable
Remissness in the discharge of their most ob-
-vious duties, to which the late Session Judge
so emphatically adverts.

2 The Court also desires to know
what measures were adopted by the Magistracy
of Cuddapah for bringing to Justice the
parties concerned in the robbery above referred to
para: 11

3 The difficulty involved in
the probable absence, from sickness or other
causes of the Moosliy and the consequent
cessation of the functions of a Session Judge
is not considered by the Court of Sunderam
Adalut to be a contingency requiring any
special arrangement before a necessity for
such has actually arisen.

4 Adverting however to the limited
number of Assessors which constitute a Com-
-petent Court the Judges are somewhat Com-
-prized that means should be wanting to

form

3 Ex No
10th May 1845.

form a Jury at so large and populous a Sta-
-tion as Cuddapah and it would have been
more satisfactory had the Session Judge repor-
that his opinion on the above point was the resu
of an attempt unsuccessfully made to dispose
of a trial or trials with the aid of Assessors

Ordered that Extract from th
Proceedings be sent to the Secretary to Gover
-ment for submission to the Most Noble the
Governor in Council. (Sent in No 693)

Ordered also that Extract from t
Proceedings be sent to the Session Judge of
Cuddapah for his information and Communi
-cation to the Acting Magistrate (of paras
1 and 2) by Precept returnable in XV days
and after its receipt (Sent following Precept No 994)

Read Calendar in Case No 1
of 1845 on the file of the Session Court of
Mangalore submitted under date the 10th April
1845 by the Session Judge of Mangalore.

(Here enter Ex No 1143)

1 In this case the prisoner was
-ged with having entered the Prosecutor's Shop

and

-bery afford reason for considering that on the
part of the salaried Officers of the Govern-
-ment there has been exhibited that extreme
Remissness in the discharge of their most im-
-portant duties, to which the late Sessions Judge
so emphatically adverts.

2 The Court also desires to know
what measures were adopted by the Magistracy
of Cuddapah for bringing to Justice the
parties concerned in the robbery above reported to
para: 11 3 The difficulty involved in
the probable absence, from sickness or other
causes, of the Moosliy and the consequent
cessation of the functions of a Sessions Judge
is not considered by the Court of Sudder
Adalut to be a contingency requiring any
special arrangement before a necessity for
such has actually arisen.

4 Adverting however to the limited
number of Assessors which constitute a Com-
-petent Court the Judges are somewhat sur-
-prized that means should be wanting to

form

3
Jl 16
10th May 1845

form a Jury at so large and populous a Sta-
-tion as Cuddapah and it would have been
more satisfactory had the Sessions Judge reported
that his opinion on the above point was the result
of an attempt unsuccessfully made to dispose
of a trial or trials with the aid of Assessors

Ordered that Extract from these
Proceedings be sent to the Secretary to Govern-
-ment for submission to the Most Noble the
Governor in Council.

(Sent in No. 693)

Ordered also that Extract from these
Proceedings be sent to the Sessions Judge of
Cuddapah for his information and Communi-
-cation to the Acting Magistrate (of paras
1 and 2) by Precept returnable in XV days
and after its receipt

(Sent following Precept No. 694)

Read Calendar in Case No. 10
of 1845 on the file of the Sessions Court of
Mangalore submitted under date the 10th April
1845 by the Sessions Judge of Mangalore.—

(Here enter Jl Rs No. 1143)

1 In this case the prisoner was charg-
-ged with having entered the Prosecutor's shop

and

10th May 1845.

and stolen therefrom Ready cash amounting to Rupees 1—4—4.

2

The first futwa acquitted the prisoner, but, on a second question being put, removing the objections taken to the evidence of certain witnesses under Section VIII Regulation I of 1825, the Law Officer considered him guilty of the crime charged and declared him liable to, Ootbobut, the penalty of Shud being barred in consequence of the stolen property not having amounted to Nisab. Under the second finding the prisoner was sentenced to be imprisoned and kept to hard labor in irons for two years and to receive 150 lashes with a cat of nine tails.

Clause Seventh Section II Regulation XV of 1803.

3

In this case another futwa ought to have been taken under clause fourth Section II Regulation XV of 1803 and the prisoner sentenced to 7 years imprisonment, unless the Judge considered the punishment too severe, in which case he should have submitted a recommendation for a mitigated punishment under Section IV Regulation I of 1825.

4

The Court are aware that the

10th May 1845.

the practice which Mr Anderson has followed of passing sentence under the provisions of Clause Seventh Section II Regulation XV of 1803, in Cases where the value of property stolen does not amount to Nisab has received their sanction and even in some instances been enjoined—

5

So far back as 9th May 1823 the Court ruled that "the theft of property to a certain amount being necessary to subject the Offender to the specific penalty of Shud the provisions of Clause fourth Section II Regulation XV of 1803 cannot apply to a Case wherein it is not proved that the stolen property amounted to Nisab"

6

This rule was subsequently confirmed in the proceedings noted marginally—

24th May 1827	S. D.
24th May 1827	N. D.
22 Oct. 1832	
27th May 1833	
23 July 1838	
12th Oct. 1844	

7

In their proceedings of the 24th May 1827 circulated to the Western Division, the Court expressed their doubt of the correctness of the principle on which the rule in their order of the 9th May

10th May 1845. May 1823 was founded.

8. The rule however being established and not being likely to lead to any hardships in its practical operation inasmuch as the amount of Nisab is so small that cases involving the rule could very seldom occur, the Court were not at that time inclined to disturb it.

9. Further experience however has convinced the Court of the necessity of a modification of the rule which is at direct variance with the principles laid down in the preamble to Regulation XV of 1803 wherein the value of property stolen not amounting to 10 Dirms" or Nisab is expressly laid down as one of the scrupulous distinctions alluded to in Clause IV Section II of that Regulation, which" in no way affects the nature and criminality of the offence and is evidently repugnant to the principles of equal justice."

10 The rule also with respect to the lower Courts tends to defeat one of the ends declared

F Rec
10th May 1845.

declared objects of the Regulation XV of 1803 viz the maintenance of the uniform and adequate punishment of offenders.

11 Under this view the Court of Sudder Adalut resolve to set aside the Rule laid down in the Proceedings of the 9th May 1823 and subsequent dates above quoted and to direct that the provisions of clause fourth Section II Regulation XV of 1803 be implicitly attended to in future.

12 In respect to the Calendar and Review, the Court resolve to instruct the Sessions Judge to follow the course laid down in paragraph 3 of these Proceedings.

13 The Court further observe for the information of the Sessions Judge that the particulars of the former convictions of this prisoner should have been more full and explicit and should have shewn the authority by whom and the Regulation under which he had been punished.

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

(Sent following precept No 695 Read

May 1845. May 1823 was founded.

8. The Rule however being established and not being likely to lead to any bad consequences in its practical operation inasmuch as the amount of Nisab is so small, that Cases involving the Rule could very seldom occur, the Court were not at that time inclined to disturb it.

9. Further experience however has convinced the Court of the necessity of a modification of the Rule which is at direct variance with the principles laid down in the preamble to Regulation XV of 1803 wherein the value of property stolen not amounting "to 10 Rupees" or Nisab is expressly laid down as one of the scrupulous distinctions alluded to in Clause IV Section II of that Regulation, which in no way affects the nature and criminality of the offence and is evidently repugnant to the principles of equal justice."

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10th May 1845.

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12 In respect to the Calendar and Review, the Court resolve to instruct the Session Judge to follow the course laid down in para 3 of these Proceedings

13 The Court further observe for the information of the Session Judge that the particulars of the former Convictions of this Prisoner should have been more full and explicit and should have shewn the authority by whom and the Regulation under which he had been punished.

Ordered, that Extract from these Proceedings be sent to the Session Judge of Mungalhee for his information by precept returnable in V days from and after its receipt.

Sent following precept 14 695 Road

a 10th May 1845

Read Dealeadan in Case No 9
of 1845 submitted by the Sessions Judge of Ma-
-dura under date 29th Ultimo

(Here enter Ft No 1291)

1 The prisoners were charged with
assault and Highway robbery

2 The 1st prisoner was convicted of
the crime laid to his charge and sentenced to
imprisonment with hard labor in irons for a
period of 14 years

3 The evidence against the 2nd
prisoner being insufficient to [illegible]
was ordered to be released. The Sessions Judge
states that the delay of 12 days which occurred
between the close of the trial and the passing
of the sentence was owing to the Intwah of the Law
Officer which is dated the 12th April not having
been received till the 23rd of that month.

4 The Court resolve to direct the
Sessions Judge to report the reasons assigned by the
Law Officer for so much delay in delivering his
Intwah.

Ordered therefore that Extract
from

10th May 1845

from these Proceedings be sent to the Sessions
Judge of Madura by precept returnable
within X days from and after its receipt.

(Sent following Precept No 696)

Read Report dated 28th
February 1845 submitted by the Sessions Judge
of Masulipatam, Mr Boileau, under the
provisions of Section XXXVII Regulation VII
of 1802

(Here enter Ct No 815)

para 2 1. The delay in the submission
of the Sessions Court to the Magistrate
of Masulipatam of the Petty Calendars for
the 3rd and 4th Quarters of 1844 which is noticed
in this para would have demanded reprobation
by the Sudder Adalut were it not within their
knowledge that some misapprehension has occur-
red in respect of the period at which
such Reports, if required at all, should
have been laid before the Sessions Judge.

F.R. Pros. dated 23d April 1845.

para 7. 2. The case reported on in this
para having already been before the Court
of Sudder Adalut, any lengthened refer-
to

10th May 1845 to it was not only unnecessary to take any proceeding
in contravention of existing orders

paras: 10. 11. & 12. 3 The Records of the Court of
Foujdaree Udalut do not show that instances
of deaths from poisoning are sufficiently
numerous to require the interference of the Le-
gislature in order to restriction being placed
on the sale of poisonous drugs. The Judges
therefore are not disposed to support the arrange-
ments proposed by the Sessions Judge

paras: 14 to 16 4 The beneficial results of the di-
rection given by Mr Boileau to the labors of
the Convicts under his official custody are
viewed with much satisfaction by the Foujdaree
Udalut

para: 20 6 So far as can be ascertained
from the records of the Foujdaree Udalut the
delay in the execution of the repairs to the Jail
at Masulipatam would seem to have resulted from
the omission of Mr Rohde late acting Sessions Judge
20th June 1845 to conform to the suggestions conveyed to him in
reply to a communication dated the 1st June 1844
& not acted upon up to the present time

The

5 Fort
10th May 1845 the Court consider that the mode of proceeding
therein indicated should be immediately adopted
by the present Sessions Judge.

paras 23 to 24. 6 The subject of locating a Medical
subordinate inside the Jail Compound does
not properly come within the limits of a Sessions
Report and should the Court consider be brought
to notice by a separate Communication

paras 25 to 27 7 The correct and intelligible
translation into Telugoo of the Decrees passed
in Persian by the Principal Sudr Ameen and
Sudr Ameen Moofty is a subject of the highest
importance which under the circumstances stat-
ted by the Zillah Judge evidently requires his
particular attention

8 Mr Boileau is accordingly
requested to make such arrangements in the
establishment of the latter functionary as
may seem best calculated to ensure so de-
sirable an end and in respect of the Princi-
pal Sudr Ameen to call upon that officer
to report whether the required result cannot
be attained by some ministerial arrangement

other

10th May 1845.

other than that which now obtains in Sylhet.

para: 28

9 The subject of a reduction in the minimum number of justices who shall under existing rules should be passed by Magistrates Sudr Amens and Sudr Amins is about to be brought before the Government for authority to fix it at a lower Standard.

paras 31 & 32

10 The Court of Sujdaree Udalut observe that the Sessions Judge communicated with the Magistrate of Mozufferpore in view to ascertaining under what circumstances it had been deemed inexpedient to appoint an Assistant Magistrate for local Magisterial duties the services of the Sessions Assistant Magistrate Mr. Hunter but it is not found that the Magistrate's explanation has been laid before the Court. The omission should now be rectified and a transcript of paras 31 and 32 of this Sessions Judge's report forwarded to the Magistrate.

para: 38

11 The Court of Sujdaree Udalut but are not satisfied that any sufficient ground is shown for requiring the transmission to the Sessions Judge, in order to its being

forwarded to the Sujdaree Udalut of the orders passed by the Magistrate in regard to the delays noticed by the Sessions Judge in this para, it being of course competent to and incumbent on a Sessions Judge in every instance where doubt may exist to satisfy himself that the Magistracy have not failed in the discharge of such duties of supervision as belong to that department.

10th May 1845.

para: 39

12 The Sujdaree Udalut approve the suggestion submitted in this para and resolve to found thereon an order to be circulated generally to the Magisterial Authorities within this Court's jurisdiction.

para: 40

13 The adoption of the precautionary measures advocated by the Sessions Judge for the subdual of fires belongs to the department of the Magistracy from whom it is to be inferred requisitions will proceed if any be necessary to ensure the needful supply of Engines and other articles in use on the occurrence of fires.

paras 42 & 43

14 These paras treat of matters which

10th May 1845. which belong to a Report on the administration
of Civil Justice and should not have appeared
in the Communication now under Remark.

para. 104. 15 * The orders of this Court in regard
to the preparation and submission of Calendars
to Sessions Judges, to which the Sessions Judge
has allluded in this para: are based upon the
obvious intention of Act VII of 1843 and are
calculated to carry out its provisions. There
can be no objection to a Sessions Judge deriving
assistance from a Calendar but it is obvious
that it would be unsafe implicitly to trust
to it and the Court are under the impression
that few if any Judges, arrive at the necessary
knowledge of a trial before commencing the investi-
gation of it otherwise than by a consideration
of the original Record of proceedings.

It is to be regretted that in the
Report now disposed of Mr. Boileau had
not shown more regard to the Exhortations to
brevity in his official Communications which
even recently have been addressed to him.

Ordered that Extract from these
Proceedings

S.U.C.

10th May 1845. Proceedings be forwarded to the Secretary
to Government in the Judicial Department
for submission to the Most Noble the Governor
in Council.

(Sent in No. 697

Ordered also, that Extract
from these Proceedings be forwarded to the
Sessions Judge of Masulipatam by precept
returnable in XXX days from and after its receipt

(Sent following precept No 697

F. U.

Monday,
12th May 1845.

At a Court of the Foujdaree Udalut

Present;

Henry Dickinson Esqre. 1st
G. S. Waters Esqre. 2nd
Malcolm Lewin Esqre. 3rd
} Puisne Judges

Read letter from the Sessions Judge of Honore submitting for the final orders of the Foujdaree Udalut the proceedings in Case No. 31. of 1844 on the file of the Sessions Court.-

(Here enter F. U. No. 1296.)

Mr. H. Dickinson.
Mr. M. Lewin.

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

Sunna Lingo Bhut alias
Munjoo Bhut.-

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

On an attentive perusal of the proceedings in this case the Court of Foujdaree Udalut are

of

of opinion that the evidence against the prisoner is open to great suspicion and altogether insufficient to convict him of the crime laid to his charge.-

2. Under the circumstance of the case the Court consider the assertion of the prisoner that the bundle of Jewels with the robbery of which he was charged, was thrown into his house by another party, to be entitled to credit and cannot therefore concur in his conviction or in the sentence of 7 years imprisonment with hard labor in irons proposed by the Sessions Judge.-

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

(Sent following letter No 703)

Read Miscellaneous Petition presented on the 25th Ultimo by Shaikh Mahomed of the zillah of Cuddalore.-

(Here enter F.C. Ja: P. No 64 of 1845).

Petitioner complains of the proceedings of the Sessions Judge under date the 3rd of February last confirming the decision of the Magistrate on a complaint preferred by him against one Moidoo Sahib and 16 others for having cut down the trees in his garden beaten his wife and son severely and

set fire to his house after having plundered him of Jewels valued at Rupees 53.-

On a perusal of this petition and of the accompanying Extract from the proceedings of the Sessions Court, the Court of Foujdaree Adalut, consider that there are no grounds shown for a reconsideration of this matter, which it appears has been fully investigated by the Lower Court.-

The Petition is accordingly dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioner on his application.-

Read Miscellaneous Petition presented on the 25th Ultimo by Areya Mootoo of the zillah of Cuddalore.-

2. (Here enter F.C. Ja: P. No 66 of 1845).

1. Petitioner complains of the sentence passed by the Sessions Judge of Cuddalore on Arepoocara Ramasamy prisoner in Case No 56 of 1844 on the file of the Sessions Court. The prisoner was charged with having together with the prisoner in Case No 21 of 1843 been concerned in the commission of a gang robbery.-

2. Petitioner grounds his application on the alleged fact of the absence of Arepoocara Ramasamy at the time of the robbery from the

place

of opinion that the evidence against the prisoner is open to great suspicion and altogether insufficient to convict him of the crime laid to his charge.-

2. Under the circumstance of the case the Court consider the assertion of the prisoner that the bundle of Jewels with the robbery of which he was charged, was thrown into his house by another party, to be entitled to credit and cannot therefore concur in his conviction or in the sentence of 7 years imprisonment with hard labor in irons proposed by the Session Judge.-

Ordered that Extract of these Proceedings be sent to the Session Judge of Honore for his information and guidance.-

(Sent following letter No 793).

Read Miscellaneous Petition presented on the 25th Ultimo by Shaik Mahomed of the Zillah of Cuddalore.-

(Here enter F.C. Ja: P. No 64 of 1845).

Petitioner complains of the proceedings of the Session Judge under date the 3d of February last confirming the decision of the Magistrate on a complaint preferred by him against one Moideen Sahib and 16 others for having cut down the trees in his garden beaten his wife and son severely and set

12th May 1845.

set fire to his house after having plundered him of Jewels valued at Rupees 53.-

On a perusal of this petition and of the accompanying Extract from the proceedings of the Session Court, the Court of Foujdaree Adalut, consider that there are no grounds shown for a reconsideration of this matter, which it appears has been fully investigated by the Lower Court.-

The Petition is accordingly dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioner on his application.-

Read Miscellaneous Petition presented on the 25th Ultimo by Areya Mootoo of the Zillah of Cuddalore.-

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2. Petitioner grounds his application on the alleged fact of the absence of Arepoocara Ramasamy at the time of the robbery from the place

place where it was committed.

3. On a perusal of this Petition the Court consider that there are no grounds shown for a revision of the Sentence passed by the Sessions Judge in the case referred to, the charge against the Prisoner having under the circumstances detailed in the Calendar been most clearly and satisfactorily proved in the opinion of the Foujdaree Udalut.

4. The petition is accordingly dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioner on his application.

Read Miscellaneous Petition presented on the 25th of March last by Streerungunnaul of Zillah Coimbatore.

(Here enter F. U. M. P. No. 67 of 1845)

1. Petitioner complains of a decision passed by the late Criminal Judge of Coimbatore in 1842. by which certain individuals charged by her with having stolen certain property were ordered to be released under a requisition of Security.

2. Petitioner requests the interference of the Sudr Udalut to direct the Sessions Judge to review the proceedings of the late Criminal Court in the case referred to.

3. It is shewn by this petition that the

the decision of the late Criminal Court of Coimbatore of which the Petitioner complains was passed upwards of three years ago.

4. As the petitioner has allowed so much time to pass without appealing against the said decision the Court of Foujdaree Udalut cannot now enter on a consideration of the matter.

5. The petition is accordingly dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioner on her application.

Read Miscellaneous Petition presented on the 31st of March last by Vencata Lutchmy Ammal wife and Brother of Iyanew and Kristniew prisoners in case Nos. 19 and 20. of the Combaconum Calendar for 1844.

(Here enter F. U. M. P. No. 69 of 1845).

1. The matter of this Petition has already been before the Court of Foujdaree Udalut who, see no grounds for a further consideration of the case.

2. The petition is therefore dismissed.

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

Read Miscellaneous Petition presented on the 31st of March last by Vencatammal wife of the

the 3d Prisoner in Case No. 44 of the Shittoor Calendar for 1844.-

(Here enter F. H. Rs. P. No. 72 of 1845)

1. The matter of this petition which has already been before the Court on three several occasions, has been finally disposed of in the Court proceedings noted marginally to which the Petitioner is referred.-

Foujdaree Proceedings 24th Decr. 1844- 27th January 1845. and 11th March 1845.

2. Petitioner is again warned against needlessly occupying the time of the Court who have repeatedly declared their approval of the sentence passed by the Lower Court against which she complains.-

Ordered that Extract of these proceedings be furnished to the Petitioner on her application.-

Read Miscellaneous Petition presented on the 8th and 28th Ultimo by Cacunmal of Zillah Chingleput.-

(Here enter F. H. Rs. P. Nos. 74 and 84 of 1845).

1. Petitioner in both the above addresses complains of the sentence passed by the Sessions Judge of Chingleput in Case No. 2 of 1845 on the file of the Sessions Court, in which, her brother the prisoner Thadagopachary was sentenced to 7 Years imprisonment with hard labor in irons on the alleged ground of having stolen from the prosecutrix his sister, 12

banknotes to the amount of Sa. 600 Rupees.-

2. Petitioner alleges that the charge is false, and that it was preferred against the prisoner at the instigation of certain individuals at enmity with him owing to his having the sole management of the Prosecutrix affairs and prays the Court of Foujdaree Adalut to call for and peruse the records of the case and to reverse the sentence passed by the Sessions Judge previously directing its suspension.-

3. On a perusal of the above addresses and of the Calendar of the case therein referred to the Court of Foujdaree Adalut see no reason to question the justice of the decision passed by the Sessions Judge whose remarks contains a fair exposition of the circumstances of the case which appear to have been most attentively considered and a verdict of "Guilty" pronounced thereon both by the Sessions Judge and the Law Officer.-

4 Petition is therefore dismissed.-

Ordered that Extract of these proceedings be furnished to the Petitioner on her application.-

Parayenmun Naiken of Tinnevelly moves the Court to return the enclosures in his Miscellaneous Petition No. 185 of 1844.-

Ordered accordingly.-

Read.

Read Report dated the 29th March 1845 forwarded by the Sessions Judge of Nellore under the provisions of Section XXXVII Regulation VII of 1802 for the year 1844:-

(Here enter No 972)

Para: 4. 1. The Sessions Judge is considered by the Court of Foujdaree Adalut to have correctly refrained from requiring the Submission by the Principal Sudr Ameen of the Calendar specified in Section VI. Regulation VI of 1822, it being sufficiently obvious, adverting to the change of System introduced by the establishment of local Sessions Courts in place of the Courts of Circuit, that the necessity for a Report of the nature of that referred to in Section VI Regulation VI of 1822, is now removed.-

Para: 7. 2. It was incumbent on the Sessions Judge to make the enquiries necessary to enable him to report positively, whether the Decrees passed by the Principal Sudr Ameen and Sudr Ameen were in the handwriting of those functionaries respectively. Mr. Walker will now be pleased to supply the omission.-

Para: 9. 3. In so far as regards the health and comfort of its inhabitants, the Judges of the Foujdaree Adalut do not doubt the propriety of levelling the old walls of the town of Nellore, but as other considerations, not falling within their province to dispose

dispose of, may possibly be connected with a local improvement of that description, it seems necessary that the proposition should be brought by the Collectors to the notice of the Board of Revenue.-

Para: 10. 4. The Judges fail in their appreciation of the difficulties imaginary to a great extent which have been raised in the several clauses of this para: and are partially founded on opinions expressed in Circular Orders of the Foujdaree Adalut of obsolete dates and antecedent to the promulgation of the law by which the commitment of cases to the Sessions Courts is at present regulated.-

Para: 10 Clause 4. 5. With particular reference to the remarks by the Sessions Judge in the clause noted marginally, the Court observe that, under existing rules the committing authority should satisfy himself as to the sufficiency of grounds for commitment before proceeding to order a commitment, no other course being justifiable.-

6. But admitting that a case has been forwarded for trial to a Sessions Judge on insufficient grounds, the Sessions Judge professes, what in almost all conceivable instances will be a ready remedy, the power of remanding it to the committing Authority.

7. The Court do not, therefore, as at present informed concur in opinion with the Sessions Judge

Judge that any modification is called for in the rules of procedure applicable to the matter of communal

Sparo: 13. 8.

The Circular Orders of the Foujdaree Adalut are not considered by the Judges to require at their hands, the revision which in this Sparo the Sessions Judge has solicited. In many instances the Circular Orders are declared Extracts from the records Proceedings of the Foujdaree Adalut and in all, they can without difficulty, the Judges think, be made applicable mutatis mutandis to the altered state of the Judicial System, by an intelligent exercise of an officer's own discretion.-

Ordered that Extract from these Proceedings be forwarded to the Secretary to Government in the Judicial Department together with Copy of the above Report for submission to the Most Noble the Governor in Council.-

(Sent in No. 704)

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

(Sent following precept No. 705)

Read Calendar of Case No. 12 of 1845 submitted by the Acting Sessions Judge of Cuddalore under

under date the 30th Ultimo.-

(Here enter F. C. No. 1295).

1. The prisoners in this case were charged with assault and highway robbery.-

2. For reasons assigned the Acting Sessions Judge concurs with the Law officer in the acquittal of the Prisoners.-

3. The Court of Foujdaree Adalut observe that the Acting Sessions Judge should have notified the release of the prisoners as well as their acquittal.-

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

(Sent in No. 705)

Read Calendar in Case No. 3/4 of 1845 submitted by the Sessions Judge of Salem under date the 29th Ultimo.-

(Here enter F. C. No. 1303).

1. The prisoner was charged with house breaking by night, assault and robbery.-

2. The charge having been clearly proved the Sessions Judge has recorded against the prisoner a sentence of 14 years imprisonment with hard labor in irons but recommends in consideration of the wound inflicted on the prosecutor not being a severe one, that the period of imprisonment be reduced to 7 years under the provisions of Section IV Regulation

12 12th May 1845.

Regulation I of 1825.

3.

On a perusal of the Calendar in this case and of the remarks of the Session Judge the Tonjadare Udalut see no just grounds for the mitigation of the sentence proposed by that officer.

Ordered that Extract of these Proceedings be sent to the Session Judge of Salem for his information and guidance.

(Sent in No. 707)

Read Calendar of Case No. 14 of 1845 on the file of the Session Court of Madura submitted under date the 30th April last received only on the 5th Instant.

(Here enter F. C. No. 1304)

Adverting to the Circular Orders noted in the margin the Court of Tonjadare Udalut desire it may be explained how it happens that the 12th of April is assigned as the date of the original complaint the prisoner having as appears from Column No. 4, been apprehended on the 8th idem.

Circular Orders 24th January 1822
20th February 1823
28th October —
1st March 1824.

Ordered that Extract from these proceedings be sent to the Session Judge of Madura for his information by Precept, returnable in two days from and after its receipt.

(Sent following Precept No. 708)

WM
My

Tuesday
13th May 1845

In a Court of the Tonjadare Udalut

Present.

Henry Dickinson Esqre — 1st
G. I. Waters Esqre — 2d
Malcolm Lewin Esqre — 3d

} Puisne Judges.

Read letter dated the 6th May 1845 from the Session Judge of Cuddapah forwarding the record of trial in Case No. 15 of 1845 on the file of the Sessions Court of Cuddapah, for the final sentence of the Tonjadare Udalut.

(Here enter F. C. No. 1303 of 1845)

M H. Dickinson

The Court of Tonjadare 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,

Challamcoonta Soobbadoo

is sufficient to convict him of the crime of theft, do convict him thereof; and with reference to the provisions of the Mahomedan

Law

Law as declared in ... Sections of the Law Officers, annexing the penalty of Amputation of one limb to the crime of Theft, and to the provisions of Section XXI Regulation VII of 1802, Clause third Section II Regulation I of 1825, and Regulation VIII of 1828, sentence him to receive (100) one hundred lashes with a Cat o'nine tails, and to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for and during the period of (3) three years.

(Vide following letter No. 714)

Read letter dated the 7th Instant from the Principal Sadr. Ameen of Tchapore, to the precept of the Foujdaree dated under date the 27th March 1845, directing him to be careful in future to give a clear abstract of each case, and desiring the Sessions Judge to call for the Record in Criminal Cases he tries and pass orders on the same.

(Vide Letter File No. 1326 of 1845.)

Read letter dated the 7th Instant

Instant from the Magistrate of Chingleput reporting that the powers vested in the Magistracy under Section LIV Act VII of 1843, have not been exercised during the month of April 1845.

(Vide Letter File No. 1340 of 1845)

Read letter dated the 6th Instant, from the Magistrate of Trichinopoly, reporting that the powers vested in the Magistracy under Section LIV Act VII of 1843, have not been exercised during the month of April 1845.

(Vide Letter File No. 1349 of 1845.)

Read letter dated the 6th Instant, from the Acting Magistrate of Cuddapah, reporting that the powers vested in the Magistracy under the provisions of Section LIV Act VII of 1843, have not been exercised during the Month of April 1845.

(Vide Letter File No. 1350 of 1845.)

Read petition, dated the 5th Instant, from the Acting Subordinate Judge of Mangalore, to the Precept of

8th May 1845.

the Toujdaree Adalat under date the 26th April, conveying remarks in certain cases on the Criminal Reports for March last, and directing the release of the Prisoners in case No 6 &c.

(Here Enter Ft No 1355 of 1845)

Read Report dated the 30th Ultimo, submitted by the Acting Sessions Judge of Coimbatore; of business transacted for the Month of April 1845.

(Here Enter Part No 1359 of 1845)

Read Statement dated the 30th April 1845, submitted by the Acting Sessions Judge of Combatore, showing the instances in which the powers of punishment created by Regulation X of 1842 have been exercised, for the Month of April 1845.

(Here Enter Ft No 1360 of 1845)

Read letter dated the 6th Instant from the Magistrate of Madura reporting that the powers vested in the Magistracy under Section IV Act VII of 1843 have not been exercised during the Month of April 1845.

(Here Enter Ft No 1361 of 1845)

23rd March 1845.

Ft Vs Officers Commitd

F. C.

Wednesday. 14th May 1845.

At a Court of the Toujdaree Adalut

Present.

Henry Dickinson Esqre — 1st Puisne Judge.

Geo: L. Waters Esqre — 2d Puisne Judge.

Malcolm Lewin Esqre — 3d Puisne Judge

Read letter, dated 6th January 1845, from the Sessions Judge of Mangalore, submitting for the consideration and final sentence of the Toujdaree Adalut, an English translation of the record of the trial in case No 74 of 1844 on the Mangalore Calendar.

(Here enter F.C. No 120 of 1845.)

Mr Waters and Mr Lewin

The Court of Toujdaree 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

Dhoor Courta

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 IX Regulation

14th May 1845

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

The Court of Zillah Dinajpore are unable to agree in the opinion expressed by the Sessions Judge, in the 3d paragraph of his letter, viz that the Sentence of death should be passed upon the prisoner.

2. The Court have no doubt of the prisoners guilt, and of his being concerned in the murder, and that he is consequently liable to a Sentence of death, but notwithstanding they do not consider him a proper object of capital punishment, because the trial has, the Court regret to observe, been conducted in a most irregular and improper, not to say illegal, manner.

3. The Court are surprised at proceedings of such a nature from an officer of the experience

experience and character of Mr. Anderson, and that too, in a case, where the life of a man was the issue of the trial.—

It has been repeatedly ruled that the reading of previous depositions was not the means of recording evidence, see especially Circular Orders 14th April 1828, 8th May 1833, Nos. 3 and 36.—

5. Yet, in contravention of these explicit orders, the Sessions Judge has contented himself with putting a few formal questions, and then desiring the depositions, recorded on a former occasion, to be read over to the witnesses.—

6. Each witness should have been fully examined, and the previous depositions should not have been read, unless to shake the present proceedings,— but, in this case, the former depositions have been made the basis of the trial.—

7. The Court would further point out that it was impossible that the witnesses could have witnessed the perpetration of the murder, as they pretend to have done, by moonlight on the 4th of November 1844.—

8. The murder is stated to have been committed

14th May 1845.

committed at midnight, and on the 4th the moon rose at 5 minutes before 1 P.M, and set in consequence about 45 minutes after midnight, at which time the faint light, the moon being in the last quarter, would not have enabled the witness for to have seen the act committed.—

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

(Sent following letter No 714) S.

H.

Sessions

F 16

Thursday 15th May, 1845.

At a Court of the Foujdaree Adalut.

Present,

Henry Dickinson Esqre ——— 1st Puisne Judge,
Geo. L. Waters Esqre ——— 2d Puisne Judge,
Malcolm Lewin Esqre ——— 3d Puisne Judge.

Read Report dated 13th February 1845 submitted by the Sessions Judge of Canara under the provisions of Section XXXVII Regulation VII of 1802.—

(Hereafter S.R. No 577 of 1845)

para. 9.

It will be the duty of the Sessions Judge to adopt measures for supplying to the Jail Peons, the number of fire arms deficient, however small that number may be.—

Sessions Court proc.s dated 26th August 1844.

2. The Court of Foujdaree Adalut desire to be informed whether subsequent to the issue of the intimation conveyed to the Magistracy in regard to the case noted marginally, any measures were adopted of a nature to remedy the extreme leniency of the punishment which the Magistrate had awarded.—

No. of Cases of persons punished by Magistrate in 2d Quarter 1844.

The

15th May 1845.

14 Dated 20th Sept. 1844.

3 The proceedings of the Sessions Judge exhibits remarks regarding the serious delay which in many instances has occurred in the disposal by the Magistracy and Heads of Police in Tanjore, of cases coming before them respectively, in the propriety of which the Court of Foujdaree Adalut fully concur — and they accordingly resolve to request the Sessions Judge will impress upon the Magistrate that the Magisterial duties devolving on him should not be considered of subordinate importance to those of the Revenue department.

Return dated 6th October 1844 para 3. 4 As the explanation of the late officiating Magistrate now stands the Court of Foujdaree Adalut are not satisfied that any good and sufficient cause has been shown for the delays to which the Acting Magistrates attention had been drawn.

5. Ordered that transcripts of the cases embraced in the Magisterial Calendars to which reference is made in the accompaniments to the above Report, be retained on the records of the Foujdaree Adalut and that the Calendars be returned to the office of the Sessions Judge.

Ordered

15th May 1845.

Ordered also that Extract from the proceedings be forwarded to the Secretary to Government in the Judicial Department for submission to the Right Noble the Governor in Council.

(Sent in No. 715)

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

(Sent following precept No. 716)

Read letter dated the 2 Instant from the Magistrate of Tanjore stating the circumstances attending an outrage committed on certain Servants attached to the establishment of the Sub. Collector whilst in the execution of duty connected with the department of the Revenue, and forwarding an application from the Joint Magistrate requesting authority for the offer of a conditional pardon to 3 persons in order by their testimony, to convict others concerned.

(Here enter F.D. No. 1324 of 1845)

The Court of Foujdaree Adalut are

15th May 1845.

are of opinion that the request of the Magistrate cannot legally be complied with.

2. The law does not contemplate approvers in cases of the nature of that in which the Magistrate's application is made; but were it otherwise, the Court has no means of knowing which party was in the wrong.

3. It is observed that a conditional pardon can be offered only "in cases of a heinous nature, such as murder, gang robbery, arson and the like": whilst the information before the Court does not support the supposition that a crime has been committed of sufficient die to justify the measures proposed by the Magistrate.

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

(Sent in No 717)

Section XX Regn VIII of 1802

Ld. H.

Friday, 16th May 1845.

At a Court of the Foujdaree Udalut.

Present;

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

Read Report dated 17th February 1845, from the Sessions Judge of Chingleput submitted under the provisions of Section XXXVII Regulation VII of 1802.

(Here enter F.H. No. 589 of 1845.)

para 2.

1. In contrast with the period which under the former judicial systems, generally elapsed between the date of commitment of cases and their trial by the Judges of the Provincial Courts on Circuit, the Foujdaree Udalut are gratified to observe that in Zillah Chingleput during the year 1844, 30 days was the average delay between the date of apprehension and that of final sentence.

2. It is remarked that the Magisterial Calendar laid before the Court of Foujdaree Udalut with the Sessions Judge's

Communication

16th May 1845.

communication dated 8th April 1845 do not show when they were submitted by the Magistrate to the Sessions Judge - the date of receipt being left blank.

3. If the Court's inference, founded on the above omission and the Return from the Sessions Judge dated 12th February last, be correct, they were laid before that officer at once and not periodically at the close of each quarter year as required in this Court's Circular instructions dated 9th Oct: 1843 to which it is hoped the Sessions Judge will in future care fully conform.

4. The Calendars in question being stated by the Sessions Judge to require no comments are ordered to be returned to the office of the Sessions Judge at their retention on the Records of the Tongdaree Adalut will answer no good purpose and is otherwise objectionable.

Ordered that Extract from these proceedings be forwarded to the Secretary to Government in the Judicial Department, for submission to the Most Noble the Governor in Council.

(Sent in No. 720)

Ordered

16th May 1845.

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

(Sent in No. 721)

Read Calendar of Case No. 13 of 1845 on the file of the Sessions Court of Madura submitted under date the 2d Instant.

(Here enter F.H. No. 1336 of 1845)

1. The prisoner in this case was charged with having scaled the wall of the Prosecutrix's house, torn the lobe of her left ear when she was sleeping and robbed her of a jewel valued at 14 Rupees.

2. The Law officer convicted the prisoner and declared him liable to Dokoobut and the Sessions Judge, after removing by a second fatwa, the bar to Hud, sentenced him to seven years imprisonment under Section XXI. Regulation VII of 1802.

3. Scaling the wall of a house having been ruled by the Court of Tongdaree Adalut to constitute breaking - and the offence in this case having been accompanied with wounding with a

a knife - the prisoner should have been sentenced under clause fourth Section II Regulation VII of 1822 - and as this provision has denounced the penalty to be adjudged to the offence committed by the prisoner - no second sentence was requisite as explained by para 3 Circular Order No. 32.

4. The Sessions Judge will accordingly be pleased to amend his sentence -

Ordered that Extract of these proceedings be forwarded to the Sessions Judge of Madura by precept returnable in 3 days from and after its receipt -

(Sent following precept No. 722)

Read Criminal Reports submitted on the 1st Instant by the Subordinate Judge of Rajahmundry for the month of April 1845 -

(Here enter S. R. No. 1341 of 1845)

Case No. 19. 1 The Court direct that the Subordinate Judge will explain the nature of the torture designated in his remarks as the "torture of Kadumdum" -

2. The Court observe that the practice of inserting in the Criminal Reports native terms unaccompanied -

unaccompanied by any explanations of their meaning is very irregular and objectionable -

3. The opinion of the Court on this subject has been frequently communicated to the Subordinate Judges -

Case No. 21. 4 In the event of the Subordinate Judge not having already brought to the notice of the Magistrate the irregularities stated to have been committed by the Police Officers in this Case the Court of Foujdaree Adalut resolve to direct that officer to communicate the circumstances to the Magistrate without delay who will institute an inquiry into the conduct of the parties, reporting the result direct to the Foujdaree Adalut -

Ordered that Extract of these proceedings be sent to the Subordinate Judge of Rajahmundry for his information and guidance and for communication of para 4 to the Magistrate -

(Sent in No. 723)

Read Calendar of Case No. 11 of 1845 on the file of the Sessions Court of Tinnevelly submitted

16th May 1845.

16th May 1845.

submitted under date the 30th April but received only on the 7th May.—

(Here enter F.C. No. 1337 of 1845.)

1 Adverting to the remarks of the Sessions Judge in this case, the Court of Foujdaree Udalut desire to be informed whether the Magistrate has taken any and what notice of the conduct of the public servants whose proceedings have been impugned by the Sessions Judge.

2 They also desire that a copy and translation of the urzee alluded to in the 10th para of the Sessions Judge's remark, be forwarded for their consideration.—

3 The Court regret that the Sessions Judge should have been betrayed into the remark which he has recorded against the "appearance" of the 1st witness—such remarks can answer no good end but rather manifest prejudice and are therefore improper in a grave judicial document.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Tumie—orally for his information by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 724)

Read letter dated the 8th Ultimo from

16th May 1845.

from the Sessions Judge of Chingleput, forwarding the Calendars furnished by the Magistrate for the year 1844.—

(Here enter F.C. No. 1063 of 1845)

Read letter dated the 5th Ultimo from the Acting Agent to the Governor in Ganjam, stating that the Precept of the Foujdaree Udalut dated 18th January 1845, calling for Criminal Statements for June, July and August 1844, was returned on the 30th of the same month.

(Here enter F.C. No. 1157 of 1845)

Read Calendar in Case No. 80 of 1845, submitted by the Sessions Judge of Tinnevelly.—

(Here enter F.C. No. 1263 of 1845.)

Read Calendar in Case No. 10 of 1845, submitted by the Sessions Judge of Guntoor.—

(Here enter F.C. No. 1261 of 1845)

Read return dated the 17th Ultimo from the Sessions Judge of Honore, to the precept of the Foujdaree Udalut under date the 10th February 1845, calling upon him to submit the required reports for the year 1844, and to explain for the information of Government the causes which prevented

16th May 1845

presented him from earlier conforming to the provisions of Section XXXVII Regulation XII of 1802, and to the requisition contained in Para 10 of the proceedings of the Sudr Udalut of the 21st August 1843.

(Here enter F. C. No. 1268 of 1845)

Ent'd

F. C.

Saturday 17th May 1845

At a Court of the Foujdaree Udalut.

Present:

Henry Dickinson Esqre 1st
G. S. Waters Esqre ---- 2nd
Malcolm Lewin Esqre 3rd
} Puisne Judges

Read Calendar dated the 19th April 1845, Submitted by the Sessions Judge of Calcutta in Case No. 1 of 1845.

(Here enter F. C. No. 1218 of 1845)

The Prisoner an old offender charged with having stolen a piece of plank valued at 1/14 Rupee "from amongst a number belonging to the Prosecutor "and that were left by him on the bank of Cochin River "near the Sea Custom House" was convicted by the Law Officer and declared liable to Dohoolut, Hud being barred in consequence of the value of the property not amounting to Dejah. Under this futwa the prisoner "was sentenced to one hundred lashes of a cat of nine "tails (provided the same be authorized by the "Foujdaree Udalut) and to be imprisoned and kept "to hard labor in irons for (3) three years from the "date of the warrant, according to Clause seventh "Section II Regulation XV of 1803."

3. In this Case a second fuction should have been taken under Clause fourth Section II Regulation XV of 1803, and the prisoner sentenced to 7 years imprisonment under Section XXI Regulation VII of 1802. unless the Judge considered the punishment too severe, in which case he should have submitted a report of the case and proposed a mitigated punishment under Section IV Regulation I of 1825.-

3. This course the Sessions Judge will now follow, and will hereafter strictly conform to the provisions of Clause 4th. Section II Regulation XV of 1803. notwithstanding the circumstance of the value of the property and nothing to Nisab, which has been pronounced a "scrupulous distinction" not affecting the nature and criminality of the offence and "evidently repugnant to the principles of equal justice" in a Circular order copy of which will when printed be furnished to the Sessions Judge for his information.-

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

(Sent in No. 726)

Read communication from the Sessions Judge of Chittoor, submitting a death warrant issued by him in Case No. 7 of the Chittoor Calendar for 1845.

July

duly executed and returned by the Subordinate Judge, together with copy of a letter received from that officer.

(Here enter P. C. No. 1237.).

1. It appears from the return of the Subordinate Judge that the sentence in this case was carried into execution on the evening of the day on which it was announced to the prisoner by that officer.-

2. The Court of Foujdaree Adalut are at a loss to conceive what reason can be assigned for the very unbecoming haste in which this sentence appears to have been carried into effect.-

3. The Judges are of opinion that in order to secure that degree of publicity which is both usual and desirable on the occasion of a sentence of death being carried into effect, as well as to allow the condemned Criminal a short period to devote to religious purposes, two days should always intervene between the communication and the execution of a sentence of death.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Chittoor for his information and for communication to the Subordinate Judge at that station.-

(Sent in No. 727)

Read letter dated 25th. April 1845 from the Sessions Judge of Calicut submitting copy of a communication from

2.

In this case a second fulsa should have been taken under Clause fourth Section II Regulation XV of 1803, and the prisoner sentenced to 7 years imprisonment under Section XXV Regulation VII of 1802 unless the Judge considered the punishment too severe, in which case he should have submitted a report of the case and proposed a mitigated punishment under Section IV Regulation I of 1825.-

3.

This course the Sessions Judge will now follow, and will hereafter strictly conform to the provisions of Clause 4th Section II Regulation XV of 1803 - notwithstanding the circumstance of the value of the property not amounting to Rupees which has been pronounced a "scrupulous distinction" "not affecting the nature and criminality of the offence and" "evidently repugnant to the principles of equal justice" in a Circular order copy of which will when printed be furnished to the Session Judge for his information.-

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

(Sent in No. 726)

Read communication from the Session Judge of Chittoor, submitting a death warrant issued by him in Case No. 7 of the Chittoor Calendar for 1845.

July 17th May 1845

duly executed and returned by the Subordinate Judge, together with copy of a letter received from that officer.

(Here enter F. C. No. 1237.).

1.

It appears from the return of the Subordinate Judge that the sentence in this case was carried into execution on the evening of the day on which it was announced to the prisoner by that officer.-

2.

The Court of Foujdaree Adalut are at a loss to conceive what reason can be assigned for the very unbecoming haste in which this sentence appears to have been carried into effect.-

3.

The Judges are of opinion that in order to secure that degree of publicity which is both usual and desirable on the occasion of a sentence of death being carried into effect, as well as to allow the condemned Criminal a short period to devote to religious purposes, two days at least should always intervene between the communication and the execution of a sentence of death.-

Ordered, that Extract from these Proceedings be sent to the Session Judge of Chittoor for his information and for communication to the Subordinate Judge at that station.-

(Sent in No. 727)

Read letter dated 25th April 1845 from the Session Judge of Calicut submitting copy of a communication from

17th May 1845.

from the Acting Subordinate Judge with a translation of its enclosure and soliciting the instructions of the Court as to the disposal of case No. 62 on the Calicut Calendar for 1844.—

(Here enter F. R. No. 1279 of 1845).

1.

The trial of the above case was postponed in the hope that the exertions of the Magistrate to apprehend the principals in the murder and robbery with which the prisoners stood charged might prove successful and with a view of preventing as far as practicable the escape of the Principals from the want of sufficient evidence.

2.

The Magistrate has reported that "all his exertions with the offer of 100 Rupees reward have "hitherto failed to secure the apprehension of the supposed "in the event of the 2 Prisoners formerly committed "being tried and convicted it would be fears be next "to impossible to bring home the offence to the absconders "parties on their eventual discovery."—

3.

Under the circumstances reported in the Sessions Judge's letter the Court of Foujdaree Adalut are of opinion that the trial of Case No. 62 must now be proceeded with and they consider that sufficient proof is shewn to be forthcoming against the prisoners to

F. R.
17th May 1845.

to commit them of being accessaries to the crime charged.—

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

(Sent in No. 728)

Read Report dated the 17th February last, forwarded by the Sessions Judge of Tellicherry under the provisions of Section XXXVII Regulation VII of 1802, for the year 1844.—

(Here enter No. 620).

The above Report not appearing to call for any remark from the Court of Foujdaree Adalut.—

Ordered that Extract from these proceedings together with a Copy of the above Report be forwarded to the Secretary to Government in the Judicial Department for the purpose of being laid before the Most Noble the Governor in Council.—

(Sent in No. 729)

Read Calendar in Case No. 7 of 1845. Submitted by the Sessions Judge of Bellary under date the 31st March 1845.—

(Here enter F. R. No. 1007 of 1845)

Read

Read Return dated 3d. Ultimo from the Sessions Judge of Nellore to an Extract from the Proceedings of the Foujdaree Adalut under date the 26th. March 1843 directing that his (Sessions Judge's) order for the reapprehension of the Prisoner in Criminal No. 119 of 1844 and his Committal to the Sessions Court be cancelled.-

(Here enter F: C: No. 1009 of 1845)

Read letter dated 1st Ultimo from the Sessions Judge of Masulipatam reporting that there are no Criminal Trials of Cases disposed of and pending beyond 25 days between the 28th. February and 31st. March last.-

(Here enter F: C: No. 1011 of 1845)

Read letter dated 1st Ultimo from the Sessions Judge of Cuddapah, informing that the Report of Cases pending before the Sessions Court for the Month of March last has not been forwarded because there are no cases to be entered in it.-

(Here enter F: C: No. 1012 of 1845)

Read letter dated 1st Ultimo from the Sessions Judge of Cuddapah, reporting the execution of the Prisoner in Case No. 4 of the Calendar for 1845.-

(Here enter F: C: No. 1013 of 1845)

Read Report dated 1st Ultimo submitted

submitted by the Sessions Judge of Madura, of Cases pending on the (28th. February) and committed for trial during the month of March 1845.-

(Here enter F: C: No. 1015 of 1845)

Read Calendar in Case No. 13 of 1845 submitted by the Sessions Judge of Cuddapah under date the 2d. Ultimo.-

(Here enter F: C: No. 1016 of 1845)

Read Calendar in Case No. 15 of 1845 submitted by the Sessions Judge of Salem under date the 25th. March last.-

(Here enter F: C: No. 1017 of 1845.)

Read Return dated 4th. Ultimo from the Principal Sudr. Ameen of Chingleput to the precept of the Foujdaree Adalut under date the 31st. March 1845 conveying their observations and orders on the Criminal Reports for the Month of February last.-

(Here enter F: C: No. 1018 of 1845)

Read Report dated 1st. Ultimo submitted by the Sessions Judge of Mangalore of Cases pending trial before the Sessions Court for the Month of March 1845.-

(Here enter F: C: No. 1022 of 1845)

Read Calendar in Case No. 12 of 1845 submitted

17th. May 1845.

Submitted by the Sessions Judge of Bellary under date the 3d. Ultimo.—

(Here enter F. H. No. 1024 of 1845)

Read Return dated 5th. Ultimo from the Sessions Judge of Chingleput to the precept of the Foujdaree Adalut under date the 31st. March 1845. directing the Sessions Judge to call for the proceedings in supplemental Criminal Report Case No. 1 of 1845. held before the Principal Asst. Sessions, and to report on the case to the Higher Court stating in the interim any instructions that may appear proper—

(Here enter F. H. No. 1025 of 1845)

Read Calendar in Case No. 5 of 1845.

Submitted by the Acting Sessions Judge of Trichinopoly under date the 2d. Ultimo.—

(Here enter F. H. No. 1026 of 1845)

Monday
19th. May, 1845.

Fd.

At a Court of the Foujdaree Adalut.

Present.

Henry Dickinson Esqre. 1st. Puisne Judge.

J. J. Waters Esqre. ——— 2d. Puisne Judge.

Malcolm Lewin Esqre. ——— 3d. Puisne Judge.

Circular Order.

No. 169.

Read Calendar of Case &c.

10 of 1845 on the file of the Sessions Court of Bangalore—

In the above case the Prisoner brought to trial, was charged with having entered the Prosecutor's shop and stolen therefrom ready money amounting in value to Rupees 1—4—4.

In the futwa first delivered the Prisoner was declared to be acquitted but on a second question being put, under Section VIII Regulation I of 1825, ignoring the objections taken to the evidence of certain witnesses, the Law

Officer

offence, declared the Prisoner convicted of the offence charged and liable to either, the penalty of Hud, being levied in consequence of the stolen property not amounting to the Nisab or the Court finding, the Prisoner was sentenced by the Sessions Judge to imprisonment with hard labour in irons for a period of two years and to receive corporal punishment, under the provisions of Clause Seventh Section II Regulation XII of 1807.

On their review of the Calendar the Court of Foujdaree Adalut pointed out that a second future might it have been taken under clause fourth Section VII Regulation XV of 1803 and the Prisoner sentenced to imprisonment for seven years unless the Judge conceived the circumstances of the Case to demand a mitigation of punishment, under Section II Regulation I of 1825.

4 Having thus declared their opinion, the Court proceeded to remark that, they were aware that the practice followed

followed by the Sessions Judge of passing sentence under the provisions of clause Seventh Section II Regulation XII of 1803, in cases when the value of property stolen did not amount to the Nisab had received the sanction and even in some instances had been enjoined by the Foujdaree Adalut.

5 That it was found that, so far back as the 9th May 1823, the Court had ruled that "the theft of property to a certain amount being necessary to subject the offender to the specific penalty of Hud, the provisions of Clause fourth Section II Regulation XV of 1803 cannot apply to a case where it is not proved that the stolen property amounted to Nisab."

6 They observed that the above rule had subsequently been confirmed in several proceedings, but that in proceedings dated 24th May 1827, and circulated only to the Courts in the Western Division, the Court had ex-

then

their doubts of the correctness of the principle on which the rule in their order of the 9th May 1823 was founded, which, however, having been established and not being likely to lead to any bad consequences in its practical operation, inasmuch as the amount of Nisab is so small that cases involving the rule could very seldom occur, the Court were not at that time inclined to disturb it.—

7 Further experience has convinced the Court of the necessity for a modification of the rule in question, which, in the opinion of the present Court, is at direct variance with the principles laid down in the preamble to Regulation XV of 1803 wherein the value of property stolen not amounting "to 10 Drums" or Nisab, is expressly specified as one of the scrupulous distinctions alluded to in Clause fourth Section II of that Regulation, as in no way affecting "the nature and criminality of the

Offence"

offence" and as "evidently repugnant to the "Principles of equal justice."

8 The rule, also, with respect to the lower Courts, appears to the Fouzdaree Adalut to have a tendency to defeat one of the declared objects of Regulation XII of 1803 viz: the maintenance of the uniform and adequate punishment of offenders.—

9 With this view of the subject the Court of Fouzdaree Adalut resolve to set aside the rule contained in their proceedings dated 9th May 1823 and to direct that the provisions of Clause fourth Section II Regulation XV of 1803 be hereafter strictly observed.—

/Sent following Circular order No 783/

Read Calendar of case No 8 of 1845 submitted by the acting Superintendent of Tinnevelly

(Vide Extract Ju No 1351)

1 The prisoners in this case were charged with assault and highway robbery

their doubts of the correctness of the principle on which the rule in their order of the 9th May 1823 was founded, which however, having been established and not being likely to lead to any bad consequences in its practical operation, inasmuch as the amount of Nisab is so small that cases involving the rule could very seldom occur, the Court were not at that time inclined to disturb it.-

7 Further experience has convinced the Court of the necessity for a modification of the rule in question, which, in the opinion of the present Court, is at direct variance with the principles laid down in the preamble to Regulation XV of 1803 wherein the value of property stolen not amounting "to 10 Drums" or Nisab, is expressly specified as one of the scrupulous distinctions alluded to in Clause fourth Section II of that Regulation, as in no way affecting "the nature and criminality of the Offence"

Offence" and as "evidently repugnant to the "Principles of equal justice."

8 The rule, also, with respect to the lower Courts, appears to the Foujdaree Adalut to have a tendency to defeat one of the declared objects of Regulation XII of 1803 viz: the maintenance of the uniform and adequate punishment of offenders.-

9 With this view of the subject the Court of Foujdaree Adalut resolve to set aside the rule contained in their proceedings dated 9th May 1823 and to direct that the provisions of Clause fourth Section II Regulation XV of 1803 be hereafter strictly observed.-

(Sent following Circular over No 783)

Read Calendar of case No 8 of 1845 submitted by the Acting Sessions Judge of Trichinopoly

(Vide Later Fa No 1351)

1 The prisoner in this case was charged with assault and highway robbery

robbery and confessed the crime both
before the Police, the Principal Sub Assn
and the Sessions Court.

2 The Law Officer stated in
his fiatum that the prisoner was convicted
of having committed an unlawful act
but not of highway robbery.

3 The Sessions Judge answering
in the above finding passed a sentence
of imprisonment for a period of 18 months
with hard labor in irons under Clause
Seventh Section II Regulation
4 under the circumstances
of the case as stated in the Calendar
the Court consider the sentence passed by the
Acting Sessions Judge to be altogether inadequate
5 The Court accordingly resolve
to direct that the Law Officer be called
upon to explain the grounds on which
the Prisoner is exempted from the pe-
nalty of the crime of robbery by open
violence.

Ordered that Extract of this Proceeding
be

be sent to the Acting Sessions Judge
of Trichinopoly for his information and
guidance by Precept returnable in x days from
and after its receipt.

Sent following Precept No 734

Read Calendar dated the
22d ultimo submitted by the Sessions Judge
of Tellicherry in case No 6 of 1845.

(Vide Extract No 1238 of 1845)

1 The Prisoner in this case
is charged and convicted of having
severely wounded Prosecutrix on the right
breast, the palm of her left hand and
her left leg with a hatchet, and was
sentenced by the Sessions Judge under
Clause Seventh Section II Regulation
XV of 1803 to be imprisoned and kept
2nd to hard labor in irons on the public
roads or other public works for and during
the period of four years.

2 In a note the Sessions Judge
explains that the wound on the breast was
very severe and sufficient to cause
death. It is now quite healed.

Under

Under these circumstances the Court of Foujdaree Adalat are of opinion that the sentence of the Sessions Judge is wholly inadequate and they regret to find that the orders of Government requiring that cases of wounding should in the districts of North and South Malabar be punished with more than ordinary severity have been overlooked by the Sessions Judge his attention is now recalled to the orders noted in the margin and the Court trust that his future proceedings will be more in accordance with the spirit and letter of these orders.

27th March 1840
24th June 1837

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Tellicherry for his information.

/Sent in No. 735/

Read a communication dated the 1st Instant from the Sessions Judge of Calicut requesting information whether the penalty laid down in clause first Section VI Regulation VII of 1811 should be fined

Fd
19th May 1840

fixed with reference to the aggregate value of the tobacco seized in transit, from a gang of smugglers or that of the quantity found in the possession of each of the smugglers whose apprehension has been effected.

/Here Enter No. 1327/

The Court of Foujdaree Adalut are clearly of opinion that the punishment by fine contemplated in the Regulation quoted above, is a fine not exceeding three times the value of the aggregate quantity of tobacco found in possession of the individuals to whom the punishment is awarded, such in fact, could be at the utmost only three times the value of a bale or single load and is all a person seizing could be accused of smuggling.

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Calicut for his information

/Sent in No. 735/

Read

1845

19th May 1845

Read communication from the Acting Sessions Judge of Combaconum submitting a copy of a letter from the Acting Subordinate Judge at that station and requesting the sentiments of the Foujdaree Adaulut regarding the questions contained therein.—

/Here Subor. Ct. No 1337/

1 The questions contained in the above communication of the Acting Subordinate Judge refer to the construction placed by the Foujdaree Adaulut in the Circular Order noted in the margin whether the "secreting" therein alluded to only applies to the case of persons who are aware that a warrant has been issued against the individuals to whom they give shelter and whether the order is applicable to robbers only or to Criminals in general.

Sd. C.O. 9th Oct. 1841 No. 156

2 With regard to the 1st of these queries the Foujdaree Adaulut are of opinion that the Circular Order in question refers to all cases when the party harbours a person charged with a crime with the intention of sheltering him from the consequences thereof.

To constitute the offence intended to be provided for by the Circular Order above referred to, it is not material whether a warrant has been issued or not.

3 Adverting to the 2d Query contained in the letter now under remark the Foujdaree Adaulut observe that the crime consists in the attempt to evade the power of the law without reference to the particular offence with which the person illegally harboured, may be charged.

Ordered that Extract of these Proceedings be sent to the Acting Sessions Judge of Combaconum for communication to the Acting Subordinate Judge at that station.—

/Subor. No. 737/

Read

Read Calendar of case No 116
of 1845 submitted by the Sessions Judge
of Cuddapah under date the 7th May 1845

(Vide Calendar No 116)

1 The Prisoner in this case was
charged with having beaten his concu-
bine with sticks and his hands, thrown
a stone at her, which struck her on the
right side of her belly, from the effects
of which she died immediately, and
carried and thrown her corpse into a
well called Vasumtarayanee Bhavee, at
the distance of ¼ Cose from the said spot.

2 The Prisoner's defence was
that he was intoxicated and went to
sleep on the night in question that he
was wakened in the night by the
witnesses and others who showed him
the body of his concubine told him
he had struck and killed her altho'
he knew nothing about it and that
they concealed the body and prevented
his reporting to the Police what had

occurred

No
19 May 1845- occurred as he wished to do- The Futwah
of the Law Officer convicted the Prisoner
of Homicide (Kath Shobah And) which
coincides the Sessions Judge had no
hesitation in concurring in with
regard to the extent of punishment
he considered that although there were
circumstances which in some measure
extenuated the Prisoner's brutal cruelty
& the concealment of it by throwing
the body into the well was in itself
a serious offence requiring to be
severely punished and he therefore
sentenced the Prisoner to be imprisoned
and kept to hard labor in irons
for the period of 3 years which punish-
ment under all the circumstances
seemed to be of adequate extent &
under Clause second Section XV Regulation
VII of 1802.-

3 The Court of Foujdaree
Adawlut cannot agree with the Sessions
Judge that the punishment inflicted

in

19th May 1845.

in this case is at all adjudged with the
offence committed. The Court is for the
present for the assault proved in this case and
the Sessions Judge would appear to have for-
gotten that according to the Mahomedan as
well as to the English Law and the
dictates of reason intoxication is no legal
or justifiable plea in mitigation of an
offence but rather an aggravation of it.

Ordered that Extract from
these proceedings be forwarded to the
Sessions Judge of Cuddapah for his information
Sent in No 738 / 1

Tuesday
20th May 1845.

J. C.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esqr. 1st.
G. J. Waters Esqr. 2d. } Puisne Judges
Malcolm Lewin Esqr. 3d.

Read Report dated the 7th February last submitted by the Acting Sessions Judge of Trichinopoly, under the provisions of Section XXXVII. Regulation VII of 1802.—

(Here enter No. 456.)

Proceedings Sessions Court dated 31st May 1844 para: 1.

1. The Court of Foujdaree Adalut would have deemed it more satisfactory had the Sessions Judge called for explanation from the Head Assistant Magistrate of the circumstances under which he had proceeded, in opposition to the provisions of Clause first Section XXIV Regulation IX of 1816. to examine on oath a Prisoner who had been arraigned before him.—

para: 3.

2. The delay in the disposal by the Goondacaley Police Ameen of cases coming under his cognizance, is considered by the Court of Foujdaree Adalut to be in the highest degree objectionable, adverting to the necessity in an office constituted as that of the Police Ameen, for the immediate

immediate adjustment and decision of charges preferred to him.—

3. The Court accordingly resolve to request the Acting Sessions Judge will ascertain from the Magistrate of Trichinopoly and report to what causes the delay in question should be attributed and what means are available for its future prevention.—

4 The Report of the Acting Sessions Judge does not call for remark from the Court of Foujdaree Adalut.

5. The Calendars submitted by the Magistrate to the Sessions Court have not elicited any observations of importance in the Sessions Court and do not appear to require any. It is resolved therefore to return them to the office of the Sessions Judge in order to their being there placed on record, a transcript being retained of the Case referred to in pursuance of the Sessions Courts proceedings above noticed.—

Ordered that Extracts from these Proceedings, together with a Copy of the above report be sent to the Secretary to Government in the Judicial Department for Submission to the Most Noble the Governor in Council.—

(Sent in No. 741)

Ordered also that Extract from these Proceedings be sent to the Acting Sessions Judge of Trichinopoly.—

F. C.

Trichinopoly by Precept returnable without delay.—

(Sent following Precept No. 741)

Read Report dated 6th February 1845 from the Sessions Judge of Tinnevelly submitted under the provisions of Section XXXVII Regulation VII of 1802.

(Here enter No. 593 of 1845)

The Report from the Sessions Judge

1.

does not require remark from the Court of Foujdaree Adalut who concur in the propriety of the proceedings held by that officer on such of the cases entered in the Magisterial Calendars as have received notice.—

It is accordingly resolved that—

2.

transcript of the cases adverted to, be retained on the records of the Foujdaree Adalut and that the Calendars be returned to the office of the Sessions Judge their retention in this Court being unnecessary and as a measure of ministerial arrangement, objectionable.—

Ordered that Extract from these Proceedings, together with a Copy of the above Report be sent to the Secretary to Government in the Judicial Department for Submission to the Most Noble the Governor in Council.—

(Sent in No. 742)

Ordered also that Extract from these Proceedings be sent to the Sessions Judge of Tinnevelly for

for his information and guidance.—

(Sent in Nº 743)

Read Criminal Reports dated the 5th Instant submitted by the Agent to the Governor of Fort St. George at Kurnool and Bengunapilly for the Month April 1845.—

(Here enter F. R. Nº 1367).

Adverting to the remarks of the Agent in this case the Court of Foujdaree Adaulut desire to be informed if any and what Notice was taken of the Conduct of the Police Officers who inflicted the ill-treatment which it is stated is evident the Prisoners in this case were subjected to after their Capture.—

Suppl. Report Case Nº 6.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Kurnool and Bengunapilly by Precept returnable in 5 days from and after its receipt.

(Sent following Receipt Nº 744)

Read letter from the Session Judge of Mangalore under date the 10th Instant submitting the record in Case Nº 32 of 1845 on the file of the Session Court for the final Sentence of the Court of Foujdaree Adaulut.—

(Here enter F. R. Nº 1418)

W. H. Dickinson and W. J. Waters

The Court of Foujdaree Adaulut, on a deliberate consideration of all the circumstances of the case in

in evidence before them, being of opinion that the proof against the prisoners.

1st Doona Shetty
and
2nd Coraga Shetty.

is sufficient to convict them of Culpable Homicide, for which the penalty of Deyut is awardable under the Mahomedan Law, as declared in futwas of their Law Officers, do convict them thereof; and with reference to the provisions of clause Second Section XV. Regulation VII of 1802, do sentence 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 (4) four Years.—

1. On an attentive perusal of the record of this case and of the letter of the Sessions Judge, the Court are of opinion that the Sentence proposed by that Officer of 3 years imprisonment with hard labor in irons would be an insufficient punishment for the brutal and violent assault of which the prisoners have been convicted which ending as it did in the death of their victim can in no way be justified by the circumstances under which it was committed.—

2. The Court observe that whatever may have been the intentions of the prisoners, their assertion that

that the deceased had fled after they had as it would appear killed and thrown him into the well sufficiently shows what at the time was their own opinion of the act committed by them.—

3. It appears that the deceased was a mere lad and it is not pretended that he was armed when found in the prisoners yard so that they could have been under no apprehension of being attacked by him. Nor can it be supposed that the prisoners failed at the time to recognize the deceased who was living in their house as it was bright moonlight when the assault took place.—

4. It appears moreover that every severe blow fell upon the head of the deceased which must have been seriously injured as it is proved that blood flowed from the ears.

5. Under these circumstances the Court resolve to pass a sentence of 14 years imprisonment with hard labor in irons upon each of the prisoners, Doonna Shetty and Coraga Shetty.—

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Mangalore for his information and guidance.—

(Sent following letter No. 745)

Read

Read letter dated 4th Ultimo from the Magistrate of Madura reporting that the powers vested in Magistrates by Section 14 Act VII of 1843 have not been exercised in last Month.

(Here enter F. C. No. 1051 of 1845).

Read Criminal Reports dated 5th Ultimo Submitted by the Session Judge of Guntoor for the Months of March 1845.—

(Here enter F. C. No. 1052 of 1845)

Read Report dated 31st March 1845. Submitted by the Acting Session Judge of Coimbatore of the labor of Convicts for March 1845.—

(Here enter F. C. No. 1056 of 1845)

Read Statement dated 31st March 1845. Submitted by the Acting Session Judge of Coimbatore, shewing the instances in which the powers of punishment created by Regulation X of 1832. have been exercised.—

(Here enter F. C. No. 1057 of 1845)

Read Criminal Report No. VI. dated 31st March 1845. Submitted by the Acting Session Judge of Chingleput for the Month of March 1845.—

(Here enter F. C. No. 1080 of 1845)

Read Calendar in Case No. 73 of 1844. Submitted by the Session Judge of Mangalore under

under date the 8th. Ultimo:-

(Here enter F: C: No. 1084 of 1845)

Read Calendar in Case No. 5 of 1845.
Submitted by the Sessions Judge of Mangalore under date the 8th. Ultimo:-

(Here enter F: C: No. 1085 of 1845).

Read Calendar in Case No. 7 of 1845.
Submitted by the Sessions Judge of Madura under date the 9th. Ultimo:-

(Here enter F: C: No. 1089 of 1845.

Read Criminal Reports dated 3rd. Ultimo Submitted by the Sessions Judge of Honore for the Month of March 1845.

(Here enter F: C: No. 1091 of 1845.)

Read Return dated 8th. Ultimo from the Sessions Judge of Tinnevelly, to the precept of the Foujdaree Adalut under date the 24th. March 1845, requiring the Committal of the two Prisoners in Criminal Case No. 87 of 1844 on a charge of conspiracy:-

(Here enter F: C: No. 1093 of 1845.)

Read return dated 9th. Ultimo from the Sessions Judge of Guntoor, to the precept of the Foujdaree Adalut under date the 3rd. Ultimo, expressing their doubt as to the propriety of the Committal of Case No. 24 on the Criminal Reports of the Principal Sudr. Ameen's Court of Guntoor for February 1845, and directing the Sessions Judge to review the proceedings thereof if he has not disposed of it:-

(Here enter F: C: No. 1094 of 1845.

Read

F: C:
20th. May 1845.

Read Calendar in Case No. 6 of 1845
Submitted by the Session Judge of Tinnevelly, under date the 9th. Ultimo:-

(Here enter F: C: No. 1103 of 1845)

Read letter dated 9th. 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 March 1845:-

(Here enter F: C: No. 1107 of 1845)

Read letter dated 8th. Ultimo from the Magistrate of Coimbatore, stating that the powers vested in the Magistrates by Section XLIV of Act VII of 1843 were not exercised by him or by his Assistants during the Month of March 1845:-

(Here enter F: C: No. 1108 of 1845)

Read letter dated 1st. Ultimo from the Principal Sudr Ameen of Coimbatore, submitting a Copy of an Extract from the Proceedings of the Court of Sessions relative to the Confirmation of the Sentence passed by him in Case No. 13 of 1845 entered in the Criminal return for February last:-

(Here enter F: C: No. 1151 of 1845).

Read letter dated 10th. Ultimo from the Magistrate of Rajahmundry reporting that the powers vested in the Magistracy under Act VII of 1843

have

have not been excercised in March 1845.—

(Here enter F: C: No. 1155 of 1845.)

Read Criminal Reports dated 31st March 1845 submitted by the Principal Sudr Ameen of Cochin for the Month of March 1845.

(Here enter F: C: No. 1159 of 1845.)

Read Calendar in Case No. 9 of 1845 submitted by the Session Judge of Bellary under date the 28th March 1845.—

(Here enter F: C: No. 1160 of 1845.)

Read Calendar in Case No. 6 of 1845 submitted by the Session Judge of Bellary under date the 1st Ultimo.—

(Here enter F: C: No. 1162 of 1845.)

Read Report dated 1st Ultimo, submitted by the Session Judge of Bellary of a Case pending on the 28th of February, and committed for trial during the month of March 1845.—

(Here enter F: C: No. 1163 of 1845.)

Read Letter dated 1st Ultimo from the Magistrate of Bellary stating that no cases cognizable under Section LIV Act VII of 1843 were disposed of during the Month of March 1845.—

(Here enter F: C: No. 1176 of 1845.)

Read Letter dated 15th Ultimo from the

20th May 1845.

the Magistrate of Salem Stating that the powers vested by Section LIV Act VII of 1843 were not excercised by the Magistracy during the month of March 1845.—

(Here enter F: C: No. 1178 of 1845.)

Read Calendar in Case No. 11 of 1845 Submitted by the Session Judge of Bellary under date the 14th Ultimo.—

(Here enter F: C: No. 1180 of 1845.)

Read Statement dated 31st March 1845 submitted by the Acting Sessions Judge of Chingleput shewing the amount realized by the labor of the Prisoners for the 1st Quarter 1845.—

(Here enter F: C: No. 1186 of 1845.)

Read return dated 15th Ultimo from the Acting Sessions Judge of Coimbatore to the precept of the Foujdaree Adalut under date the 3rd Ultimo directing that unless the Acting Sessions Judge has any thing to offer in justification of the indulgence shewn to the Prisoner in Case No. 5 of 1845 on the Coimbatore Calendar of exemption from irons, the sentence be amended and irons imposed on the Prisoner.—

(Here enter F: C: No. 1187 of 1845.)

23rd March 1845

F. C.

Wednesday 21st May 1845.

At a Court of the Fouzdaree Adaulut

Present

Henry Dickinson Esqre 1st
G. J. Waters Esqre ... 2nd
Malcolm Lewin Esqre 3rd

} Puisne Judge

Read letter, dated 7th Instant, from the Sessions Judge of Honore, submitting the Record of Trial in Case No. 6 of 1845 on the Calendar of the Sessions Court.-

(Here enter F. C. No. 1445 of 1845.)

Mr. H. Dickinson. The Court of Fouzdaree Adaulut, 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 Goorooa.
3rd Aitha - and
4th Moodoora.

is sufficient to convict them of the crime of Burglary and Theft, and that against the Prisoners.

2nd Punjoo.
5th Bunja and
6th Krooshna.

to convict them of having received stolen property knowing it to be such, do convict them severally thereof

thereof; and with reference to the provisions of Section XXV Regulation VII of 1802 as judge. the Prisoners

1st Goorooa

3d, Aitha and

4th Mogdoora

to be imprisoned and kept to hard labor, in irons, on the public roads or other public works, for and during the period of seven (7) years and under the provisions of Clause 2d Section IV Regulation VI of 1822, Sentence the Prisoners.-

2d Punjoo

5th Punja and

6th Kroonhy

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.-

(Sent following letter No 746).

Read Calendar, dated the 25th Ultimo, submitted by the Acting Sessions Judge of Coimbatore in Case No 11 of 1845.-

(Here enter J. R. No 1793 of 1845)

1. The Prisoners, in this case, were charged with having, at about 12 at night, in Company with 25 others, not forthcoming, in a gang, armed with clubs forcibly carried away the Prosecutrix, a virgin of about 16 years old from her house, after having illused her father

father and mother, the 1st and 2d Witnesses, by plugging their mouths with cloths and were on the 21st April 1845 committed for trial before the Court of Sessions by the Principal Sudr Ameen.-

2. From the perusal of the record of the case, it appeared to the Acting Session Judge that the Prisoners, in Company with others, forcibly carried off the Prosecutrix, by night, from the house of her parents for the purpose of marrying her to the 2d Prisoner, who is maternal uncle of the Prosecutrix, and that she was produced 2 days after, but that the forcible abduction was not attended with aggravating Circumstances, and he was of opinion that justice did not require that the charge should be tried by the Court of Sessions. He therefore resolved to return the proceedings in Case No 11 of the Calendar to the Principal Sudr Ameen of Coimbatore, with directions to dispose of the case under Regulation X of 1816.-

3. The Court of Foujdaree Adalut consider this case to have been improperly remanded back by the Session Court. The offence of carrying off a female at night from the house of her parents for any purpose, is an offence of a very grave character

t. May 1845.

character, and requires exemplary punishment.

4 The Court direct that the case be recommitted and sentence passed on it according to its merits, by the Sessions Court.

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

(Sent in D.e 747) S

R.

Thursday
22d May 1845

F. A.

At a Court of the Poydaree Adalut.

Present.

Henry Dickinson Esq.re ——— 1st
G. J. Walters Esq.re ——— 2d — Puisne Judges
Malcolm Lewin Esq.re ——— 3d

Read Criminal Reports submitted on the 3d Instant, by the Sessions Judge of Salem, for the Month of April 1845.

(Here Enter D.e No. 1365)

Case No. 22

The Court of Poydaree Adalut direct that the Sessions Judge write report the result of his communication to the Magistrate, recommending the dismissal of Sayer Colcars who were proved to have received bribes from the prisoner in this case

Ordered, that Extract of these Proceedings be sent to the Sessions Judge of Salem for his information and guidance by precept returnable in ten days from

and

2nd May 1845

and after its receipt.

(Sent following paragraph to Govt)

Read the Criminal Reports submitted by the Principal Sudr Ameen of Coimbatore, for the month of April 1845.

(Here Entered No 1580)

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

Ordered therefore, that an extract from these Proceedings be forwarded to the Principal Sudr Ameen of Coimbatore for his information.

(Sent No 750)

Read Report dated 17th Ultimo, submitted by the Sessions Judge of Honore, under the provisions of Section XXXVII Regulation XII of 1802.

(Here Enter No 1267)

para 4. In regard to the Sessions Judge's proposition to instruct the Police by proclamation on the several subjects referred to in this para, the Court of Foujdaree Adalut would

25 May 1845

the propriety of a conference with the Magisterial authorities of the District as to the best means of giving publicity to any measure which on deliberation may appear to promise beneficial results.

para 3. 2 As at present informed the Judges of the Foujdaree Adalut are unable to recognize the necessity of remodelling the constitution of the Zillah Court so recently established at Honore, and are not prepared to support any arrangement having for its object the removal from Mangalore of one of the Subordinate Judges at that Station.

para 5. 3 The Calendars submitted by the Magistracy to the Sessions Judge have not elicited from that officer, nor do they appear to call for, observations of interest, it is resolved therefore to retransmit them to the office of the Sessions Judge, in order to their being there placed on record.

or

3d May 1845

Ordered, that Extract of these Proceedings, together with a copy of the above Report, be sent to the Secretary to Government in the Judicial Department, for submission to the Honble the Governor in Council

/Sent in No 731/

Ordered also, that Extract of these Proceedings be sent to the Sessions Judge of Sonore for his information

/Sent in No 732/

Read letter dated 22d instant from the Sessions Judge of Salem transmitting the record of Trial in case No 36 on the Calendar of the Sessions Court for 1845.

/Non Enter No 1595/

The Court of Foujdaree Adawlut on a deliberate consideration of all the Circumstances of the case (evidence) before them, being) of opinion that the Prisoner

Annamaty Kootalandy

Dickinson Esqr

22d May 1845

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 Prisoner in this trial composed one of an Inquest which was assembled by order of the Head of Police of the Talook of Cotah in the Zillah of Salem, in order to enquire into and report upon the circumstances under which a person named Moochacayala Panpaan, an Inhabitant of Tummamala in the same Talook, found dead, — hanging by his neck to a post in his own house, on the morning of the 19th August 1844 had come by his death.

2 The Inquest having inspected the body, on the 20th of the said Month of August drew up a Report of the evidence that they had taken, which they delivered to the Tahsildar. In the concluding part of the Report there a

th

the following words:-

"There are marks of blood
"on the dead body, and the statements
"of the persons examined are contradictory.
"Under these circumstances I dare not
"appear that Pampadoo died by hanging
"himself, but we arrive at the conclusion
"that some body or other must have killed
"him by hanging."-

3. On the 27th of the same month of August the acting Magistrate of — Store while prosecuting an inquiry into the supposed murder of Pampadoo took a deposition from the Prisoner on Solemn affirmation that he would depose truly, as to the appearance of the body of the deceased at the time he Inspected it. In that deposition thus solemnly affirmed, the Prisoner states that he had composed one of the Inquest but denied that the body bore any marks of blows or blood upon it, and declared that when he and the other two bore of the

Inquest found a Statement to this effect to have been inserted in the Verdict, they one and all refused to sign it, which however they had been compelled to do by the Head of Police.-

4. Depositions having been taken from various persons in proof of the Verdict having been the spontaneous production of the Jury, and of the subsequent Statement before the acting Magistrate being false, the Prisoner was forwarded to the Court on a charge of Perjury, on which he was committed for trial before the Session Court.-

5. Four persons were examined to prove that Proceedings of that Inquest, namely the Widow of the deceased Pampadoo, the Head of Police, the Chief Peon attached to the Head of Police and a Peon also attached to the same officer.-

6. The Court have given the evidence of these Witnesses the best consideration

The

22nd May 1845

The result is that they find the case to be involved in so much uncertainty that it is altogether impossible or such testimony to declare the Prisoner innocent

7 The Head of Police and the person whom the Prisoner pointed out as having empleed the Inquest to give a false verdict

8 Nothing that this witness could say to the contrary could be admitted as evidence against the Prisoner

9 The same remark applies also to the Chiefmen and Persons belonging on the Establishment of the Head of Police as would be likely to support his statement

10 As the Court do not therefore consider it to be proved that the verdict was the free and unbiassed judgment of the Inquest the charge of perjury as a matter of course falls to the ground

11 The Court also set aside the conviction of the Trial without entering into the irregularity of the Police Magistrate not placing on Record before them the Evidence

Jn.
22nd May 1845

verdict of the inquest which the Prisoner is represented to have signed, and the depositions given by the Prisoner on Solemn affirmation before the Acting Magistrate in which he denied that he had voluntarily signed that verdict

12 The Court are of opinion that the verdict of the Inquest as well as the depositions were included among the proceedings of the Magistrate This was not sufficient They should have been sent in and duly proved in the trial before the Session Court.

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Nellore for his information.

/ Sent following letter at p 38 /

Read letters dated 10th Instant from the Sessions Judge of Nellore transmitting the Record of Trials in Cases Nos 27-28-29 and 30 on the Calendars of the Sessions Court for 1845.

/ See Letter Nos 1396-1397-1398 & 1399 /

22d May 1845

Case N: 27 of 1845.

H Dickinson Esqr

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

"Kaveneeady Nairamasay"

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.

Case N: 28 of 1845.

H Dickinson Esqr

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

"Adooree Vencatareddy"

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.

Case N: 29 of 1845.

H Dickinson Esqr

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before

22d May 1845

them being of opinion that the Prisoner

"Pullatty Chengamanaidoo"

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.

Case N: 30 of 1845.

H Dickinson Esqr

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

"Paravol Andapah"

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.

The Court having acquitted the Prisoner in Trial N: 26 of 1845 of the Nellore Calendar, with which these trials are intimately connected, on the ground that it has not been satisfactorily proved that the Verdict of the Jury

confirmed

22nd May 1845

contained the free and spontaneous confession of the members of that body, which does not as a matter of course that the Prisoners in these Trials should also be acquitted.

Ordered, that Extract of these Proceedings be sent to the Superintendent of Police of Allore for his information.

Sent following letter No 754

Monday
25th May 1845

In Court of the Fouzdaree Adawlut

Present

Henry Dickinson Esqr. 1st Puisne Judge

G. I. Waters Esqr. 2nd Puisne Judge

Malcolm Lewin Esqr. 3rd Puisne Judge

Read Calendar in Case

No 23 of 1845 on the file of the Session

Court of Cuddapah dated the 10th Instant

(Here enter F. C. No 1393)

The Prisoner was charged with breaking into the house of the prosecutor at midnight and stealing therefrom Jewels valued at Rupees 464-12

2. The evidence against the Prisoner was sufficient for his conviction; he was sentenced by the Session Judge to 7 years imprisonment with hard labour in irons under the provisions of Section XV Regulation VII of 1802.

3. The Session Judge in consideration of the youth of the Prisoner who is a Lad of about [illegible] years of age and having been some

in the Prosecutors Service) was probably made a tool of by others, begs to recommend that the sentence be mitigated to 2 years imprisonment with 30 lashes and 8 stokes that this recommendation has been communicated to the Prisoner.

4 On a perusal of the Calendar in this case and of the remarks of the Session Judge, the Court resolve to direct that the sentence passed on the Prisoner be mitigated to 4 years imprisonment with 30 lashes.

5. The Court are of opinion that the sentence if mitigated to the degree proposed by the Session Judge would be inadequate to the crime of which the Prisoner has been convicted.

Ordered that an Extract of these proceedings be sent to the Session Judge of Cuddapah for his information and guidance.

(Sentence No. 755)

Read Calendar of Cases No. 15 & 16 and 17 of 1845 on the file of the Session Court of Combaconum under date the 12th Instant

(No. 1420)

Case No. 16

1 The Prisoners were charged with Gang Robbery.

2 The evidence against the 3d. and 4th Prisoners being insufficient to their Conviction they were ordered by the Acting Session Judge to be released.

3 The 1st and 2d Prisoners were convicted of the Crime laid to their charge by the Acting Session Judge in concurrence with the Law Officer.

4. The Acting Session Judge being of opinion that the case presents no features of an aggravated nature which render it necessary to inflict on the Prisoners the extreme measure of punishment prescribed by Clause third Section XV Regulation XV of 1803 recommends a mitigated sentence of 4 years imprisonment with hard labor in irons.

5 On a perusal of the Calendar in this Case and of the remarks of the Acting Session Judge, the Court resolve to sanction the mitigation of sentence proposed by that Officer.

Ordered that an Extract of the

2nd May 1845.

Proceedings be sent to the Acting Session Judge of Combaconum for his information and guidance.

(Sent in Sr No 207)

Read communication from the Session Judge dated the 5th Instant from the Session Judge of Salem submitting for the opinion of the Court of Sudder Adawlut the proceedings had in case No 23 of 1845 on the file of the Session Court, in which the Prisoner was charged with theft attended with homicide

(Vide enter F.W. No 11 1845)

The Court of Sudder Adawlut on a deliberate consideration of all the circumstances of the case as evidenced before them, being of opinion that the Prisoner

Coolie

is not convicted on presumptive proof, on the evidence of credible witnesses, or on his own confession of the crime of theft attended with homicide, do acquit him thereof, and direct that he be unconditionally released.

The Session Judge of Coimbatore

G. A. Walters
and
M. Lewin

23rd May 1845.

with the 2d Jurors of the Land Officer convicts the Prisoner of the crime laid to his charge and recommends a sentence of 10 years imprisonment with hard labor in irons.

2 On an attentive perusal of the letter of the Session Judge and of the record in this case the Court of Sudder Adawlut are unable to concur in the conviction of the Prisoner. The Court are of opinion that the recognition of the Prisoner by the deceased (which is one of the main points in the evidence for the prosecution) is not established, as it appears from the deposition of the deceased taken before the Tahsildar that he merely "recognised the Prisoner by his voice."

3 Such a recognition the Court consider, is utterly insufficient to prove that the Prisoner was the person among many others who threw the Stone which inflicted the fatal wound.

4 The Court observe that the evidence of the son of the 1st Witness is considerably invalidated by his previous Statement before the Village Officer to the effect "that certain Koonavers might have committed

committed the crime.

5. The Court attach no credit to the evidence of the other witnesses.

6. Under these circumstances the Court resolve to acquit the Prisoner Cookie of the crime laid to his charge.

Ordered that Extract of these Proceedings be sent to the Session Judge of Salem for his information and guidance.

(Sent in No. 758)

Read the Criminal Reports submitted by the Principal Sudr Ameen of Trichinopoly for the Month of April 1845.

(Here enter No. 1272)

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

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

(Sent in No. 759)

Read letter dated the 16th Ultimo from the Acting Subordinate Judge of Calicut stating with reference to the Extract from the Proceedings

Proceedings of Tongdarce Udalut of the 8th March 1845, that he conceives the Seer to be about 80 Rupees weight instead of 24, and that in consequence no alterations would be made in the Convicts fetters until further directions were received.

(Here enter T. U. No. 1204)

Read letter dated the 22d Ultimo from the Acting Agent to the Governor at Ganjam, reporting that no Criminal cases were tried during the Month of March 1845.

(Here enter T. U. No. 1273)

Read return dated the 28th Ultimo from the Principal Sudr Ameen of Chingleput to the Precept of the Tongdarce Udalut under date the 26th April 1845, requiring him to submit a fuller explanation of his sentence in Case No. 31 of the report for the Month of March last.

(Here enter T. U. No. 1275)

Read letter dated the 24th Ultimo from the Session Judge of Calicut, reporting that nothing was realized by the labor of the Prisoners in the Jails at Calicut and Cochin during the 1st Quarter of 1845.

(Here enter T. U. No. 1277)

Read

Read Statement dated the 1st Ultimo from the Subordinate Judge of Tellore shewing the amount realized by the labor of the Prisoners in the First Quarter of 1845

(Here enter F. U. No. 1287)

Read Calendar dated the 26th Ultimo from the Session Judge of Tanjore in Case No. 30 of 1845.

(Here enter F. U. No. 1288)

Read letter dated the 29th Ultimo from the Subordinate Judge of Bellary stating that the remarks on the Case alluded to in the Extract from the Proceedings of the Tongdaree Adalut under date the 23d April 1845, have been communicated to the Moofty Sudr Ameen.

(Here enter F. U. No. 1285)

Read return dated the 28th Ultimo from the Session Judge of Madura to the precept of the Tongdaree Adalut under date the 23d April 1845, calling upon him to explain the causes which prevented the trial in Cases Nos. 54 & 55 being closed before the 10th March and why it was necessary that 15 days should be consumed in declaring sentence on the Prisoners.

(Here enter F. U. No. 1287)

Read

Read letter dated the 1st Instant from the Session Judge of Nellore, reporting "that no cases were pending before the Session Court last Month for a period in excess of 25 days calculated from the date of Commitment.

(Here enter F. U. No. 1288)

Read return dated the 1st Instant from the Principal Sudr Ameen of Nellore to the precept of the Tongdaree Adalut under date the 23d April 1845 containing their observations on the Criminal Reports for the Month of March 1845.

(Here enter F. U. No. 1289)

Read Calendar dated the 29th Ultimo submitted by the Session Judge of Madura in Case No. 11 of 1845.

(Here enter F. U. No. 1292)

Read Calendar dated the 25th Ultimo submitted by the Session Judge of Tellicherry in Case No. 8 of 1845

(Here enter F. U. No. 1294)

Read letter dated the 4th Instant from the Acting Session Judge of Cuddalore reporting that no case was pending trial before

before the Session Court for a period
exceeding 25 days during the Month of
April 1845.

(Here enter F. U. No. 1298)

Read Criminal Report dated
the 19th Ultimo submitted by the Acting
Magistrate of Cuddapah for the Month of
March 1845.

(Here enter F. U. No. 1208)

Read letter dated the 1st Instant
from the Session Judge of Cuddapah, reporting
that no cases were tried during the Month
of April 1845.

(Here enter F. U. No. 1299)

Read Criminal Report dated
1st Instant submitted by the Session Judge
of Madura for the Month of April 1845.

(Here enter F. U. No. 1305)

Read letter dated the 1st Instant
from the Subordinate Judge of Salem, reporting
with reference to the Letter of the Sonjdaree Board
dated the 24th Ultimo that the 4th Prisoner in Case
No. 53 of 1845 declares that he has no knowledge
of the murder, and is unable to give any information
on the subject.

(Here enter F. U. No. 1306)

Read.

Read Criminal Report
dated the 1st Instant submitted by the Session Judge
of Masulipatam for the Month of April 1845.

(Here enter F. U. No. 1310)

Read Criminal Report
dated the 1st Instant submitted by the
Session Judge of Rajahmundry for
the Month of April 1845.

(Here enter F. U. No. 1311)

Read return dated the 29th
Ultimo from the Acting Subordinate Judge
of Calicut to the Precept of the Sonjdaree
Adalut under date the 19th April 1845,
conveying their observations on the Criminal
Reports for the Month of March 1845.

(Here enter F. U. No. 1314)

Read letter dated the 1st
Instant from the Session Judge of Calicut
reporting that no case has been tried
during April last.

(Here enter F. U. No. 1328)

Read Criminal Report dated the
1st Instant submitted by the Agent to the Governor
at Vizagapatam for the Month of April 1845.

(Here enter F. U. No. 1325)

Read

23d May 1845.

Read Criminal Report dated 1st Instant submitted by the Session Judge of Tellicherry for the Month of April 1845.

(Here enter F. C. No 1329)

Read letter dated the 29th Ultimo from the Session Judge of Honore reporting with reference to the communication of the Tonjdaree Udalut under date the 28th March 1845, that the Prisoners in Case No 28 of 1844 on the Honore Calendar sentenced to transportation were forwarded to Chingleput on the 20th April 1845.

(Here enter F. C. No 1330)

Read letter dated the 1st Instant from the Session Judge of Chittoor, reporting that no case was pending before the Session Court for a period in excess of 25 days in April last.

(Here enter F. C. No 1331)

Read Calendar dated the 3d Instant submitted by the Session Judge of Bellary in Case No 16 of 1845.

(Here enter F. C. No 1334)

Read

F. C.

23d May 1845.

Read Calendar dated the 3d Instant submitted by the Session Judge of Madura in Case No 12 of 1845.

(Here enter F. C. No 1335)

Read return dated the 5th Instant from the Session Judge of Salem to the precept of the Tonjdaree Udalut under date the 30th April 1845 directing the perusal of the charge of false complaint preferred in No 24 of the Salem Criminal reports for the Month of January last and the disposal of it on merits under Regulation IX of 1832.

(Here enter F. C. No 1338)

Read letter dated the 11th Instant from the Acting Session Judge of Trichinopoly, reporting for the information of the Tonjdaree Udalut that Poovan a Prisoner under sentence of the Principal Sudr Ameen on failure to find security in two Sureties of Rupees 25 each for 6 months, effected his escape from Custody when employed under charge of a Peon, in collecting fuel at the South gate of the Fort on the 10th Instant between

4

1 and 3 o'Clock P. M.

(Here enter T. U. No 1461/45)

Read return from the Acting Session Judge of Trichinopoly under date the 3d Instant to the precept of the Tuyjaree Wakil Vedalie the 4th Ultimo directing the Acting Session Judge to call for and look into the proceedings in the Cases noted marginally and to pass such orders thereon as should seem proper, reporting the result for the information of the Tuyjaree Vakil.

(Here enter T. U. No 1318)

1. The Acting Session Judge submits with his return an Extract from the Proceedings of the Session Court under date the 3d Instant containing his observations and orders on each of the Cases above referred to and also copies of a return received from the Magistrate affording an explanation with reference to the instructions issued by him to the Police Ameen of Soorsaly in Case 24 on the file of the Principal Sudr Ameens Court.

Cases 14 22 24 and 24 on the file of the Principal Sudr Ameens Court.

2. On a perusal of the return of the Acting Session Judge and of its enclosures, the Court are of opinion that the extreme length

23d May 1845.

length to which the remarks of that officer have been extended, cannot have been actually necessary.

3. The Court however are fully aware of the difficulty which exists in prescribing a rule by which officers should be guided in communications of this nature.

4. The Court entirely concur in the propriety of the Magistrate's proceedings in the case above alluded to, and deem the explanation afforded by that officer to be perfectly satisfactory.

Ordered that Extract of these Proceedings be sent to the Acting Session Judge for his information and for communication of Paras 1 and 4 to the Magistrate of Trichinopoly.

(Sent in No 740)

J. Ole.

Monday }
25th Augt 1845 }

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esquire 1st Puisne Judge.
George J. Waters Esquire 2nd Puisne Judge
Malcolm Lewin Esquire 3rd Puisne Judge.

Read letter dated the 15th Instant from the Session Judge of Mangalore submitting the record of the trial in Case No. 35 on the Calendar of the Session Court of Mangalore for 1845.

(Here enter No. 1483.)

Mr. H. B. Dickinson and Mr. G. J. Waters

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,

Sakeeroo

is sufficient to convict him of the crime of Murder, do convict him thereof and under the provisions of Section X

Regulation

Regulation VIII of 1802 sentence him a-
-to - suffer death by being hanged at
the usual time and place of execution.-

1. The Prisoner in the above
case was charged with having caused the
death of his wife by striking her on the
head with a billhook.-

2. The Session Judge states that
the murderous attack made by the Prisoner
on the deceased "appears to have been un-
-premeditated" and under circumstances
represented he resolved to treat the offence
as manslaughter of the most heinous de
-scription and has recommended that the
Prisoner be sentenced to banishment
for life.-

3. The Court of Sudder
Udalut are of opinion after an attentive
consideration of the record laid before
them, that no doubt can exist as to the
propriety of convicting the Prisoner of
murder.-

4. He pleaded guilty of the
offence both when arraigned and when
put

put on his offence before the Sessions
Court.-

5. The confession of the Prisoner
before the Head of Police subsequently
confirmed before the Subordinate Judge,
contains a clear acknowledgment that he
had determined to kill his wife before
he even entered the room in which she
was.-

6. His treatment of his mother
when she attempted to divert him from
his purpose proves the Prisoner to be of
a most savage disposition.-

7. The provocation existing in
the few words addressed by the deceased
to the Prisoner was scarcely sufficient to
excite displeasure, still less to occasion
immoderate rage and open violence; and
the Court are quite at a loss to under-
-stand why the Sessions Judge should
have recommended any other punishment
than death in so clear a case of wanton
and barbarous murder.-

J.T.

8. It is further to be observed that the Prisoner influenced by feelings of jealousy, which he admits to have been founded upon suspicion merely, fully admits that he entered the room where the deceased was with a determination to put her to death which he did accordingly.-

9. The Court can designate the crime proved by no other word than "Murder" and as death is declared by the Law to be the penalty for that crime they can consent to no other sentence being passed on the Prisoner.

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

(Sent following letter No. 764

Read Criminal Reports for the Month of April submitted under date the 9th May 1845 by the Subordinate Judge of Bellary.

(Here enter F°. No. 1431.)

Two

F°. 76

26th May 1845.

Report No. V Case No. 1.

40.

Two prisoners in this case are charged with having purchased four asses belonging to the Prosecutor from one Kochee Shunmoogah without informing the Circar and have been sentenced by the Pundit Sudr Ameen, A. Ishwara Sastry, to 4 months imprisonment under Section VII Regulation X of 1832.-

2. The Regulation quoted has no application to the offence committed by the Prisoners and refers to entirely a different matter.- The Court presume that it was the intention of the Sudr Ameen to quote Section IX Regulation XIII of 1832 which provides against the "purchasing, receiving or altering, the appearance of stolen property, offered under suspicious circumstances without giving information to the Head of Village or other Police Officer.-

3. This regulation is not however deemed applicable to the present

20th May 1845.

present case and unless it can be shewn that the prisoners purchased the ass knowing them to be stolen they are not in the opinion of the Court amenable to punishment and must be released.

Case No. 45. 4 The Court of Foujdaree Udalut desire further explanation of the circumstances under which the compromise in this case was admitted as far as they are at present informed it does not appear to them that a compromise of the alleged theft was admissable.

Case No. 51. 5. The offence charged in this case being punishable under Clause sixth Section II Regulation VI of 1822 the sentence as it stands recorded is incorrect. The Court will not now disturb it but they observe that according to the construction of the above provisions promulgated in Circular Order No. 139 the imprisonment should have been in excess of 6 months.

6. The attention of the Pundit Sudr

Sudr Ameen must be recalled to this Circular Order and he must be warned to be more careful in his future Criminal Proceedings.

Ordered that Extract from these Proceedings be forwarded to the Subordinate Judge of Bellary for his information by precept returnable in 5 days from and after its receipt.

(Sent following precept No. 755)

Read Criminal Reports for the month of April last submitted by the Session Judge of Chicacole.

(Here enter F. C. No. 1363 of 1845)

Report No. V Case No. 21. The form of report adopted by the Session Judge in this case is incorrect.

2. The Reports now under consideration are of cases tried and decided by the Session Judge in his capacity of Criminal Judge and should not include reports of the proceedings of the

26th. May 1845.

the Sessions Court.

3. Whenever the circumstances of a case are such as to remove it from the jurisdiction of a Criminal Court and render its commitment necessary a short and succinct abstract of the circumstances in evidence by which the case was removed should be inserted in the appropriate column of the report according to the practice adopted in the late Criminal Courts in all cases committed to the Courts of Circuit and a Calendar drawn up according to the directions conveyed in the Extract from the proceedings of this Court of the 12th. December 1843 should be submitted in due course, except in such cases as shall be referred for the final sentence of the Foujdary Udalut in which cases it has been ruled that the transmission of a Calendar is unnecessary.

F.D. letter 28th. February 1844.

Ordered, that Extract from these proceedings be sent to the Sessions Judge

F.D. 26th. May 1845.

Judge of Chicacole for his information.

(Sent in No. 756)

Read letter dated 3d. May 1845 from the Session Judge of Bellary submitting in reply to the proceedings of the Foujdary Udalut of the 29th. Ultimo an explanation of the grounds of the judgment awarded in case No. 10 of 1845 on the Bellary Calendar for the current year.

(Here enter F.D. No. 1333)

1. The Court after an attentive perusal of the foregoing letter, see no reason to alter the opinion expressed in their proceedings of the 29th. Ultimo, on the contrary they are confirmed in the justice and propriety of it.

2. Pure love of mischief attended with the probabilities of the disastrous consequences to life and property, such as might have been fairly presumed to follow the act committed in this case is not usually unaccompanied by

26th May 1845

by malice.-

3. There is no proof that force was used in this instance to obtain the attendance of the prisoner at the scene of the conflagration, nor that he made any efforts to stay its ravages neither is it to be supposed that he was ignorant of the consequences which might result from it.-

4. There is every reason therefore to presume that he was actuated by malice and the uncertainty of the amount of injury which might accrue from the act greatly aggravated the offence.-

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Bellary for his information.-

(Sent in No. 767)

S. C.

At a Court of the Fouzdaree Adalut

Tuesday 27th May 1845.

Present.

Henry Dickinson Esqre 1st
G. J. Waters Esqre 2d
Malcolm Lewin Esqre 3d
} Puisne Judges

Read Criminal Reports under date the 1st Instant, submitted by the Principal Sudr Ameen of Tinnevelly for the Month of April 1845.-

(Here enter S. C. No. 1366)

Case No. 29. The Court observe that this case reached the Principal Sudr Ameen's Court on the 29th of March, and that no steps appear to have been taken by that officer until the 29th of April.-

2. The Principal Sudr Ameen will explain the cause of delay.-

Case No. 30. 3. The Court direct that the Principal Sudr Ameen will state his reasons for believing that the theft (with which the prisoner in this Case was charged) would not have been committed without the knowledge of the 5th witness.-

4. The Court observe that the conduct of the Prosecutor in detaining the prisoner in

Custody

custody and otherwise assuming the functions of a Police officer was punishable, and accordingly resolved to direct the Session Judge to review the proceedings reporting the result of his investigation for the information of the Foujdaree Adalut.

Case No. 32.

5. The Court are at a loss to understand how the Session Judge could have had occasion to interfere in this Case on the 8th of April or 20 days previous to the date of the sentence passed by the Principal Sudr. Ameen.

6. The Session Judge will state the cause which led to his interference at such an early stage of the trial.

7. It appears to the Court that if the two offences with which the prisoner, were charged were committed at the same time, the Principal Sudr Ameen should have taken cognizance of them both.

Case No. 34

8. The Court observe that the sentence passed in this case should take effect only in the event of the prisoner being released in the charge in the following case, on which they are committed for trial before the Session Court.

Ordered, that Extract of these Proceedings be sent to the Principal Sudr. Ameen of Tinnevelly for his information and guidance by precept returnable within

within X days from and after its receipt.

(Sent following Precept No. 771).

Ordered also that Extract of these Proceedings (paras 3, 4, 5, 6 and 7) be sent to the Session Judge of Tinnevelly for his information and guidance by precept returnable without delay.

(Sent following Perecept No. 772)

Read Criminal Reports for the month of April 1845, submitted under date the 3rd May 1845, by the Acting Subordinate Judge of Calastri.

(Here enter F. R. No. 1343 of 1845).

Suppl. Report Case No. 25.

1. The Court desire to be informed why this case which reached the Subordinate Court on the 5th February is still under investigation. The Court further desire that the attention of the Acting Subordinate Judge be recalled to Circular Order 11th April 1832.

Case No. 15.

2. The Acting Subordinate Judge having re-examined this case under sanction from the Foujdaree Adalut, has recorded his opinion that it is to be regretted that the Pundit did not go into it more carefully before sentencing the prisoner who is ordered to be released.

3. The Court of Foujdaree Adalut are sorry to find that the proceedings of the Pundit are

are open to so severe a censure as that recorded against him by the Subordinate Judge, and they desire that he be warned to be more careful and circumspect in future, or it will become the duty of the Foujdaree Adalut to mark their disapprobation by a more decisive measure.-

Report No. V
Cases No. 61 1865.

4 The charges in these cases are defective and irregular, each charge should be in itself complete and not require a reference to former proceedings.-

5. The Court further observe that the sentence in case No. 61 and also case No. 65 is irregular, the number of securities to be furnished should in each case be specified by the presiding Officer, and not left to the option of the prisoner.-

Ordered, that Extract from these proceedings be sent to the Acting Subordinate Judge of Calicut for his information.-

(Sent in No. 773)

Read Calendar of Case No. 43 of 1845 on the file of the Sessions Court of Cuddalore, submitted under date the 10th May 1845 by the Acting Sessions Judge of Cuddalore.-

(Here enter F. U. No. 1414)

Read letter dated the 10th Instant from

from the Acting Civil Judge of Cuddalore, regarding the measures adopted for effecting a reform in the Sudr. Ameen's Court at Cuddalore.-

(Here enter S. U. No. 1153.)

Read the Criminal Reports dated the 30th Ultimo, submitted by the Principal Sudr. Ameen of Cuddalore for the Month of April 1845.-

(Here enter No. 1354).

Before proceeding to dispose of this Calendar and the communications connected with it, the Court of Foujdaree Adalut deem it proper to call for an English translation of the record of the trial, and such explanations as the Hoosty Sudr. Ameen may desire to submit regarding the Extract proceedings held by the late Acting Civil Judge, under date the 9th of May, with a view to introduce a reform in the Court of the Hoosty Sudr. Ameen.-

2. The Sessions Judge will be pleased to submit the required record and explanation with the least practicable delay.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Cuddalore for his information by precept returnable in XV days from and after its receipt.-

(Sent following Precept No. 774.

Read

27th May 1845

Read Criminal Reports for the Month of April 1845, submitted under date the 1st Inst. received on the 15th May of 1845 from the Acting Subordinate Judge of Mangalore.

(Here enter F: R: No. 1428 of 1845.

Report No. V
Case No. 68.

1. It is represented in this case that the prisoner was apprehended on the 30th March. The Court of Foujdaree Adalut require to be informed where the prisoner was from that date till the 9th April, on which day he is stated to have been forwarded to the Subordinate Court:- Copy of the Case as it stands in the report and of this parah should be sent by the Acting Subordinate Judge to the Magistrate, who will be pleased to transmit the information now called for direct to the Foujdaree Adalut.

Case No. 77.

2. A Copy of this case also must be forwarded to the Magistrate, who will be pleased to explain whether this case was forwarded to the Subordinate Court under Foujdaree Adalut Circular Order No. 140.-

3. Unless it was so forwarded the regulation quoted is inapplicable and the sentence being illegal must be set aside.-

Ordered, that Extract from these proceedings be sent to the Acting Subordinate Judge of

27th May 1845.

of Mangalore for his information.-

(Sent in No. 775)

Read letter dated 19th Ultimo from the Acting Sessions Judge of Coimbatore, reporting execution at 7 O'clock on the morning of the 19th Instant, of the sentence of death passed on Javanon the Prisoner in Case No. 3 of 1845 on the Calendar of the Sessions Court at Coimbatore.-

(Here enter F: R: No. 1203 of 1845)

Read Calendar in Case No. 10 of 1845, Submitted by the Session Judge of Madura under date the 18th Ultimo.-

(Here enter F: R: No. 1205 of 1845.)

Read Calendar in Case No. XIII of 1845, Submitted by the Session Judge of Calicut under date the 17th Ultimo.-

(Here enter F: R: No. 1206 of 1845).

Read Report dated 18th Ultimo Submitted by the Magistrate of Tinnevelly of Cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the Month of March 1845.-

(Here enter F: R: No. 1209 of 1845).

Read letter dated 17th Ultimo, from the Magistrate of South Arcot informing the countermission of the Report under Section LIV

27th. May 1845.

Act VII of 1843 for the month of March 1845.

(Here enter F. C. No. 1210 of 1845)

Read letter dated 17th. Ultimo, from the Acting Magistrate of Canara, Submitting with reference to the proceedings of the Foujdaree Udalut of the 28th. Ultimo, copy of a letter from Acting Head Assistant Magistrate of Canara, in explanation of the grounds on which his order for the reapprehension of the Prisoner in Case No. 8 Criminal Report No. 5 was based.—

(Here enter F. C. No. 1215 of 1845)

Read Statement dated 17th. Ultimo Submitted by the Sessions Judge of Canara shewing the amount realized by the labor of the Prisoners in the Jail for the 1st. Quarter of 1845.—

(Here enter F. C. No. 1216 of 1845)

Read Calendar in Case No. XI of 1845 Submitted by the Sessions Judge of Mangalore under date the 19th. Ultimo.

(Here enter F. C. No. 1219 of 1845)

Read Calendar in Case No. XII of 1845; Submitted by the Sessions Judge of Mangalore under date the 19th. Ultimo.—

(Here enter F. C. No. 1220 of 1845)

Read Calendar in Case No. XVI of 1845, Submitted by the Sessions Judge of Mangalore under date the 19th. Ultimo.

(Here enter F. C. No. 1221 of 1845)

F. C.

Wednesday 28th. May 1845.

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqre. 1st.
G. J. Waters Esqre. 2nd.
Malcolm Lewin Esqre. 3rd.
} Puisne Judges

Read letter dated the 9th. Instant from the Acting Sessions Judge of Combaconum Submitting the record of the Trial in Case No. 12 on the Calendar of the Sessions Court for 1845.—

(Here enter No. 1419)

Mr. Dickinson and Mr. Waters.

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

3rd. Yanguppon

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 III Regulation I of 1825, Sentence him to be imprisoned and Kept to hard labor in irons on the public

public roads, or other public works, for
and, during the period of /5/ five years.
But being of opinion that the prisoner
1st Awoomoongum
is not convicted on presumptive proof, or on
the evidence of credible witnesses, or on his
own confession of the crime alone stated;
do acquit him thereof; and direct that
he be set at liberty.—
(Sent following letter No. 791

Read letter dated the 16th
Instant from the Sessions Judge of Mangalore
submitting the records of the trial in Case
No. 38 on the Calendar of the Sessions Court
for 1845.—

/Here enter No. 1485/

Mr. Waters and Mr. Lewin.

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

Nundhu

is sufficient to convict him of the crime
of Murder, do convict him thereof; but
being

Case No. 70

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 imprisoned and kept to
hard labor in irons on the public roads
or other public works, for, and, during the
period of /10/ ten years.—
(Sent following letter No. 791

Read Criminal Reports
under date the 1st Instant submitted by
the Acting Subordinate Judge of Chittoor
for the month of April 1845.—

/Here enter Fld. No. 1432/

1. The Court observe that the
Acting Subordinate Judge has omitted to
state before what officer the prisoners
in this case preferred the false complaint
with which they were charged.—

2. With reference to the Statement
of Extra Sums employed, the Court
observe

28th May 1845.

observe an excess of 13 Pagodas over Duffadars and one Rairgue over the prescribed number.

3. The Court accordingly resolved to call the attention of the Acting Subordinate Judge to the Circular Orders noted in the margin who will submit a full explanation of the excess referred to.

Sec. 33 and 85.

Ordered that Extract of these Proceedings be sent to the Acting Subordinate Judge of Chittoor for his information and guidance by first post returnable within V. days from and after its receipt.

/Sent following precept No. 80/

Read letter dated the 12th Instant from the Magistrate of Madras requesting the opinion of the Sangaree Vackeel as to competency of a Magistrates to enquire into a case of a fraudulent disposal of goods not exceeding the value of 60 Rupees and unattended by any aggravation:-

/Here Enter No. 1464/

1. This reference originated out of a requisition made by the Magistrate of Tanjore to the Political Agent of Pudoocottah for

J.H.

28th May 1845.

for the apprehension and transmission for trial before the Tahsildar of Puttacotta of a person charged with having transported and sold in the Tondiman's Country a Sarce of Salt which he was employed to carry and deliver in a village belonging to the Company.-

2. The Political Agent first objected to the jurisdiction of the Magistrate and on further correspondence questioned the expediency of subjecting an individual charged with such an offence to trial before a Sessions Court the only authority which he conceives is competent by Clause Seventh Section II Regulation XV of 1803 to try and dispose of such cases under the Mahommedan Law.-

3. The Magistrate of Tanjore differs in opinion from the Political Agent in respect to the tribunal competent to punish petty cases of fraud but whatever might be the result of the investigation on this case it appears to the Magistrate that it should be

Made

made by himself piecemeal as the offence with which the accused is charged cannot be within the jurisdiction of the Magistrate of Tanjore.—

4. The Court observe that the Political Agent appears to have lost sight of the provisions of Section VII Regulation X of 1816 the powers of which have by Section LIV. Act VII of 1843 been extended to Magistrates and whereby they "are empowered to dispose of all cases "punishable under the Mahommedan Law, "for which a more severe punishment than Six Months imprisonment with thirty rattans, or a fine of two hundred Rupees may not have been specially prescribed."

5. The prisoner in the case under reference is clearly punishable under the Mahommedan Law as laid down in the provision quoted above and should, the Court consider, be forwarded to the Magistrate of Tanjore as it seems undisputed that the offence was committed in his District.—

Ordered

Ordered that Extract from the proceedings be forwarded to the Magistrates of Madura and Tanjore for their information.

(Sent in Nos. 781 and 782)

Read Calendar of Cases No. 15 of 1845 submitted by the Sessions Judge of Madura under date the 17th Instant.—

(Here enter No. 1496 of 1845)

Seven Prisoners were convicted in this case of having in company with some others, not yet apprehended come armed with bill hooks, Cudgels &c. and wounded the Prosecutor from the effects of which treatment the Prosecutor 2 teeth fell out. The Prisoners are further convicted of having robbed the Prosecutor of his Vaishty Cloth, Handkerchief &c. valued at Rupees 1-4- and also of having cut and carried away Paddy valued at Annas 8 and were sentenced to 14 Years imprisonment under Clause third Section IV Regulation XV of 1803. But the Sessions Judge being of opinion that this punishment would be too severe for all the prisoners except the 1st 5th and 6th recommends a mitigation

28th May 1845.

mitigation of punishment in favour of the
2nd 3rd 4th and 7th prisoners—

2. The Court of Foujdaree Adalut
having maturely considered the circumstances
of the case represented in the Calendar
sanction under Clause third Section III Regl.
tion I of 1825 the mitigated punishment
recommended by the Sessions Judge of Madura
and accordingly direct that the prisoners

2nd Mootoosawmy
3d Callyaharry
4th Vaitavandeu
7th Coothien

Prisoners

and

be imprisoned and kept to hard labor
in irons on the public roads or other
public works for, and during the period
of Seven Years.—

Ordered that Extract from
these proceedings be forwarded to the
Sessions Judge of Madura by express to
returnable in 3 days from and after
the receipt.—

(Sent following express 30th May 53/-

WDM
H

F. W.

Thursday. 29th May 1845.

At a Court of the Foujdaree Adalut.

Present:

Henry Dickinson Esqre. ---- 1st
G: I: Waters Esqre. ------ 2d
Macolm Lewin Esqre. ---- 3d

} Puisne Judges

Read letter under date the 8th Instant from the Acting Sessions Judge of Trichinopoly, submitting the record in Case No. 6 of 1845 on the file of the Sessions Court for the final orders of the Foujdaree Adalut.—

(Here enter F: W: No. 1369)

Mr. H: Dickinson.
and
Mr. G: I: Waters.

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 Annavee and
2d Mootoocurpen

is sufficient to convict them of assault, 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

Regulation XV of 1803 do 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 six (6) months. But being of opinion that the prisoners

3d. Vencatachellum
4th. Cantaperumal
and
5th. Jemboolingum.

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the Crime above stated, do acquit them thereof, and direct that they be set at liberty.

1. The prisoners in this Case were charged with having assaulted the prosecutor, the 1st. and 2d. prisoners were also charged with having beaten the Prosecutor's daughter, in consequence of which she died.

2. On an attentive perusal of the letter of the Acting Sessions Judge and of the proceedings in this case the Court are of opinion that the 1st. and 2d. Prisoners are clearly convicted of having assaulted the Prosecutor's daughter, but that it is not proved that she died from the effects of the blows inflicted by them.

3. The Court are at a loss to account for the neglect apparent in the proceedings of the Acting Sessions

Sessions Judge in omitting to question the 6th. Witness regarding the contradiction adverted to in the 24th. para. of the communication now under remark and accordingly resolve to direct that officer to submit any explanation he may have to offer on this subject.

Ordered, that Extract of these Proceedings be sent to the Acting Sessions Judge of Trichinopoly for his information and guidance by precept returnable within 10 days from and after its receipt.

(Sent following Precept No. 787)

Read return dated the 7th. Instant from the Sessions Judge of Guntoor, to proceedings of the Foujdaree Adalut dated the 28th. Ultimo, requiring him to report what further measures had been adopted for the reapprehension of the prisoners who escaped from the Jail at Guntoor on the 1st. of February last, besides simply addressing the Magistrate, and what steps had been taken to remedy the defect pointed out in the 8th. Para. of his letter of the 8th. of that month.

(Here enter F. H. No. 1358).

1. The Sessions Judge with his return submits copies of two letters received from the Acting Magistrate, reporting the measures which have been adopted by that officer for the reapprehension of the prisoners referred to.

The

2.

The Sessions Judge further states that in consequence of the Civil Engineer not having visited the district nothing has been done to remedy the defects in the doors of the Solitary cells.-

3.

The Court of Foujdaree Adalut are of opinion that in the absence of the Civil Engineer, a Sanity might be found competent to execute the trifling work required, for the completion of which it is probable that the Estimate might be sanctioned under the authority vested in this Court.-

Ordered, that Extract of these Proceedings be sent to the Sessions Judge of Guntoor for his information and guidance by Precept returnable without delay.-

(Sent following Precept No. 788).

Read Calendar of case No. 9 of 1845 on the file of the Sessions Court of Chittoor, submitted under date the 2nd. Instant.-

(Here enter F: A: No. 1368)

1.

Three prisoners in this case are charged with having attacked the prosecutor in the high road, and stolen from him property amounting to Rupees 15-8 and have been sentenced by the Sessions Judge under the provisions of Clause third Section IV Regulation XV of 1803. to fourteen years imprisonment.-

2.

Adverting to the circumstances of the

robbery, the amount of property stolen, and the confession and immediate production of the property by the prisoners, and the absence of any thing whatever tending to aggravate the Crime of the prisoners, the Court of Foujdaree Adalut are of opinion that a sentence of 8 years imprisonment would amply meet the ends of justice in this case.-

3.

In exercise therefore of the powers vested in them by Section XXXV Act VII of 1843, they resolve to direct that the sentence be reduced to that extent.-

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

(Sent following Precept No. 789).

Read Criminal Reports for the months of April 1845, submitted under date the 8th. instant by the Acting Subordinate Judge of Cuddapah.-

(Here enter F: A: No. 1388.)

Report No. V Case No. 57.

The prisoner is charged with having killed with a stone a buffalo calf belonging to the prosecutor, and has been sentenced by the Acting Subordinate Judge to find two sureties in 10 Rupees each for 3 months, or in default to be imprisoned for the

the same period in consequence of their being entirely
reason to suspect that the animals death was accidental
and not malicious under these circumstances the Court
are of opinion that the Acting Subordinate Judge
was not justified in requiring the prisoner to find
security, and they desire that the bail bonds be cancelled
and the prisoner be unconditionally released.

Case No. 53 — 2.

The prisoner in this case is Police
Peon has been sentenced by the Acting Subordinate
Judge under Section XXIII Regulation VIII of 1802 to be
dismissed for neglect of duty in allowing the escape of a
suspected person kept under restraint on suspicion.

3.

The Court are of opinion that this sentence
is not warranted by the Regulation quoted, if any might
is imputable to the prisoner he should have been forwarded
to the Magistrate to be dealt with according to the regulation
and should not have been forwarded to the Subordinate
Court. The Subordinate Judge has no power to dismiss
Police officers who are under the exclusive control of the
Magistrate.

Case No. 54 — 4.

The attention of the Acting Subordinate
Judge is recalled to Circular Order No. 130, from which
he will perceive that the sentence in this case should
have been in excess of 6 months.

Case No. 58. — 5.

Adverting to the remarks of the Sudder
Judge in this case, and to the numerous cases of petty

Cases Nos. 64, 68, 69 and 70. — petty breaches of the salt laws forwarded to the Subordinate
Court, the Court of Foujdaree Udalut desire that the
attention of the Acting Magistrate be drawn to Act XVII
of 1840, and that it be explained to him, that the objec
in view in enacting that Act was to obviate the
inconveniences and hardships to which both prosecutors
and witnesses and the offenders against Regulation V
of 1831 are exposed, when compelled to give their
attendance before the Criminal Court in the trial of offe
which from their character do not deserve so severe
punishment but by the injudicious exercise which the
Report exhibits of the powers vested in Magistrate of
forwarding aggravated offences against the Salt law
to the Criminal Courts, the ends of justice are prevent
from being promptly and effectually obtained and t
ends which it was the intention of the legislature
to remedy, are perpetuated in the Cuddapah Zillah.

6. To check so indiscreet an exercise o
the discretionary power vested in the Magistrate a
the Police in future the Court of Foujdaree Udalut
desire that it be invariably explained in forwa
a case of this nature to the Criminal Court, why
the powers of punishment vested in the Magistra
by Act XVII of 1840 are deemed insufficient.

Case No. 65 — 7. With reference to the remarks of

Acting Subordinate Judge in this case the Magistrate is required to explain why it was forwarded to the Subordinate Court.—

Case No. 70. 8. The Acting Sudr. Ameen is required to complete the sentence passed in this case by specifying the clause and Section of the Regulation under which it was passed.—

Case No. 76. 9. The prisoner is charged with having effected his escape from prons while in confinement in the Cumbum Talook Cutchery; and has been sentenced to imprisonment with fetters and hard labor for 3 Months by the Acting Subordinate Judge, under Clause third Section V. Regulation VII of 1822.—

10. Hard labor in irons is an illegal sentence under clause third Section V Regulation VII of 1822, simple imprisonment with labor as its necessary consequence is all that can be imposed.—

11. This sentence must be corrected accordingly.

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

(Sent following Receipt No. 790)

Read return dated the 10th Inst. May 1845 from the Acting Sessions Judge of Cuddalore, to the Court

Receipt of the Foujdaree Adalut of the 3d Instant, directing him to revise the proceedings in Cases No. 50 and 51. on the file of the Principal Sudr. Ameen's Court, reporting the result for their information.—

(Here enter No. 1400)

1. The Court of Foujdaree Adalut concur with the Acting Session Judge in considering that an increase of punishment is not necessary on the present occasion. The aggregate amount awarded in both cases is sufficient for the ends of justice. They are however unable to appreciate the arguments used by the Acting Session Judge to justify the course of proceeding adopted by the Principal Sudr. Ameen in rejecting the evidence on behalf of the Prisoner "a fact it appears to them cannot be deemed a known fact until all the evidence to it be heard. a single witness might overturn all the previous seeming knowledge and prove that the "known fact" in controvertible "by any testimony" was only a surmised fact.—

2. Judicial enquiry must always proceed according to established rules and principles. a Prisoner is entitled to the benefit of every piece of evidence as fully as the prosecutor, and it is an oppressive and partial exemption which denies him that

that privilege and the orders of this Court are peremptory on the subject.—

3. As the evidence of the single witness in the case under observation went to the fact at issue, the Court do not consider that any thing could justify the Principal Sudr. Ameen in rejecting it. Pondicherry is only a few hours distance from Cuddalore and the witness might have been material.—

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

(Sent in No. 791)

Read reply having been received from the Magistrate of Chittoor, to the Proceedings of this Court dated the 10th. March 1845, requiring him to report upon cases No. 3 and 4 on the Chittoor Criminal Reports for February 1845.—

Ordered, that the Acting Magistrate of Chittoor be directed to submit the required Reports without delay.—

(Sent in No. 792)

Read Statement dated 1st. Ultimo Submitted by the Acting Subordinate Judge of Coulbacum, shewing

shewing the amount realized by the labour of the Prisoners in the 1st. Quarter 1845.—

(Here enter F: C: No. 1027 of 1845)

Read letter dated 3d. Ultimo from the Acting Head Assistant Magistrate in charge Trichinopoly stating that power vested in Magistrate by Section LIV Act VII of 1843, was not exercised in the month of March 1845.—

(Here enter F: C: No. 1028 of 1845)

Read Supplemental Return dated 5th. Ultimo, from the Principal Sudr. Ameen of Trichinopoly, to the precept of the Foujdaree Adalut of the 1st. Ultimo, calling for explanation of delay in the transmission of certain cases to the Criminal Court.—

(Here enter F: C: No. 1046 of 1845).

Read Criminal Reports dated 3d. Ultimo Submitted by the Agent to the Governor of Fort St. George at Kurnool, for the month of March 1845.—

(Here enter F: C: No. 1047 of 1845)

Read Criminal Report No. V dated 31st. March 1845, Submitted by the Sessions Judge of Chicacole for the month of March 1845.—

(Here enter F: C: No. 1048 of 1845).

Read Report dated 1st. Ultimo.—

Submitted

29th May 1845.-

submitted by the Sessions Judge of Houree of cases pending on the 28th February and committed for trial during the month of March 1845.-

(Here enter F. U. No. 1049 of 1845.)

Read Return dated 8th Ultimo from the Subordinate Criminal Judge of Bellary, to the precept of the Foujdaree Udalut under date the 28th March 1845, directing that the sentence in No. 13 of Report No. V for February 1845 should be passed under clause fourth Section III Regulation VI of 1832 and requiring an explanation why cases No. 14, 15 and 16. which reached the Court on the 5th and 7th February were not disposed of immediately on reaching the Court.

(Here enter F. U. No. 1050 of 1845.)

Friday
30th May 1845

F. U.

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esqre 1st Puisne Judge
George. J. Waters Esqre 2d Puisne Judge
Malcolm Lewin Esqre 3d Puisne Judge

Read Criminal Reports for the month of April 1845 submitted under date the 1st May by the Subordinate Judge of Salem.-

(Here enter F. U. No. 1435)

These reports appear to call for no other notice from the Foujdaree Udalut than the direction of the attention of the Subordinate Judge to the Circular letter of the 21st March whereby the transmission of a separate report shewing the minor neglects or omissions or transgressions of Subordinate Officers of Police were dispensed with.

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

(Sentence No. 795)

30th May 1845

Read Calendar of Case No 17 of 1845 submitted by the Acting Sessions Judge of Combatore.—

(Here enter F. R. No. 1480)

The 1st prisoner in this Calendar having been sentenced by the Acting Sessions Judge to banishment the Court of Fouzdaree Adalut direct that the prisoner

1st Coopoan

be removed to the Jail at Nellore there to be imprisoned agreeably to the terms of his sentence.—

2 They resolve to point out to the Acting Sessions Judge the irregularity of sentencing a prisoner to banishment to a particular Zillah

3 Under the provisions of Clause third Section VIII Regulation XV of 1803 and Clause fourth Section II Regulation VI of 1822 it is competent to a Sessions Judge to sentence a prisoner to banishment from the District where he may have resided. the place of his destination being determinable only

30th May 1845

only by the Fouzdaree Adalut.—

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

(Sent in No. 796)

Ordered also that Extract from these Proceedings para 1 be sent to the Sessions Judge of Nellore for his information.—

(Sent in No. 797)

Read letter dated 16th Instant from the Sessions Judge of Bellary submitting the Record of Trial in Case No 17 on the Calendar of the Sessions Court of Bellary for 1845.—

(Here enter No. 1482)

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

Mo Dee Kenoon
and
Mo Natur

Moosaligah

is sufficient to convict him of the Crime

ac

30th May 1845

Crime of Murder, do convict him there-
but being of opinion under the circum-
-stances of the case, that the punish-
-ment 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 sentences him
to be imprisoned and kept to hard labor
in irons on the public roads or other
public works for and during the period
of (10) ten years.-

1. The Court of Foujdaree Adalut
cannot concur in the sentence proposed
to be passed on the Prisoner.-

2. In consideration of the
deceased, (the Grand Father of the Pri-
-soner) having advanced 30 Rupees
for the expenses of his marriage
the Prisoner had bound himself
to obey his orders and work in his
house.-

3. The deceased ordered the

F.C.

30th May 1845

the Prisoner to drive a bandy to a
certain place which he refused to
do, on which the deceased abused
him and expelled him his house-
three days afterwards the Prisoner
returned to the house when the de-
-ceased again abused him the Pri-
-soner threatned to kill him and
left the house- the deceased fol-
-lowed him and again abused him
on which the Prisoner inflicted on
his Grand Father the wound of
which he died.-

4. The abuse offered to the
Prisoner was no doubt of a very gross
description; but still considering that
the deceased was the Grand Father
of the Prisoner that he was his
master- that the Prisoner had
disobeyed his lawful order, and had
intruded himself into a house from
which he had been expelled by its
owner, The Court can find in that
abuse no excuse for the desperate

act

30th May 1845

act of the Prisoner in stabbing and taking the life of the man a Relation, a man 60 years of age.—

5 They therefore sentence the Prisoner to 10 years imprisonment with hard labor in irons.—

6 The cases referred to by the Sessions Judge are not analogous to this— In one the Prisoner struck the fatal blow in defence of his master — In the other the Prisoner used his dagger having received a Kick— the Sessions Judge supposes a blow to have been struck in this case the idea originated the Court think with that Officer.—

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

(Sentence No 798

Read Report dated 15th February 1845 submitted by the Sessions Judge

30th May 1845.— Judge of Cuddalore under the provisions of Section XXXVII Regulation VII of 1802.—

(Here enter No 607 of 1845)

Read also letter dated 30th Ultimo from the Acting Sessions Judge of Cuddalore stating in reply to the Foujdaree Adaulut's letter of the 26th Ultimo that the promulgation in their respective Villages of the sentences passed on convicted Prisoners is not of a nature to allow of its specific effect being determined.—

(Here enter No 1297 of 1845.)

Para 5 The Court of Foujdaree Adaulut have not failed to observe the probable disadvantages to Jail discipline which may result from the absence of all local supervision and control over the Jails which at the stations of Tillah Judges and Principal Sudr Ameens, are placed under charge of the Sessions Judges, and were it not within their information that

30th May 1845 that an important modification of the law in this respect, is now under consideration by the Supreme Government of India, the Court would be disposed to support the view of the Session Judge and recommend that at such stations an Officer of the Magistracy should be appointed to superintend the Jail and Labor of the Convicts confined in it. any specific proportion at the present time would however be premature with reference to the correspondence noted marginally

From Government dated 30th April 1844
2d dated 2d May 1844
3d dated 18th October 1844.

Paras 6 and 7 - 2. The objections raised by the Session Judge to the mode of dieting Prisoners and cooking introduced by the late Acting Session Judge, Mr Lascelles are clear and obvious

3. It is observed that the entire discontinuance and a resort to the practice in force before Mr Lascelles held office at Cuddalore, has been authorized under the representation made by the Acting Session Judge Mr C. R. Baynes of whose former

30th May 1845 former experience of the Jail at Cuddalore, was considerable.—

paras 9 to 16. 4. The present dilapidated state of the building occupied at old Cuddalore by the Civil and Sessions Judge and the Sudr Ameen, has formed the subject of the correspondence specified marginally, but it does not appear that any specific measure have as yet been adopted by the Engineer department to carry out the repairs and improvements contemplated—

To Government dated 8th November 1843
Extract Minis Consultation 21st " "
To Government 4th April 1844
Extract Minis Consultn 23d " "
Order of Government 30th Nov "

Under the circumstances now stated by the Sessions Judge the Court consider it advisable that the building in question and the Jail attached to it should undergo a thorough and searching survey in view to the expression of an opinion by competent authority whether the entire relinquishment of the premises as a Court House and Jail will not be preferable to the large outlay unavoidably

—6

30th May 1845

to be incurred by the repairs reported to be needed to this effect the Judge resolve to request that instructions be issued to the Civil Engineer of the Division in pursuance of the order by Government dated the 15th February last.—

6. The Officer in Medical Charge of the Jail will also be requested by the Sessions Judge to state whether on reference to the Records of the Medical Department, the state of the Jail seems liable to the objections urged against it by the Sessions Judge in the para now under remark—transcript of which should be furnished to him—and will also be pleased to state whether he would recommend its removal to any other locality and to what extent of judicial labor falling on the authorities at Cuddalore does not, in the opinion of this Court, require

para 17

30th May 1845

require the modified arrangement proposed by the Sessions Judge in this para.—

Ordered that Extract from these Proceedings be sent to the Secretary to Government in the Judicial Department for the purpose of being laid before the Most Noble the Governor in Council.—

(Sentence No. 799)

Ordered also that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore by Precept returnable without delay.—

(Sent following Precept No. 800.)

Lt. W.M.

PM

ky

F. C.

Saturday 31st. May 1845.

At a Court of the Foujdaree Udalut

Present

Henry Dickinson Esqr. 1st.
G. J. Waters Esqr. ---- 2d. } Puisne Judges
Malcolm Lewin Esqr. 3d.

Read letter dated 18th. Instant from the Sessions Judge of Chicacole, submitting the record of the Trial in Case No. 2 on the Calendar of the Sessions Court of Chicacole for 1845.-

(Here enter No. 1509.)

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 proof against the prisoner.

Burlah Gungadoo.

is sufficient to convict him of Assault, for which, according to the Mahomedan Law, as declared in futwas of their Law officers discretionary punishment is awardable, do convict him thereof; and with reference to the provisions of Clause third Section VII Regulation XV of 1803, 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 (2) two years.

Jus

31st May 1845.

1.

In the opinion of the Foujdaree Adalut the Prisoner charged is clearly convicted of having in a cruel manner assaulted and beaten an old woman of upwards of 80 years of age without her having offered him the slightest provocation. The blows struck were very severe for several of her teeth were knocked out, one of her Collar bones was broken, and she received other cuts and bruises. But the Court resolve to sentence the Prisoner to be imprisoned with hard labor six days for two years; considering the sentence proposed by the Sessions Judge to be more severe than justice requires

2.

The Court are induced to pass a less severe sentence on the Prisoner than that proposed by the Sessions Judge in consideration of it not appearing that the violent assault committed by him proceeded from any feeling of malice borne by him against the old woman.

3.

The Prisoner is represented to have been at the time in a state of intoxication. Now although intemperance can form no excuse for crime, still a person who with no previous feeling of malice in a moment of the absence of reason from ebriety commits an act of violence, is guilty of an offence of far less magnitude than he who in the rancor of his heart goes forth and glute his malice on his victim.

Ordered

31st May 1845.

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

(Sent following letter No. 803)

Read letter dated the 14th Instant from the Magistrate of Madura, submitting the explanation called for in paras 1 and 2 of this Court's proceedings of the 24th April last, relative to the misconduct imputed by the Sudr: Ameen Pundit to the Peons and Police officers concerned in the apprehension and transmission to the Subordinate Court of the prisoners in Case No. 16. on the Supplemental Report for the Month of March.

(Here enter No. 1470)

The Court of Foujdaree Adalut on

1

consideration of the circumstances represented by the Magistrate in this communication, deem it proper to direct the Session Judge to review the proceedings held in the case, and to submit a report thereof to the Foujdaree Adalut direct.

Adverting also to the suggestion

2.

contained in the concluding para of the Magistrate's letter copy of which will be furnished from this office to the Session Judge, the Court resolve to

issue

if any instructions to the Sessions Judge to look in future into all cases which the Magistrate may express a wish to have revised by the Sessions Court.

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Madura in by precept returnable XV days from and after its receipt.

(Sent following Precept No. 804).

Ordered also, that Extract from these Proceedings be sent to the Magistrate of Madura for his information.

(Sent in No. 805)

Read Criminal Reports dated 5th Ultimo, submitted by the Principal Sudr. Ameen of Sholapoor for the Month of March last.

(Here enter F. C. No. 1111 of 1845)

Read Report No. VII dated 9th Ultimo, Submitted by the Session Judge of Masulipatam for March 1845.

(Here enter F. C. No. 1115 of 1845)

Read letter dated 9th Ultimo from the Session Judge of Masulipatam, reporting that no funds were produced by the labor of Prisoners in the 1st Quarter of 1845.

(Here enter F. C. No. 1116 of 1845)

Read

Read Report No. VI dated 1st Ultimo, Submitted by the Acting Session Judge of Cuddalore, of Casualties and of Prisoners released in the Jail at Cuddalore, during the Month of March 1845.

(Here enter F. C. No. 1118 of 1845)

Read Report dated 1st Ultimo Submitted by the Acting Session Judge of Cuddalore, of Convicts labour for the Month of March 1845.

(Here enter F. C. No. 1119 of 1845)

Read Statement dated 1st Ultimo Submitted by the Acting Session Judge of Cuddalore, of Estimated value of the product of the Prisoners labour for the Month of March 1845.

(Here enter F. C. No. 1120 of 1845)

Read Statement dated 1st Ultimo Submitted by the Session Judge of Cuddalore, of Extra Peons Vizt employed in the Jail during the Months of March 1845.

(Here enter F. C. No. 1121 of 1845)

Read Report dated 12th Ultimo Submitted by the Acting Session Judge of Trichinopoly, of Casualties and of Prisoners released in the Month of March 1845.

(Here enter F. C. No. 1123 of 1845.)

Read

Read Estimate dated 13th. Ultimo, submitted by the Acting Sessions Judge of Tinchinopoly of the value of all Articles produced by the labor of Prisoners and Convicts labor report of the Goal during the Month of March 1845.-

(Here enter F: C: No. 1124 of 1845)

Read Statement dated 13th. Ultimo submitted by the Acting Session Judge of Tinchinopoly, shewing the instances in which the powers of punishment created by Regulation X of 1832, have been exercised for the Month of March 1845.-

(Here enter F: C: No. 1125 of 1845)

Read letter dated 13th. Ultimo from the Acting Session Judge of Tinchinopoly, transmitting usual statement of the prisoners in the Goal for the 1st. Quarter of 1845.-

(Here enter F: C: No. 1126 of 1845)

Read Report No. VI. dated 31st. March 1845. Submitted by the Session Judge of Bellary, and Statement of Extra Peons, Convict labor. Report and the Statement of information required by the ... Circular Order No. 80 (dated 6th. December 1836) for the Month of March 1845.-

(Here enter F: C: No. 1127 of 1845)

Read Criminal Report dated 12th. Ultimo

Ultimo Submitted by the Principal Sudr. Ameen of Guntoor, for the Month of March 1845.-

(Here enter F: C: No. 1138 of 1845)

Read Calendar in Case No. 6 of 1845 Submitted by the Session Judge of Mangalore, under date the 10th. Ultimo.-

(Here enter F: C: No. 1139 of 1845)

Read Calendar in Case No. 7 of 1845. Submitted by the Session Judge of Mangalore, under date the 10th. Ultimo.-

(Here enter F: C: No. 1140 of 1845)

Read Calendar in Case No. 8 of 1845. Submitted by the Session Judge of Mangalore, under date the 10th. Ultimo.-

(Here enter F: C: No. 1141 of 1845)

Read Calendar in Case No. 9 of 1845 Submitted by the Session Judge of Mangalore, under date the 10th. Ultimo.-

(Here enter F: C: No. 1142 of 1845)

Read Calendar in Case No. 18 of 1845. Submitted by the Session Judge of Salem, under date the 12th. Ultimo.-

(Here enter F: C: No. 1144 of 1845)

Read Calendar in Case No. 6 of 1845, Submitted by the Acting Session Judge of Chingleput, under date the 14th. Ultimo.-

(Here enter F: C: No. 1145 of 1845)

Read

31st May 1845.

Read return dated 9th Ultimo from the Sessions Judge of Calicut, to the precept of the Foujdaree Adalut under date the 4th Ultimo, sanctioning a mitigated sentence against 2d Prisoner in Case No. 8, on the Calendar of the Sessions Court for 1845.

(Here enter F. C. No. 1146 of 1845)

Read letter dated 9th Ultimo from the Sessions Judge of Tellicherry, reporting that nothing was realized by labor of Prisoners, and no disbursement of the nature described in Circular Order 88 of 1837 made during 1st Quarter of 1845.

(Here enter F. C. No. 1149 of 1845)

Read letter dated 9th Ultimo from the Sessions Judge of Tellicherry, reporting that no disbursement of the nature described in Circular Orders 50 and 65 was made during 1st Quarter of 1845.

(Here enter F. C. No. 1150 of 1845)

F. C.

Monday 2nd June 1845.

At a Court of the Foujdaree Adalut

Present.

Henry Dickinson Esqre 1st Puisne Judge
George. I. Waters Esqre 2d Puisne Judge
Malcolm Lewin Esqre 3d Puisne Judge

Read letter dated the 19th Ultimo from the Agent to the Governor of Fort St George in the Vizagapatam District, submitting a summary of the evidence against two prisoners charged with housebreaking and communicating his opinion as to the punishment to be passed.—

(Here enter No. 1516)

The Court of Foujdaree Adalut having maturely considered the summary of the evidence taken before the Agent, his statement of the grounds for a conviction, and his opinion as to the punishment

which

which should be awarded to the accused, resolve to confirm the pro-posed sentence of 5 years imprison-ment with hard labor in irons on the prisoners

1st Yeddoo Polegaudoo

and

2nd " Lakidaupoo Chinnyaidoo

Ordered that Extract from these Proceedings be forward-ed to the Agent to the Governor of Fort St. George in the Vizagapa-tam District for his information and guidance. —

(Sent in No 814)

Read Criminal Reports for the month of April 1845 sub-mitted under date the 12th May 1845 by the Principal Sudr Ameen of Guntoor

(Here enter J/L No 1437)

Substemental Report Case No 27.

In this case the Prisoner

is charged with escaping from Custody while under inquiry on an accusation of selling stray Cattle and has been required by the Principal Sudr Ameen to fur-nish security because there was strong suspicion against him of having been concerned with the village Moonsiff in the crime of making away with the stray cat-tle found in the village. —

2. The Court of Foujdaree Adalut observe that it was not competent to the Principal Sudr Ameen to enter into the merits of the question regarding the stray Cattle. The Prisoner was sent up to the Principal Sudr Ameens Court on a charge of escape from legal custody and the Principal Sudr Ameen should have con-fined himself to that charge. The requisition of security for sus-picion attaching to the Prisoner

on

9th June 1845.

on any other account was illegal and must be annulled.—

3. Had not the circumstances of this case been already under the review of Magistrate the Court of Tonjaree Udalut would have deemed it proper to require that some notice should be taken of the conduct of the Head of Police and Moonsiff.—

Report No V 4. There appears to have been
Case No 28 no necessity for a reference to the Magistrate in this Case—the Magistrate will however be pleased to explain the exact point of reference and to call the attention of this Police Officer to Circular Order No 62.

5 The Magistrates own attention will also be given to Circular Order No 22 and he is required to discountenance as much as possible all needless references on the part of the Police Officers to the

J. No.
2d June 1845

the Magistracy.— If a Police Officer is not competent to exercise his own discretion in such a case as this but is in need of instruction and counsel how to dispose of it he is evidently unfit for his situation and should not be longer retained in it to the detriment of the public service.—

Cases Nos 30 and 31.— 6 Adverting to the grounds of the Principal Sudr Ameens Orders as recorded in these Cases the Court of Tonjaree Udalut deem it proper to direct that he be informed that conviction in cases of this discription need not necessarily depend upon the evidence of 2 witnesses the production of the base money by a Prosecutor of good character and whose pursuits in life are of a nature to forbid the idea that he can be concerned in such prac-

In

may with the deposition of one wit-
=ness be quite sufficient to convict
of this crime which is highly in-
=jurious to the civil Interests of
Society.—

Ordered that Extract
from these Proceedings be sent
to the Principal Sudr Ameen of
Guntoor for his information by
precept returnable in V. days from
and after its receipt.—

(Sent following Precepte No. 815)

Read Calendar in Case
No. 20 of 1845 on the file of the
Sessions Court of Combaconum.—

(Here enter No. 1523)

The Prisoner in this Case
was charged with Burglary and Theft
and was convicted; but the Acti-
=ng Sessions Judge deeming it un-
=necessary to inflict upon this
prisoner who, though a petty offe-
=nder, has never heretofore been
convicted of theft, the full measure of

of punishment prescribed by Section
XXI Regulation VII of 1802, to which
he has rendered himself liable
recommends a mitigation thereof.—

2. The Court of Foujdaree
Udalut having maturely considered
the circumstances of the case re-
-presented in the Calendar, sanction
under Clause third Section III—
Regulation I of 1825 the mitigated
punishment recommended by the
Acting Sessions Judge, and accord-
-ingly direct that the Prisoner,

Mohundaroyen

be imprisoned and kept to hard
labor in irons on the public
roads or other public works for
and during the period of two
years.—

Ordered, that Extract
from these proceedings be forwarde
to the Acting Sessions Judge of
Combaconum for his information

(Sent in No. 816) Circular

2nd June 1845

Circular Order No 170

In extension of the rule laid down in para 2, Circular Order No 161, the Tanjore Madras resolve to direct that, on all occasions where sentences may finally be pronounced on Prisoners received from the Magistracy or Police, or who may otherwise be brought before the established Courts, intimation of the result of the trial shall within 24 hours of the sentence being declared to the Prisoners, be transmitted to the Magistracy by the Officer declaring it, in view to the adoption of measures in the magesterial department for giving the utmost possible publicity to sentences awarding punishment at the place where the offence was committed for which the Prisoners may have been brought to trial; or at their usual place of habitation as may appear expedient with reference to the circumstances of the case.

(sent in No 67)

Rea

F. No

2nd June 1845

Read Criminal Returns for the month of April 1845 submitted under date the 10th Instant by the Subordinate Judge of Madura:-

(Here enter F. No No 1413 of 1845)

Report No V

Case No 33.- The extraordinary delay in this case before the Police is partly accounted for by a recommendation made to the Magistrate on the 31st March that the Prisoners should be severally punished.-

2. The case is one clearly beyond the jurisdiction of the Magistrate and the Court cannot but express their surprise that any reference to him was deemed necessary. The Police Officer in making it indicated a very slight knowledge of his duty or an evasion from it which requires notice from the Magistrate.-

3. The Magistrate will be pleased if he have not already done so, to notice in such manner as he may deem proper the conduct of the Police in question reporting the result for

the

4. The sentence in this latter case should have been passed conditionally on the 2d, and should have specified that the punishment was to take effect only in the event of the 2d prisoner being eventually released by the Session Court in Case No. 42.

5. The Court also observe that the 1st Prisoner in Case No. 43 should have been included in Case No. 42.

6. They accordingly direct that he be now sent back to the Magistrate, in order to his being put on his trial for the adultery with the prisoner in Case No. 42, and that the sentence in Case No. 43 be passed in conformity with the instructions contained in para. 4, and that its execution be suspended till the result of the trial in Case No. 42 be known, when it will either merge in the graver punishment or be carried into execution according to circumstances.

Case No. 32. 7. The Moofty Subr. Ameen has recorded without any comment in the last column of the report that "the delay in this case is 6 days."

8. With regard to the 3d prisoner this is correct but it is stated that the 1st and 2d prisoners were apprehended on the 14th Instant or one month before they were transmitted to the Subordinate Court.

9. The Moofty will be called on to explain

explain his omission to notice this discrepancy and the Magistrate will be pleased to call for an explanation from his Police Officer both as regards the discrepancy and also as to where the 1st and 2d prisoners were from the date of their apprehension to the date of their transmission to the Court, and will take such notice of the conduct of the Police Officer as the circumstances of the case appear to render necessary, reporting the result to the Foujdaree Adawlut.

Case No. 60. 10. The charge in this case is incomplete it should have specified before whom the false complaint was preferred. the Subr. Ameen will be pleased now to supply the omission.

11. The Court further observe that the Subr. Ameen has not cited the correct regulation in support of his sentence it should have been Section II Regulation IX not Regulation IV of 1832.

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

(Sent following precept No. 229)

Read Calendar in Case No. 7 of 1845 on the file of the Session Court of Chingleput.

(Here enter F. C. No. 1612)

The

1.

The prisoner in this case was charged with Burglary and theft, and was convicted, but the Acting Sessions Judge on the grounds that the prisoner is connected with the Prosecutor and lived in the same house, and that, he claims a share in some jewels which belonged to his aunt in law who was sister to the Prosecutor's father, and is now dead, that the disputed claim has been referred by the parties to a Village Punchayet, and that without awaiting their decision the prisoner forcibly possessed himself of the jewels in question, as well as many others kept in the same box by breaking into the room where they were lodged recommends a mitigation of the prescribed punishment.

2.

The Court of Foujdaree Adawlut having maturely considered the circumstances of the case as stated in the Calendar, sanction under Clause third Section III Regulation I of 1825, the mitigated punishment recommended by the Acting Sessions Judge, and accordingly direct that the prisoner

Parsey Atmaloy

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.

Ordered, that Extract from these proceedings be

be forwarded to the Acting Sessions Judge of Chinglepat for his information.—

(Sent in No. 830)

Read Report dated 1st Ultimo submitted by the Sessions Judge of Honore, of cases pending on the 31st March and committed for trial during the month of April 1845.—

(Here enter F. R: No. 1344 of 1845).

Read Supplemental Return dated 5th Ultimo from the Principal Sudr Ameen of Masulipatam to the Precept of the Foujdaree Adawlut under date the 17th April 1845, requiring a full return to the Foujdaree Courts' Precept of the 28th March last, relative to the return of the fine imposed on 1st and 2nd Prosecutors witnesses in case No. 2 of 1845.—

(Here enter F. R: No. 1348 of 1845).

Read return dated 5th Ultimo from the Sessions Judge of Mangalore, to the precept of the Foujdaree Adawlut under date the 28th April 1845, directing him to report the result of his communication to the Magistrate regarding the conduct of the Potail and Police Duffadar, in case No. 18 on the Calendar for 1845.—

(Here enter F. R: No. 1357 of 1845).

Read Criminal Reports dated 30th April 1845, submitted by the Acting Sessions Judge of Chinglepat for the month of April 1845.—

(Here enter F. R: No. 1362 of 1845.

Read.

3rd June 1845.

Read Criminal Reports dated 8th Ultimo submitted by the Principal Sudr Ameen of Trincomalee for the month of April 1845.—

(Here enter F: R: No. 1365 of 1845.)

Read return dated 28th April 1845 from the Subordinate Judge of Madura to the precept of the Fouzdaree Adalut under date the 24th April 1845 containing their remarks on the Criminal Reports for Trincomalee.

(Here enter F: R: No. 1370 of 1845.)

Read return dated 9th Ultimo from the Acting Subordinate Judge of Chittoor to the precept of the Fouzdaree Adalut under date the 30th April 1845, commenting on the Criminal Reports for the month of March 1845.

(Here enter F: R: No. 1371 of 1845.)

Read Return dated 6th Ultimo from the Magistrate of Malabar to the precept of the Fouzdaree Adalut under date the 30th April 1845 calling upon him for certain explanations regarding the theft No. 3 noticed in his Report of Cases tried in March last under Section LIV Act VII of 1843.

(Here enter F: R: No. 1372 of 1845.)

Ld Bk

F: A:

Wednesday 4th June 1845.

At a Court of the Fouzdaree Adalut.

Present

Henry Dickinson Esqre—1st Puisne Judge.
G: I: Waters Esqre—2d Puisne Judge.
Malcolm Lewin Esqre—3d Puisne Judge.

Read Report dated 25th February 1845, submitted by Mr. E: B: Glass Sessions Judge of Chicacole under the provisions of Section XXXVIII Regulation VII of 1802.—

(Here enter No. 710 of 1845.)

Para: 5.

1. The Return from the Acting Magistrate of Ganjam to which reference is made in this Para; shows, that the delay in the submission of the Periodical Reports noticed by the Session Judge results from the insufficiency of the establishment available under the Acting Magistrates orders, for the performance of all the duties of the Agency and Magistracy, Civil and Criminal and it is remarked by the Acting Magistrate that "until an Establishment, long since applied for, is sanctioned by Government, regularity need not be expected."—

2. The Court of Fouzdaree Adalut observe that the subject of the deficient establishment in question

9th January 1845 No 7.
2d June — a — No 84.

question was brought to the notice of Government on the dates noted marginally, when copies of communications from the Acting Magistrate were transmitted from this office.—

Para: 8.
Extract Minutes of Consultation 19th April 1845.—

3. It is inferred that the receipt during the current year of the order of Government directing the Sessions Judge of Chicacole annually to visit the Jails at Itchapore and Vizagapatam, will have the effect of in future preventing the omission to do so, which in respect of the year 1844. is now reported.—

Para: 10.

4. The Magisterial Calendars referred to in this para: appear to have elicited no remarks from the Sessions Judge and in the Sudder Adalut, do not call for any. Under these circumstances it is deemed unnecessary to transmit copies thereof to the Government, the more especially that it is observed several Blank Calendars are included, the submission of which by the Sessions Judge, is opposed to the rule contained in Vizagapatam Adalut Circular Order dated 4th September 1820.—

5. The Judges accordingly resolve now to return to the Sessions Judge the Blank Calendars in question. They further resolve to adopt similar measures in regard to the copies of all orders passed by the Sessions Judge upon Petitions received in his Court from parties complaining against the orders of the

the Magistrates, there being no rule or Regulation which requires that such copies should be forwarded to the Vizagapatam Adalut, unless circumstances or points of special importance involved in them demand from the higher Court either consideration or instructions.

6. The Reports from the Heads of Police which have been received from the Magistrate of Vizagapatam seem to be a selection from those submitted by the entire body of officers of that class within his jurisdiction and should have been submitted with the Report prescribed by Circular Order dated 16th November 1829.—

7. The Court of Vizagapatam Adalut do not, however, find that they contain matter of importance save and except the remarks made regarding the inefficiency of the Village Police in which it is difficult to expect any permanent amelioration unless means be taken of granting such remunerative advantages in money or land, as will secure efficiency in the discharge of Village police duties.—

Para 12.

8. So far as the records of this Court show, the Sessions Judge of Chicacole is singular in the preference which he accords to the system of Criminal justice prevailing prior to the 15th September 1843, over that introduced by the enforcement of the provisions

provisions of Act VII of that year - and the Judges fail to comprehend by what process of reasoning the Sessions Judge has arrived at the conclusion that the half yearly visitation of a Judge on Circuit is better calculated to keep the Magistrates and their Assistants to their duty than the permanent location of a Sessions Judge within the limits of the Magistrates jurisdiction and at the central station of the zillah.-

9. The 3d Judge of the Foujdaree Court entirely dissents from the opinion expressed in the preceding para:-

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 submission to the Most Noble the Governor in Council.

(Sent in No. 882)

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

(Sent in No. 883)

Read Report dated 21st February last submitted by the late Acting Sessions Judge of Bellary under the provisions of Section XXXVII Regulation VII of 1802.-

(Here enter No. 684 of 1848)

paras: 9. 1. The Court of Foujdaree Adalut refrain from

provisions of Act VII of that year and the Judges fail to comprehend by what process of reasoning the Sessions Judge has arrived at the conclusion that the half yearly visitation of a Judge on Circuit is better calculated to keep the Magistrates and their officials to their duty than the permanent location of a Sessions Judge within the limits of the Magistrates jurisdiction and at the central station of the Zillah.—

9. The 3d Judge of the Foujdaree Adalut entirely dissents from the opinion expressed in the preceding para:—

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 submission to the Most Noble the Governor in Council.

(Sent in No. 882)

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

(Sent in No. 883)

Read Report dated 21st February last submitted by the late Acting Sessions Judge of Bellary under the provisions of Section XXXVII Regulation VII of 1802.—

(Here enter No. 684 of 1845)

para: 9. 1. The Court of Foujdaree Adalut reserve from

1th. 0 1845

F. R.

4th. June 1845.

Ordered also that Extract from these Proceedings be forwarded to the Sessions Judge of Bellary for his information and Communication to the Magistrate by precept returnable without delay.

(Sent following Precept No. 835)

Read Calendar in Case No. XV of 1845 submitted by the Sessions Judge of Calicut on the 19th of May 1845.—

(Here enter F. R. No. 1510)

The prisoner was charged with having broken into the House of the 1st Prosecutor and stolen therefrom certain property valued at Rupees 46. and also with having wounded the 2d Prosecutor by stabbing him with a knife.—

2. The evidence against the prisoner being sufficient to his conviction he was sentenced by the Sessions Judge to receive 150 lashes with a Cat o' nine tails and to be imprisoned with hard labor in irons for a period of eight years.—

3. The 2d Prosecutor having been guilty of gross prevarication in his evidence was sentenced by the Sessions Judge to pay a fine of Rupees 30 Commutable to one months imprisonment.—

On

On a perusal of the Calendar in
this case and of the remarks of the Sessions Judge
this Court approves of the sentence passed on the
prisoner by that officer.—

Ordered that Extract of these Proceedings
be sent to the Sessions Judge of Calicut for his
information and guidance.—

(Sent in Nº 836)

Read return dated 28th April 1845
from the Agent to the Governor of Fort St. George at
Kurnool, to the precept of the Foujdaree Adalut under
date the 11th idem requesting him to call on the
Prisoner Duncata for security for good behaviour
and appearance when called for.—

(Here enter F: C: Nº 1284 of 1845)

Read letter dated 3d Ultimo from
the Sessions Judge of Mangalore, stating that the
final sentence of the Foujdaree Adalut in Case Nº 74
for 1844, the proceedings in which
on the Calendar with his letter of the 6th January
were submitted last, has not yet been received by him.—

(Here enter F: C: Nº 1356 of 1845.

Read Memorandum dated 8th Ultimo
from the Subordinate Judge of Madura, forwarding the

the Return to F.C. Precept of the 24th Ultimo with
amended endorsement.—

(Here enter F: C: Nº 1373 of 1845.)

Read Supplemental return dated 14th
Ultimo from the Sessions Judge of Tinnevelly to
the Precept of the Foujdaree Adalut dated the 24th
March 1845 directing the reapprehension of the Prisoner
sentenced by the Principal Sudr. Ameens in Case
Nº 87 of 1844 in view to their trial on a charge of
conspiracy.—

(Here enter F: C: Nº 1520 of 1845.—

laid down in para: 2. Foujdaree Adalut Circular Order dated 3rd July 1834.-

para: 10. 13. The Magistrate was not competent to pass sentence in a case of wounding without going through the record- vide Circular Order dated 28th October 1825 and 30 January 1824.-

Proceedings Sessions Court dated 9th October 1844.- para: 1. 14 The observations of the Foujdaree Adalut in para: 7 of these proceedings are applicable also to the case noticed in this para.-

para: 5. 15. The Head of Police should have been required in addition to the warning which it is observed was conveyed to him by the Magistrate to explain why he awarded imprisonment to persons against whom the complaint was that they refused payment of money assumed to be due by them.-

16. Ordered that the Calendars which have been submitted with the above Report, be returned to the Session Judge, Copies of the cases referred to having for the purpose of record been retained in the office of this Courts Register.-

Ordered, that Extract from these Proceedings together with Copy of the above Report be forwarded to the Secretary to Government in the Judicial Department for submission to the Most Noble the Governor in Council.-

(Sent in 7th 834)

Ordered

F: 66:
4th. June 1845:

from comment on the delays in the disposal of cases by Heads of Police, adverted to in this para:, in the hope that the notice taken of them by the Magistrate will stimulate the Police officers in question, to greater exertion.—

para: 10. 2. The several suggestions contained in this para: are considered by the Foujdaree Adalut correct in principle, although it may perhaps be doubted whether in all cases coming under cognizance by Heads of Police, it will be expedient to enter so much into detail as the late Acting Sessions Judge would recommend.—

3. In the matter of numbering cases consecutively from the begining to the end of the year, it is obvious that the adoption of such a system by each Head of Police, would materially facilitate the duty of review in the Session Court and the subsequent revision of the proceedings of the Session Court in the Court of Foujdaree Adalut; the Judges would therefore enjoin on the Magistrate the necessity of enforcing it and further direct that a transcript of para: 10 of the Report under review be furnished to that officer with a view to the issue of such other orders as to him may appear advisable.—

para: 11 4 The Magistrate should also be furnished with a copy of para: 11 in view to a [illegible]

being communicated to the Heads of Police in his jurisdiction, against putting to witnesses whom they may examine leading questions detailing at more or less length the facts of the case in which they are required to depose.—

para: 12. 5 The experience of the Foujdaree Adalut does not lead them to repose any great degree of confidence in inquest papers of the character generally laid before the Court, but the omission from such documents of transcripts of the statements of deponents examined in the Talook is clearly necessary as foreign to the object of such papers and must be Ordered by communication with the Magistrate of Bellary.—

paras: 13 to 15. 6. The Court observe that with the consent and advice of the officer in Medical charge of the Jail, it is competent to the subordinate Judge to introduce such modifications of diet as may be conducive to the health of the Prisoners provided no increase of expense be thereby entailed on the Government.

Extract proceedings Sessions Court dated 15th August 1844. paras: 1 to 4 and para: 8. 7. The cases referred to in these paras: involved a charge of breaking into a dwelling house, besides appearing to have been insufficiently investigated they were seemingly beyond the jurisdiction of the Magistrate who should be required now to confirm under

what circumstances he entered upon the enquiry of matters and awarded punishment when he had no jurisdiction.—

para: 6. 8. The Court of Foujdaree Adalut desire to be informed why the Magistracy omitted to examine the brother of the Prosecutor here referred to.—

Adverting to Foujdaree Adalut Circular para: 7. 9 Order dated 7th July 1831. the Sessions Judge has pointed out that the requisition of security under which the Prisoners were placed, who are referred to in this para: was "strictly prohibited."—

10. The Court of Foujdaree Adalut observe that by the provisions of Section LIV. Act VII of 1843. the powers of Magistrates have undergone modification in regard to the demand of security from parties against whom an offence may not be clearly established.—

11. It is the opinion of the Foujdaree Adalut that by analogy Magistrates now possess the same powers as the Criminal Judges and that they are justified in acting under Clause first.— Section IV Regulation II of 1832 within the limit prescribed by Section LIV Act VII of 1843.—

para: 9. 12. The Court request they may be informed whether the case noticed in this para: was sent to the Magistrate agreeably to the rule laid

laid down in para: 2 Foujdaree Udalut Circular Order dated 3rd July 1834.-

para: 10. 13. The Magistrate was not competent to pass sentence in case of wounding without going through the record- vide Circular Order dated 28th October 1825 and 30 January 1824.-

Proceedings Sessions Court Dated 9th October 1844.- para: 1. 14 The observations of the Foujdaree Udalut in para: 7 of these proceedings are applicable also to the case noticed in this para.-

para: 5. 15. The Head of Police should have been required in addition to the warning which it is observed was conveyed to him by the Magistrate to explain why he awarded imprisonment to persons against whom the complaint was that they refused payment of money assumed to be due by them.-

16. Ordered that the Calendars which have been submitted with the above Report, be returned to the Sessions Judge, Copies of the Cases referred to having for the purpose of record been returned in the office of this Courts Register.-

Ordered, that Extract from these Proceedings together with Copy of the above Report be forwarded to the Secretary to Government in the Judicial Department for submission to the Most Noble the Governor in Council.-

(Sent in No. 634)

Ordered

J No.

Thursday 5th June 1845. At a Court of the Foujdaree Udalut

Present:

Henry Dickinson Esquire 1st Puisne Judge
George I. Waters Esquire 2d Puisne Judge
Malcolm Lewin Esquire 3d Puisne Judge

Read Report dated 11th March 1845 submitted by Mr G. L. Cooper, Sessions Judge of Madura under the provisions of Section XXXVII Regulation VII of 1802.

(Here enter No. 873 of 1845.)

paras: 4 and 5 1. The expectation of a recurrence of the riot referred to in these paras: should be communicated by the Sessions Judge to the Mag: State, whose foresight and experience will this Court of Foujdaree Udalut doubt not, be directed to the adoption in time, of such preventive measures, as he may deem to be necessary for the preservation of the peace under the circumstances of probable resentment described by Mr Cooper.

para: 6 2. The Court of Foujdaree Udalut attach

attach but little weight to the absence of a robust appearance in Convicts sentenced to hard labor, provided their general health be good.

para 7. Order of Govt dated 10th April 1845 № 347.

3. It is observed that sanction has already been granted for the disbursement of the sum required to effect the removal of the walls to which in this para: objection has been taken by the Sessions Judge.

Proceedings of Sessions Court dated 7th April 1845

4. The instructions communicated to the Magistrate in the proceedings noted marginally have the approval of the Tondaman Udaliar. as being based upon the principle laid down in their Circular Order dated 5th August 1829. which requires that when the actual crime proved differs from that recorded in the charge, notice of the circumstance shall be entered in the Returns, Calendars and Statements and the Court see no reason to exempt from the operation of the rule, Calendars submitted under the present system by Magistrates to Sessions Judges.

Ordered that Extract from these proceedings be forwarded to the Secretary to Government in the Judicial Department for submission to the Most Noble the Governor in Council.

(Sent in № 838)

Order also Circular Order dated 4th July 1826.

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

(Sent in № 839)

Read again Calendar dated the 19th April 1845 submitted by the Sessions Judge of Calicut in Case № 1 of 1845 together with Supplement submitted on the 22d Instant.

(Here enter J.U. №s 1218 and 1532.)

On a second question being put to the Law Officer the prisoner in the above case was declared liable to Death.

In consideration of the very trifling amount of the property which the prisoner is convicted of having stolen, the Sessions Judge being of opinion that the prescribed punishment would be too severe, and that corporal punishment will prove more efficacious in this Case than a lengthened period of imprisonment, recommends that a mitigated sentence of 3 years imprisonment with hard labor in irons and one hundred lashes with a cat-o-nine tails be passed upon the prisoner.

On the grounds stated by the Sessions

5th June 1846

Sessions Judge the Court resolve to sanction the mitigated sentence proposed by that Officer.-

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

(Sent in No 845)

Read letter dated the 16th May 1846 from the Sessions Judge of Madura reporting the opinion and orders of the Judges of the Foujdaree Adalut with regard to the disposal of 2 Cases Nos 16 and 17 of 1845 committed for trial before the Session Court by the Subordinate Judge in which the Prisoners are charged with wilful and corrupt Perjury before the Head Assistant Magistrate.

(Here enter No 1495)

The Court are not willing (without the record before them) to give any decided opinion upon a reference of this description. If the Sessions Judge (who has ample means of informing himself as to the facts of the case) is under the belief that the assumed perjuries of the Prisoners were not material to the issue of the original

Case

F. No.
5th June 1845.

case or trial it will be his duty to remand them to the lower authorities (if there be cause for so doing) instead of placing them on their trial for "wilful and corrupt Perjury".

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

(Sent in No 841)

Read return dated the 17th Ult. time from the Sessions Judge of Madura to precept under date the 12th idem directing that Officer to explain the cause of the prisoners in Case No 14 of the Calendar for 1845 who appear to have been apprehended on the 8th of April, not having been prosecuted until the 12th idem.

(Here enter F. C. No 1494.)

The Sessions Judge states in his return that the Highway Robbery with which the prisoners in the above case were charged, was committed on the 4th of April and was reported to the Head of Police on the 5th idem, and that although the prisoners were apprehended on the 8th the prosecutor was unable

to prefer his charge until the 12th of the month to the petition in consequence of the wounds he had received.

2. Under these circumstances the Court of Foujdaree Udalut are of opinion that the date of the original charge which appears to have been preferred on the 5th of April should have been entered in the report and accordingly resolve to direct that a communication to this effect be conveyed to the Magistrate.

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Madura for his information and future guidance and for communication to the Magistrate.

(Sent in No 542).

Read letter dated the 7th Ultimo from the Acting Magistrate of Canara transmitting copy of a letter from the Assistant Magistrate furnishing explanation called for regarding certain cases in the Canara Criminal Reports for March 1845.

(Here enter F.U. No 1385.)

Read Criminal Reports dated the 10th Ultimo, submitted by the Sessions Judge of Guntoor for the month of April 1845.

(Here enter F.U. No 1386.)

Read translations of the Circuit Criminal Reports dated the 2d Ultimo submitted by the Sessions Judge of Honore for the month of April 1845.

(Here enter F.U. No 1387.)

Read statement dated the 10th Ultimo submitted by the Sessions Judge of Masulipatam shewing the instances in which the powers of punishment created by Regulation X of 1832 have been exercised.

(Here enter F.U. No 1404.)

Read return dated the 12th Ultimo from the Principal Sudr Ameen of Trichinopoly to the precept of the Foujdaree Udalut under date the 7th idem containing their observations and orders on the Criminal Reports for the month of March 1845.

(Here enter F.U. No 1421.)

Read report dated the 12th Ultimo submitted by the Acting Sessions Judge of Kurdalore of casualties and of Prisoners released in the Jail at that Station during the month of April 1845.

(Here enter F.U. No 1423.)

Read

5th June 1845.

Read Criminal Report dated the 6th Ultimo submitted by the Principal Sudr Ameen of Tchalpaud for the month of April 1845.

(Here enter F.H. № 1436.)

Read Report dated the 12th Ultimo submitted by the acting Sessions Judge of Trichinopoly of Cannalties and Prisoners released in that Station for the month of April 1845.

(Here enter F.H. № 1440.)

Read letter dated the 5th Ultimo from the Magistrate of South Arcot reporting the non transmission of the Returns and Statement XIV Act VII of 1843 for April 1845.

(Here enter F.H. № 1455.)

Read letter dated the 11th Ultimo from the Magistrate of Tinnevelly forwarding the explanation called for in regard to Cases № 18 and 25 of 1843 on the file of the Principal Sudr Ameen.

(Here enter F.H. № 1473.)

Friday 6th June 1845.

F.H.

At a Court of the Sessions Judge Adalut

Present

H: Dickinson Esqr 1st Puisne Judge
G: J: Walter Esqr 2d Puisne Judge
M: Lewin Esqr 3d Puisne Judge

Read return dated the 20th May 1845 from the Acting Sessions Judge of Coimbatore, to the precept of the Sessions Adalut of the 5th Idem, calling for an English translation of the record of the trial in Case № 9 on the Coimbatore Calendar for 1845.

(Here enter № 1513.)

In this case 5 Prisoners were charged with having at night proceeded in a gang armed with weapons, in company with two others not yet taken, to the 1st Prosecutor's cattle-shed and assaulted with a cudgel the 1st Prosecutor who was lying down asleep in a hut in company with his servant the 2d Prosecutor, and robbed them of property valued at Rupees 1-8 —

The Law officer in his Futwah on 2 counts Question convicted the Prisoners, and declared them liable to Hudd Sagra Kooba —

The Sessions Judge concurring with the Futwah sentenced all the Prisoners to the years imprisonment with hard labor in irons, under Clause III, Section IV, Regulation XV of 1803.

On consideration of the circumstances

of the above case as exhibited in the Calendar the Court of Zeyjdaree Udalut were of opinion that the sentence passed against the prisoner was for too severe, and after calling for explanation required the submission of the record of the trial.

5. Having attentively considered this case the Court are confirmed in the opinion formerly expressed by them, that the sentence in this case was unnecessarily severe. The injury offered to the 1st Prosecutor was slight, and the Prisoners seem to have been in great poverty and in want of food.

6. Empowered as they are by Section XXXIII Act VII of 1843 the Court of Zeyjdaree Udalut resolve to reduce the sentence passed in this case, and to direct that the prisoners

1st Arasan
2nd Maroodoo
3rd Rayen
4th Vanni Rayen
and
5th Chenniappen

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 Acting Sessions Judge of Coimbatore, for his information and guidance the precept returnable in 5 days from and after its receipt.

Sent following Compt No 849

Read letter dated 26th Ultimo from the Sessions Judge of Tellicherry, reporting execution of sentence of death on Prisoner in case No 4 of 1845.

(Here enter No 1562.)

Read letter dated 30th Ultimo from the Sessions Judge of Nellore, reporting that a convict Boee Kundoo alias Gouindoo was under the Circular Orders of the Zeyjdaree Udalut No 1845 forwarded to his own Zillah, Cuddapah, for the restoration of his health.

(Here enter No 1571.)

Read return dated 31st Ultimo from the Sessions Judge of Chittoor, to the precept of the Zeyjdaree Udalut under date the 29th May 1845, directing that the sentence passed by the Sessions Court on the 3 Prisoners in case No 9 of the Calendar for 1845 should be reduced to the extent of 8 years.

(Here enter No 1573.)

Read report dated 30th Ultimo submitted by the Magistrate of Tanjore, of Cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the Month of April 1845.

(Here enter No 1574.)

Read Report dated 31st Ultimo submitted by the Acting Sessions Judge of Tinnevelly, of Cases pending on the 30th April 1845 and committed for trial during the Month of May 1845.

(Here enter No 1591.)

Read

6th June 1845.

Read letter dated 28th ulmo 1845
from the Magistrate of Rajahmundry affording explanation
regarding Cases Nos 10 and 21 of 1845.

Ditto ditto No 1583 Jr.

J. W.

Saturday 7th June 1845.

At a Court of the Foujdaree Adawlut

Present.

Henry Dickinson Esqre 1st.
G. J. Waters Esqre 2d. } Puisne Judges
Malcolm Lewin Esqre 3d.

Read Supplemental Return dated the 8th Ultimo submitted by the Sessions Judge of Calicut, to precept of the Foujdaree Adawlut of the 3d April last, calling for a translation of the record of Case No 3 on the Calendar of the Sessions Court for 1845.—

(Here enter J. W. No 1411)

1. Under the requisition contained in the above precept, the Sessions Judge has forwarded a translation of the entire record of the Case in question.—

2. On an attentive perusal of the proceedings in this Case, the Court of Foujdaree Adawlut are satisfied that the conviction of the prisoner was not supportable on the evidence adduced, and concur in the propriety of their acquittal by the Sessions Judge.—

3. The Court do not however compl
agree

agree with that officer in the opinion that the Prisoners were not liable to suspicion, but on the contrary think that the evidence regarding the chopping knife as relating to the 1st Prisoner and the statement of the 17th instant, the brother of the 2nd Prisoner, with reference to his brother's conduct at the time of the murder throws the strongest suspicion on these prisoners as being the perpetrators of the foul deed.—

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

(Sent in No. 847)

Read Report dated the 30th April last from the Magistrate of Malabar of cases tried by the Magistracy, under the provisions of Section LIV Act VII of 1843 during the Month of April 1845.—

(Here enter No. 1453)

The above Report does not appear to call for any remark from the Court of Foujdaree Adawlut.—

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

(Sent in No. 848)

Read return dated 10th Ultimo from the Sessions Judge of Chittoor, to the precept of the Foujdaree Adawlut under date the 30th April 1845 directing that the Records in Cases Nos. 62 & 63 of 1844 on the file of the Subordinate Criminal Court, should be sent for and examined and such orders passed thereon as may appear proper, the result thereof being reported for their information.

(Here enter F: R: No. 1379 of 1845).

Read return dated 10th Ultimo from the Sessions Judge of Guntoor, to the precept of the Foujdaree Adawlut under date the 5th May 1845, containing their observations in review of the Calendar of the Sessions Court in Case No. 11 of 1845.—

(Here enter F: R: No. 1382 of 1845).

Read letter dated 10th Ultimo from the Acting Magistrate of North Arcot, reporting that during the Month of April last the Magistracy did not exercise the powers vested in them by Section LIV of Act VII of 1843.—

(Here enter F: R: No. 1383 of 1845)

Read letter dated 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 in his District during the Month of April 1845.

(Here enter F: R: No. 1384 of 1845)

Read

6 7th June 1845.

Read Calendar in Case No 7 of 1845 submitted by the Sessions Judge of Tellicherry under date the 7th Ultimo.—

(Here enter F. U. No 1389 of 1845).

Read Calendar in Case No 9 of 1845 submitted by the Sessions Judge of Tellicherry under date the 7th Ultimo.—

(Here enter F. U. No 1390 of 1845).

Read Calendar in Cases Nos 19, 20, 21 and 22 of 1845 submitted by the Sessions Judge of Salem under date the 10th Ultimo.—

(Here enter F. U. No 1391 of 1845)

Read Calendar in Case No 3 of 1845 submitted by the Sessions Judge of Chingleput under date the 5th Ultimo.—

(Here enter F. U. No 1392 of 1845).

Read Calendar in Case No 9 of 1845 submitted by the Acting Sessions Judge of Tinnevelly under date the 9th Ultimo.—

Exhs

(Here enter F. U. No 1394 of 1845).—

Read return dated 30th April 1845 from the Sessions Judge of Tinnevelly to the precept of the Foujdaree Adalut under date the 24th April 1845 requiring explanation of an apparent discrepancy in the remarks of the Sessions Judge contained in the Calendar of Case No 7 of 1845 and on the abstract of the evidence in that case made by the Principal Asst. Assizes.—

(Here enter F. U. No 1315 of 1845).—

F. U.

Monday 9th June 1845.

At a Court of the Foujdaree Adalut

Present

Henry Dickinson Esquire 1st Puisne Judge
George I. Waters Esquire 2d Puisne Judge
Malcolm Lewin Esquire 3d Puisne Judge

Read Report dated 26th March 1845 from the Sessions Judge of Mangalore submitted under the provisions of Section XXXVII Regulation VII of 1802.

(Here enter No 970 of 1845)

para: 1

The trial adverted to at the close of this para: as being still before the Foujdaree Adalut was, it is observed, pending at the date of the Sessions Judge's address consequent on the absence in the Foujdaree Adalut of a third Judge and was finally disposed of on the 2d April 1845.

para: 2

2. The report of the success which has attended the Sessions Judge, Mr F. Anderson's attempts to bring practically into operation the provisions of Act VII of 1843 authorizing the assistance of Assessors in the trial

trial of criminal Cases, is regarded by the Court of Foujdaree Udalut as extremely satisfactory and as affording proof that the supposed existence of insuperable objections in the mind of the higher classes of native Gentlemen to a duty of that nature, may effectually be removed.

para: 10. 3 ——— The Foujdaree Udalut are not at the present period, prepared to concur with the Sessions Judge in the opinion he has expressed respecting the delay in the trial of Cases coming before the Sessions Courts, caused by the necessity of reducing to writing the evidence of all depositions and the remarks of the Sessions Judge at the close of the 12th para: of this Report, seem to indicate the propriety of its being so recorded. The Court of Foujdaree Udalut believe that the more deliberate method of reducing testimony to writing involves less probability of injustice and error arising, and they have no doubt, adverting to the constitution of Sessions Courts, that it is better calculated than any other for the efficient disposal of the labors devolving on them.

4. The Court, however, are free to admit

admit that owing to the multitude of unimportant matters coming before a Sessions Judge in his criminal and Civil capacities, his attention may occasionally be distracted from the more weighty and important duties yet they do not believe it to be impracticable to make such ministerial arrangements as may admit of the less important being temporarily deferred and they cannot admit that para: 11. the time spent by a Sessions Judge in disposing of trials has been needlessly and unprofitably wasted" even though the records of those trials have not in any single instance come under the perusal of the higher Court.

5. The estimate of the examination of Cases by the late Provincial Courts of Circuit, para: 12. which appear to have been formed by the Sessions Judges, is not consistent with the practical knowledge of such investigations which the Judges of the Foujdaree Udalut possess.

6. It does not appear that the para: 13. compulsory attendance of Assessors was intended to form part of the Jury system as now legalized and the Judges of the Foujdaree Udalut are not

not of opinion that it would be advisable to alter the present state of the law allowing the option of attendance to individuals who may be called to serve.

para: 14. 7. In this paragraph the Sessions Judge adverts to the sense of relief from responsibility which he experienced, from the confidence he was enabled to repose on the Jury assisting at the trial of some doubtful and difficult Cases.

8. It appears to the Court of Foujdaree Udalut that an impression of the above stated nature cannot but be deemed a great evil.

para 15. 9. The orders issued by the Sessions Judge for the separation of the two classes of Prisoners adverted to in this para: were judicious and are approved.

10. It is resolved that the Ministerial Calendars accompanying the above report be returned to the Office of the Sessions Judge, copies of such Cases only as have been noticed in his proceedings being retained for the purposes of record in the office of the Foujdaree Udalut.

Ordered

Ft. Uc.
9th June 1845.

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 submission to the Most Noble the Governor in Council.

(Sent in № 852)

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

(Sent in № 853)

Read Calendar of Case № 22 of 1845 submitted by the Sessions Judge of Cuddapah under date the 20th Instant.

[Here enter № 1501.]

1. Four Prisoners in this Case were charged with having at Midnight attacked the Prosecutor's Brother whilst he was keeping watch over the Prosecutor's paddy-field struck him with sticks, and cut, and wounded him with a pickle, and robbed him of a Gumbly valued at 4 Annas.

2. The Moofty convicts all the four

four Prisoners of Gang Robbery and of wounding and declares them liable to Ookoobut. But being barred on account of their present denial and the amount of the stolen property not being equal to Rupees

3.

The Session Judge considers the Futwah of the law Officer convicting the Prisoners of Gang Robbery to be unobjectionable and in accordance with the facts of the case but at the same time he thinks that as it is quite clear that the intention was to beat and not to rob and that the gumbly was carried off thoughtlessly and incidentally by the 1st Prisoner the heavy penalty to which the whole party are thereby made liable under Clause third Section IV Regulation XV of 1803. should be remitted and punishment inflicted on the Prisoners with reference only to the beating given by them to Goorooadoo which was a very severe one although not such as to do him any permanent injury - and he therefore begs to recommend that the Prisoners be sentenced to a mitigated punishment of imprisonment and hard labor in Irons for the period of one year

year which recommendation has been made known to them.

4.

The Court of Foujdaree Adalut concur with the Session Judge and consider that justice will be satisfied by a sentence of imprisonment with hard labor in irons for one year.

5.

They accordingly resolve to sanction under Clause third Section III Regulation I of 1825 the mitigated punishment recommended by the Session Judge and to direct that the Prisoners

1st Dundy Paupadoo

2d Kader appah

3d Terrapaty Venkatapadoo

and

4th Tippadoo

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (1) one year.

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

(Sent following precept No 854)

Read

"by the Law Officer, threw doubt upon the case
"for the prosecution".

3

The Sessions Judge accordingly
acquitted the prisoner but required him to pro-
duce security.

4.

The Court of Zillah dated
on a review of the Calendar called for the pro-
-ceedings in the case because the grounds which
the Sessions Judge assigned for not convicting
the prisoner convicted of the crime laid to his
charge appeared to them hardly reconcileable with
the abstract of the evidence contained in the
Calendar.

5.

After an attentive and deliberate
consideration of the proceedings this Court are
constrained to record their conviction that they
have seldom perused a trial so badly and in-
sufficiently examined or one so marked by a
failure of justice in its issue.-

6.

The Court entertain no doubt what-
ever of the prisoners guilt, and had the trial
been referred to them they would have had no
hesitation in convicting him. It is therefore
much to be regretted that the Sessions Judge

so strongly impressed with the idea that
the charge against the prisoner was true,
was led into the irremediable error of concur-
-ring with his Law Officer and acquitting
him.-

7.

In a case so fraught with
difficulties to the mind of the Sessions Judge
in which on conviction he is incompetent to
pass sentence, and which was characterized
with such savage brutality as was exhibited
in Case No. 56, the Court consider that Mr.
Hooper would have not only displayed more
discretion but that he would also more ef-
-fectively and faithfully have discharged his
duty had he placed less confidence in his
own judgment and referred the Case for the
consideration of this Court.-

8.

It is proper too to mention
that altho' the records of this Office exhibit
frequent instances of error and irregularity
on the part of the Sessions Judge of Madura
which have called for admonition and cor-
-rection yet that no part of his former conduct
has been such as to prepare the Court for

such defaults as are shewn in the case under review.

9. The Court at one time resolved to submit the trial for the consideration of Government but after a most anxious and care-ful deliberation they have refrained from so extreme a measure in the confident hope that the leniency with which he has been treated will stimulate the Session Judge to greater care in the performance of his duty in future.

10. The discrepancy noted by the Law Officer and adverted to by the Session Judge in the 1st Prosecutors statement appear to the Court altogether unimportant and in no way affecting the main facts of the case, or dis-proving the injury which the Prosecutrix is shewn to have sustained.

11. The apparent contradiction noticed between the statements of the Prosecutor and 4th Witness would have been reconciled if they had been properly examined. But even allowing every weight to the contradiction, it is so utterly unimportant when compared with the main facts of the Case, so clearly proved as the Court conceive.

The

12. The Court are unable to place any reliance in the evidence of the 6th Witness for the defence the statements are palpably false and grossly at variance with truth and facts.

13. That the poor girl was dis-covered by her cries in the most distressing condition, that the Prisoner had previously been seen in the Verandah, and subsequently running away are facts which cannot well be disputed with reference to what appears upon the record generally, and little experience is necessary to shew that isolated facts thus comprehensively received are most valuable. That she was gagged and otherwise precluded from resistance the Court see no reason to doubt, and it is extremely probable had she encouraged the advances of the Prisoner in any degree, that he would have stated the fact instead of denying the charge and attempting by the old appeal to an alibi (which he does not substantiate) to escape from conclusions not otherwise to be avoided.

Ordered

9th June 1845.

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

(Sent in ✠ 855)

Read Report of Cases tried by the Magistracy of Cuddapah under the provisions of Section XIV Act VII of 1843 during the month of April 1845

(Here enter F. U. № 1349 of 1845)

Case №1.

The Court of Foujdaree Udalut desire to be informed of the result of the measures which it is stated are proposed to be adopted in regard to the Tahsildar by whose orders the assault charged in this case is alleged to have originated.

Ordered that Extract from these proceedings be forwarded to the Magistrate of Cuddapah for his information by precept returnable in V days from and after the receipt.

(Sent following precept ✠ 856)

F. U.

Tuesday 10th June 1845.

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqr. 1st.
G. J. Waters Esqr. 2d. } Puisne Judges
Malcolm Lewin Esqr. 3d.

Read Communication from the Sessions Judge of Tinnevelly under date the 8th Ultimo.

(Here enter F. U. № 1381)

The Sessions Judge has submitted as an appendix to the Criminal Reports for April 1845, certain remarks on the Sentence passed by the Moofty Sudr Ameen in Case № 39 of 1845, in which the Prisoner was charged with House-breaking and robbery, with the opinion that the fact of the breaking was not proved and that the Sentence should be reduced to the punishment authorized by Section VII Regulation X of 1816.

2. The Court observe that this reference was unnecessary as the point involved being a question of fact, unconnected with any construction of the Law or the Regulations the Sessions Judge was himself competent to revise the Sentence passed

passed by the Lower Court.

Ordered, that Extract of these Proceedings be sent to the Sessions Judge of Tsimmetty for his information and guidance.

(Sent in No. 500)

Read Report dated 10th Ultimo Submitted by the Sessions Judge of Masulipatam, of the labor of Convicts for April 1845.-

(Here enter F: R: No. 1402 of 1845)

Read Report No. VII dated 10th Ultimo, Submitted by the Sessions Judge of Masulipatam, of Casualties and of Prisoners released in the Month of April 1845.-

(Here enter F: R: No. 1403 of 1845)

Read Return dated 10th Ultimo, from the Subordinate Judge of Salem, to the Precept of the Foujdaree Adalut under date the 6th May 1845, conveying the remarks of the Judges on the Criminal Reports for the Month of March 1845.

(Here enter F: R: No. 1406 of 1845).

Read Letter dated 13th Ultimo from the Magistrate of Nellore, explaining the cause of delay in forwarding Prisoners to the Court as directed in the Extract from the Proceedings of the Foujdaree Adalut dated 23rd April 1845.

(Here enter F: R: No. 1408 of 1845)

Read Criminal Report No. V dated 30th April 1845. Submitted by the Principal Sudr. Ameen of Nellore for

for the Month April 1845.-

(Here enter F: R: No. 1412 of 1845.

Read Calendar in Case No. VIII of 1845, Submitted by the Session Judge of Honore under date the 6th Ultimo.-

(Here enter F: R: No. 1415 of 1845.

Read Calendar in Case No. VIII of 1845. Submitted by the Session Judge of Honore, under date the 6th Ultimo.-

(Here enter F: R: No. 1416 of 1845.)

Read Report No. VII dated 30th April 1845. Submitted by the Session Judge of Nellore, on Statement of Extra Peons, and Convict Labor Report, with the exception of the Statement of information required by the Circular order No. 80 dated 6th December 1836 there being none to be entered in it; for April 1845.-

(Here enter F: R: No. 1422 of 1845.-

Read Report dated 1st Ultimo Submitted by the Acting Session Judge of Cuddalore, of the Convict labor for the Month of April 1845.-

(Here enter F: R: No. 1424 of 1845).

Read Criminal Report No. VI dated 1st Ultimo, Submitted by the Session Judge of Tinnevelly for the month of April 1845.-

(Here enter F: R: No. 1429 of 1845).

Read Criminal Report dated 13th Ult. Submitted by the Principal Sudr. Ameen of Chingleput for the Month of April 1845.-

(Here enter F: R: No. 1430 of 1845).

Read

10th June 1845.

Read Estimate dated 13th Ultimo, Submitted by the Acting Sessions Judge of Trichinopoly of value of all articles produced by the labor of Prisoners, and Convicts labor report of the Jail, during the month of April 1845.

(Here enter F. R. No. 1439 of 1845)

Read Statement dated 15th Ultimo — Submitted by the Acting Sessions Judge of Trichinopoly shewing the instances in which the powers of punishment created by Regulation X of 1832. have been exercised.—

(Here enter F. R. No. 1441 of 1845).

Read Calendar in Cases Nos. 10 and 11 of 1845. Submitted by the Sessions Judge of Chittoor under date the 10th Ultimo.—

(Here enter F. R. No. 1451 of 1845).

Read Criminal Reports dated 30th April 1845; Submitted by the Principal Sudr Ameen of Cochin for the month of April 1845.—

(Here enter F. R. No. 1452 of 1845).

Read return dated 3d Instant from the Sessions Judge of Tinnevelly to the precept of the Foujdaree Adalut under date the 27th May 1845. requiring him to return the Proceedings in Criminal Case No. 30 of 1845 and also to state the causes which led to his interference in the Criminal Case No. 32 of 1845, 20 days previous to any sentence being passed by the Principal Sudr Ameen.—

(Here enter F. R. No. 1636 of 1845.)

F. R.

Wednesday 11th June 1845.

At a Court of the Foujdaree Adalut.

Present,

Henry Dickinson Esquire 1st Puisne Judge
George J. Waters Esquire 2d Puisne Judge
Malcolm Lewin Esquire 3d Puisne Judge

Read return dated the 19th Ultimo from the Acting Sessions Judge of Combaconum to the Precept of the Foujdaree Adalut under date the 8th Instant, calling for an English translation of the Record in Case No. 11 of 1845 on the Combaconum Calendar.—

(Here enter F. R. No. 1499 of 1845.)

1. In this Case the Prisoner was charged with having at noon of Monday the 2d December 1844 set fire to his own thatched house, which was totally consumed.

2. In the trial it was alleged, that the Prisoner was insane and evidence was adduced to establish this point.

3. The Jury however found the Prisoner guilty of the charge, and the Sessions Judge concurred with them, but before passing

Sentence

sentence, deemed it proper to give the Civil Surgeon an opportunity of observing the Prisoner more closely for a few days.

4. Owing to the slovenly manner in which the Calendar was drawn up, the Court were unable to satisfy themselves, that the trial had been correctly disposed of; they therefore resolved to call for the proceedings held before the Sessions Judge.

5. These proceedings clearly show that the Prisoner committed an Act which was injurious to the property of others, and therefore criminal - but it is also evident from them, that the prisoner was not of sound mind at the time of committing the Offence. The Court accordingly resolve to direct that he be put at liberty.

6. The Court cannot part from the consideration of this trial, without expressing their surprize at the mode adopted by the Sessions Judge of testing the Prisoner's pleading against the direct evidence in the Case, which to say the least of it, was novel and extraordinary. The Sessions Judge was right in arresting, during

the Prisoner's state of mind before placing him at the bar, but the chief point to be determined in the case was his sanity of mind at the time of the act charged. This point could not be proved by determining his state of mind at the time of trial, much less could it be established by Surgical treatment after the trial. the only mode of ascertaining it was by the evidence adduced in the case.-

7. That this most obvious course escaped the consideration of the Sessions Judge is strange - but the neglect to the instructions laid down for the Sessions Judges guidance in such cases in Circular Order 1st June 1829 involved in this proceeding, is inexcusable.-

8. The Court trust the Sessions Judge will in future be more attentive to the Circular Order and they believe, that if he is so, he will be prevented falling into similar glaring errors.-

Ordered that Extract of these Proceedings be sent to the Acting Sessions Judge of Combaconum for his information.-

Sent in Sd.

Read

11th June 1845.

Read letter dated the 9th Ult. from the Principal Sudr Ameen of Tinnevelly, forwarding copy of the Proceedings of the Sessions Court under date the 5th May 1845, as an appendix to the Tinnevelly Criminal Reports for the month of April 1845.

(Here enter No 1407.)

Adverting to the view taken by the Sessions Judge of the judgment declared by the Principal Sudr Ameen in this Case, the Court of Foujdaree Udalut resolve to direct that an English translation of the record of the Case be forwarded for their consideration with the least practicable delay.

Case No 30.

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

(Sent following precept &c

Read return dated 16th May 1845 from the Sessions Judge of Chicacole to the precept of the Foujdaree Udalut of the 6th Instant, communicating further Orders in regard to Case No 1 of 1845 on the Chicacole Calendar for the

carried

F.U.

11th June 1845.

current year.

(Here enter F.U. No 1500.)

1. Adverting to the 2d para: of this return, the Court of Foujdaree Udalut desire the Sessions Judge will explain, under what circumstances he considered the deposit of the amount of security by the purety, legal or proper.

2. The Court further observe, that notwithstanding the assurance of the Sessions Judge, that a contrary practice should be introduced into his Court, this return was transmitted several days subsequent to its date.

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

(Sent following precept No

Read Criminal Reports for the months of April 1845 submitted by the Sessions Judge of Tellicherry.

(Here enter F.U. No 1409)

Adverting

In 11th June 1845.

1.

Case No 16 Supplemental Report.

Adverting to the remarks of the Sessions Judge in this Case, the Court of Foujdaree Udalut desire to be informed of the result of the inquiries made by the Joint Magistrate into the allegations of the witnesses, that their Talook statements were extorted from them.

2.

The Magistrate will also be pleased to submit direct to the Foujdaree Udalut any explanation that may be forthcoming, regarding the inconsistency pointed out by the Sessions Judge in the dates and circumstances of the apprehension of the prisoners.

Case No 26 Report No V.

3.

Case No 31.

In this Case the prisoner is charged with having discharged an iron arrow from an air gun at the prosecutor, and thereby wounded him on the back of the right arm below the elbow.

4.

The assault appears to the Court to differ little, if at all, from an attempt at murder, and they consider the punishment awarded to be culpably lenient. The attention of the Sessions Judge has been repeatedly called to the necessity of endeavoring to check the frequent resort on the Western Coast to instruments of death on any supposed injury and insult. The Court trust, that it will not be necessary to repeat these instructions.

5.

Notwithstanding the Sessions Judge sentences the prisoner under Section VII Regulation X of 1816 only to 3 months imprisonment with a fine of 30 Rupees, commutable in default of payment to a further imprisonment of 3 months.—

6.

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

(Sent following precept &c

Read return dated the 26th ult. from the Session Judge of Tellicherry to the precept of the Foujdaree Udalut under date the 24th April 1845 containing remarks on the Criminal Reports of the Tellicherry Session

11th June 1845

11th June 1845.

Session Court for March last, and calling for a translation of the record in Case № 19 of 1845

(Here enter F. C. № 1564 of 1845.)

1. The Court of Foujdaree Udalut having seen reason to doubt the propriety of the Session Judge's proceedings and decision of the Case № 19 of the Report № 7 of March last, sent for translation of the record the perusal of which renders it necessary that the Session Judge should explain

2. Since the 1st and 9th witnesses confirm before him their statements to the effect, that both saw the deceased beaten, and the former, that he saw almost immediately afterwards the body of the deceased. Why the Case was not committed for trial? It is also requisite that he should explain why the 7th Witness a Girl aged 12 years was not put upon her oath?

3. Before deciding this important Case, the Session Judge should have communicated with the Magistrate, and actually ascertained whether, or not, further evidence was to be procured, instead of contenting himself with the belief that it was not likely to be obtained.

He

F. C.
11th June 1845.

4. The Court in addition require to know, what enquiry the Magistrate may have instituted as to the correctness of the statements of seven witnesses, to the effect that they did not make before the Head of the Police the declarations, which he affirms they did make, and which he sent up to the Court. The Session Judge, if he made no communication to the Magistrate upon the subject will do so without delay and report the result.

Ordered, that Extract of these Proceedings be sent to the Session Judge of Tellicherry for his information by Precept, returnable in XV days from and after its receipt.

(Sent following precept №

Read Report dated 10th Febuary 1845 submitted by the Session Judge of Rajahmundry under the provisions of Section XXXVII Regulation VII of 1802.

(Here enter № 677 of 1845.)

paras 5 to 7.

1. As the mortality among the Prisoners in the Jail at Rajahmundry is not high, being on the average shown only 3½ per Cent

cent on the admissions, the Court of Foujdaree Adalut are not satisfied that it will be prudent to create by the removal of the earthen mounds surrounding the Jail, so great a change in the general temperature of the building, as will necessarily be involved in a measure of that nature. They observe that heat is not an admitted cause of disease amongst Prisoners in Jails, whilst excessive ventilation has at times been attended with baneful effects. Before, then, proceeding to so extensive reduction of the surrounding mounds the Court request the Officer in Medical charge of the Jail may be called upon to declare whether he considers the measure to be desirable and necessary, or whether the improvements to the Jail sanctioned by Government are not sufficient.

order of Government 6th September 1844.

2.

para 8.

The Convicts transferred for employment under the authorities at Vizagapatam were sent to that station for the purpose of paving a bulwark to prevent encroachments of the Sea, and have, it is believed, proved of great use in the construction of a place of public worship under the superintending

Vide communication from the Principal Civil Station of Vizagapatam to the 11th November 1843.

of the Civil Engineer of the Division.

On reference to the Report last received of the manner in which the Convicts at Vizagapatam are at present worked, it is found that both the work at the Bulwark and the Church has been omitted, and that 104 Convicts are now at labor on the public roads.

Dated 4th March 1845.

3.

para 10.

The Judges are of opinion, that under these circumstances the 80 Convicts transferred from Rajahmundry may be ordered back, and they accordingly resolve to request the authority of the Government for the issue of the necessary orders.

4.

This para refers to a subject obviously pertaining to a report on Civil justice, and should not have been included in that now under remark.

para 13.

5.

The feeling of the people in regard to sentencing to death a man who murders an unfaithful wife, to which the Session Judge adverts in this para, would find no scope for display; the Judges observe, in those cases where the wife had been detected in the act of adulterous intercourse, death by the hand of the injured husband, inflicted at the time

11th June 1845.

time would not in such a case be treated as murder.

The view of corporal punishment

para: 13. held by the Court of Foujdaree Udalut does not agree with that of the Session Judge, as expressed in this para: They would desire to see it inflicted only in cases of brutal and deliberate violence, and in cases of repeated theft.

The Court are not apprehensive

para: 25 and 26. that their Circular Order № 159 will produce any appropriation to the result guarded against in their previous Circular dated 27th December 1815; and are not prepared to dispense with a record of all such questions, as may be actually propounded to parties under examination before the Criminal Courts.

8.

para: 27 to 30. The concluding paras of the Session Judge's Report refer to subjects, which should be brought to notice in a Report on the administration of Civil Justice for the Half Year, and should now be made available for the next Report laid before the Sudr Udalut for such period.

9. The Judges take this opportunity

F. Uc.

11th June 1845.

of intimating, that they are not sure, that they clearly comprehend the meaning of the Session Judge in para: 30 and therefore beg he will, when bringing the matter again before the Court, remove all possibility of a misunderstanding.

Ordered, that Extract from these proceedings be forwarded to the Secretary to Government in the Judicial Department for submission to the Most Noble the Governor in Council.

(Sent in №)

Ordered also, that Extract from these proceedings be forwarded to the Session Judge of Rajahmundry by Precept returnable without delay.

(Sent following precept №)

End: Wk.

Thursday
12th June 1845.

At a Court of the Foujdary Udalut.

-Present-

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

Read letter dated 31st Ultimo,
from the Sessions Judge of Cuttack, transmitting
the record of the trial in Case No. 13 of 1845.

(Here enter No. 1596.)

Mr. G. J. Waters.
and
Mr. M. Lewin.

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

Nangumma

when laboring under temporary insanity put to death
the deceased Vencataramen, do acquit her of the
charge of Murder; but considering that her release
would be unsafe and improper, they direct that she
be placed in custody and that the Sessions Judge be
desired to forward at the close of each six months
a report upon her conduct from the Medical
Officer attached to the Jail.-

1. After a careful and attentive
perusal

perusal of the record in this case the Court are satisfied that the prisoner was in a state of insanity when she killed her child.-

2. It appears from the evidence of the prosecutor and of two witnesses that the prisoner had been subject to fits for a considerable period and the depositions of the two persons who appended her show that if not actually mad at the time, she was demeaning herself in a wild and incoherent manner.-

3. Adverting to the remarks contained in the 3rd Para: of the communications of the Sessions Judge, attributing the allegation of the prosecutor of his wifes insanity to a feeling of compassion when the first burst of grief and regret at the loss of his son was moderated, the Court observe that that individual made a statement to the same effect on the very day on which the child was killed which is corroborated by the Village Moonsiff in his letter to the Head of Police of the same date.-

4. Under these circumstances the Court are at a loss to account for the recommendation of capital punishment made by the Sessions Judge.-

Ordered

12th June 1845.

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

(Sent following Letter No. 875)

Read letter dated the 19th Ultimo from the Sessions Judge of Rajahmundry submitting the record of the trial in Case No. 2 on the Calendar of the Sessions Judge of Rajahmundry for 1845.-

(Here enter No. 1530.)

The Court of Sudder Adawlut

Mr. H. Dickinson and Mr. J. Water.- on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the prisoners

1st Dantla Rungaraze.-
2d - Do. Shadiraze.-
3d - Do. Seetaramaraze and
4th - Do. Veeraziah's son
Ramaraze.-

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.-

The five prisoners in this case were charged with having at about 12 o'Clock at night

12th June 1845.—

night robbed the Monsiff of the Village of Pynah
Rs. As. P.
of 27-4-0 of Cloth &c. and with having cut and
killed him with a Korray cutty in a case.—

2. The Sessions Judge in reviewing the evidence, points out many glaring inconsistencies and contradictions in that for the prosecution, which entirely vitiate the proceedings against the prisoners.—

3. He then observes that "there is no doubt of the murder and from the circumstance of the head being cut off a revenge motive must have been the motive of the murderers. deceased had no enemies but these Prisoners" and concludes by recording his opinion that "strong presumptive proof exists that the 1st and 4th Prisoners and especially the 4th were the instigators of the murder and were actually concerned in it and that the evidence against them is to be believed and therefore in consequence of the aggravated nature of the crime he considers that these 2 Prisoners namely 1st Daulla Ramgaranze and 4th Daulla Veerranzee's son Ramaranze should be sentenced the 4th to life and the 1st to 10 years imprisonment with hard labor in irons. The evidence against the 2d Prisoner Daulla Bhadirranze and the

3d.

12th June 1845.—

3d Prisoner Daulla Seetaramaranze being considered "probable and very direct as to their being seen on the night of the murder washing their clothes and wet and busy in the field where the head was found is on the whole credible and that it establishes against them active participation in the murder but as they do not appear to have been principals as 1st and 4th Prisoners were, he is of opinion that they should be sentenced to 7 years imprisonment with hard labor in irons. The 5th Prisoner is released there being but little evidence against him and no reason to believe him concerned."—

4. The punishment denounced by the Law for the offence of which the Sessions judge convicts these prisoners is death. He Constructions has not specified the grounds on which he has considered himself justified in recommending any mitigation of this punishment in the case of the 1st and 4th Prisoners but it would appear from the tenor of his letter that he has fallen into the error which it was the intention of the legislature by the promulgation of Regulation XV of 1803 to guard against viz of awarding punishment by a consideration of the degree of proof against the parties accused rather than the degree of guilt

and

12th June 1845.—

and criminality of the act established against them.
The utter absurdity as well as the dangerous tendency of such an error is too obvious to require proof and the total disregard of a clear declaration of the law which Mr. Austruther is bound to administer exhibits his conduct in no favorable light.—

5 Having premised this remark on the Sessions Judge's recommendations founded on his judgment in the case the Court proceed now to animadvert on the judgment itself and they feel constrained to observe that the conclusions Mr. Austruther had arrived at has greatly astonished them and leads them strongly to doubt his fitness for the responsible situation he holds. There is not the slightest grounds for believing from any evidence taken on the trial that the Prisoners had any concern whatever with the murder. All motive for such a crime is wanting on their part. It is not proved that revenge actuated them nor does it appear they were influenced by consideration of plunder.—

6. That the 1st. Witness lent the knife to the 1st Prisoner is asserted by himself only and he is a servant to the foster or step mother of the 1st. Prisoner who it seems bears him no good will. The pretended

12th June 1845.

pretended discovery of the unconcealed Knife under the Prisoners cot is to the last degree unsatisfactory.

The evidence as shewn by the Petitioners is worthless conflicting, and in many respects impro-bable.—

Indeed it is impossible to discover the

7.

the grounds on which the trial was referred, for the observations made by Mr. Austruther (so far as they are intelligible at least) have quite as strong a tendency to prove that the evidence against the Prisoners is false as that relianced can be placed on it.—

The Court have therefore resolved

9.

to direct the immediate release of these prisoners.—

The Court remark that there has been a

10.

unnecessary waste of English paper in the preparation of the record of this trial and they desire that the rule hitherto observed of submitting the translations of the proceedings of the Subordinate Court and Police on Country paper be reverted to and observed in future.—

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

(And following Letter No. 876)

Read

12th June 1845.-

Read letter dated the 26th May 1845 from the Sessions Judge of Rajahmundry submitting the record of trial in Case No. 4. on the Calendar of the Session Court for 1845.-

(Here enter No. 1566 of 1845.)

Mr. G. I. Waters. and Mr. M. Lewis.-

The Court of Foujdary Udalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the prisoner

Pollamuttu Bochiga.-

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.-

1. On an attentive perusal of the record of this case the Court consider the evidence against the prisoner altogether insufficient to prove that the deceased died from the effects of blows inflicted by him.-

2. There was no apparent cause of quarrel no previous enmity existing and such contradictions are to be observed in the evidence of the prosecutor who alone speaks to having seen the blows inflicted.-

3. Under these circumstances the Court

P. 26.

12th June 1845.

Court resolve to acquit the prisoner and to order his immediate release.-

4. The Court cannot close these proceedings without expressing their extreme surprise that any Judicial Officer should have proposed a sentence of stripes recommended by Mr. Anstruther as the punishment of an act of open violence containing in it nothing whatever of an ignominious nature.-

Ordered that Extract of these Proceedings be sent to the Session Judge of Rajahmundry for his information and guidance.-

(Sent following Letter No. 877)

Read return dated the 26th ultimo from the Session Judge of Tinnevelly to the precept of the Foujdary Udalut under date the 16th Idem requiring to be informed whether the Magistrate has taken any notice of the conduct of the public servants whose proceedings have been impugned by the Session Judge in his remarks of the Sessions Calendar for Case No. 11 of 1845 and also to submit a copy and translation of the Urzee referred to in the 16th para of the remarks in the Calendar.-

(Here enter F. G. No. 1551 of 1845.)

Adverting

Adverting to the opinion expressed by the Joint Magistrate in his letter to the Magistrate of the 20th Ultimo the Court of Sessions Judge to submit with as little delay as possible an English translation of the record of the case in question for their consideration.-

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

(Sent following precept No. 878)

Read return dated the 27th Ultimo from the Acting Sessions Judge of Trincomalie to the precept of the 7th Instant under date the 14th Idem directing him to call upon the Law Officer to explain the grounds on which the Prisoner in the Calendar of Cause No. 8 of 1845 on the file of the Sessions Court is exempted from the penalty of the crime of robbery by open violence.-

(Here enter F. 26. No. 1576 of 1845.)

1. The Court observe that the offence of which the prisoner has been convicted clearly falls within the definition of robbery by open violence as given in Clause first Section III of Regulation

Regulation XV of 1803- and should have been sentenced to the punishment prescribed by Clause Third Section IV of the same Regulation.

2. The measure of punishment to be awarded in such cases is not left to the discretion of the Sessions Judge and therefore he ought not to have consulted the Law Officer on the subject.-

3. The Sessions Judge should have passed sentence on the Prisoner according to Law but should have recommended a mitigation of the punishment if he considered it to be too severe.-

4. The Sessions Judge will be pleased now to follow this course and to amend his sentence accordingly.-

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

(Sent following precept No. 879)

Read Calendar of Cause No. 11 on the file of the Sessions Court of Trincomalie for 1845.-

(Here enter F. 11. No. 1560 of 1845.)

The prisoners in this case are convicted

of

12th June 1845.

of gang robbery and have been sentenced to 14 years impri-
sonment with hard labor in irons.—

2. The Court observe that their conviction
rests solely on the evidence of the witnesses who declared
that they recognized them at the time of the robbery.—

3. As some of the witnesses were not
before acquainted with the prisoners and as there
are no corroborating circumstances and the prisoners
did not confess the Court are led to doubt whether
the presumption against them is sufficiently strong
for their conviction.—

4. They accordingly resolve to call on
the Acting Sessions Judge to submit for their
consideration an English translation of the record
of the trial with the least practicable delay.—

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

(Sent following precept No. 82)—

DM

Read letter dated 31st ultimo from
M the Agent to the Governor of Fort St. David
at Kurnool submitting the record of trial in
Case No. 1 of 1845.—

(Here under No. 1604)

12th June 1845.

Present &c.

Mr. M. Levine—

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,

"Undedata Obalum"

is sufficient to convict him of the crime of Murder,
to convict him thereof, but, being of opinion un-
der the circumstances of the case, that the pu-
nishment 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 during the period of his natural life.—

1. The Prisoner was one of the 4
Convicts placed under charge of the Trunk Road
Dattoo Khan.—

2. The person was murdered, and
there can be no doubt but that the deed was per-
petrated either by some, or by all, of the said four
convicts.—

The

12th June 1845.—

3. The Prisoner denies that he bore any part in the murder. This is most improbable, but still there is no direct evidence to shew that the denial is false.—

4. The Prisoner at all events did not prove that he had objected to the murder by giving information of it when he discovered that the Person was dead.—

5. Under these circumstances they must have resolved to commute the sentence to which the prisoner is liable to transportation for life.—

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

(Sent following Letter &c.)

F. 6.

Friday 13th June 1845. At a Court of the Foujdaree Udalut

Present.

Henry Dickinson Esqr. 1st
G. I. Waters Esqr. 2d } Puisne Judges
Malcolm Lewin Esqr. 3d

Read letter dated the 14th Ultimo from the Magistrate of Vizagapatam submitting correspondence between the Special Commissioner of Masulipatam and the Magistrate of Vizagapatam on a question of jurisdiction.—

(Here enter No. 1474)

1. The point referred for determination by the Foujdaree Udalut is whether under the provisions of Act VIII of 1843 it is within the competency of the Special Commissioner for the Northern Division to issue to a Magistrate, a precept requiring obedience to instructions therewith conveyed.—

2. The Court of Foujdaree Udalut have no hesitation in replying in the negative to the question propounded by the Magistrate of Vizagapatam and it is a matter of surprize to the Judges that the Special Commissioner, Mr. Boileau, should have

have attempted to uphold by arguments such as he has
used, a course of proceeding the irregularity and illegality
of which must, it is to be inferred, have been most
obvious to a functionary of the Special Commissioners
experience when doubts as to its propriety were actually
raised and discussed.—

3. Their surprize is greater from its
being observed that in the matter which has led to
the correspondence between the Special Commissioners
and the Magistrate of Vizagapatam now before the
Foujdaree Adalut, it was necessary only to convey to
the former functionary the opinion of this Court—
communicated to the Special Commissioners on the 5th
April last.—

4 The Foujdaree Adalut further observe
that the fact of papers having passed without
comment under the Court's notice in which it was
apparent that on other occasions the Special Commissioners
had issued Precepts to the Magistracy in the Northern
Division, is no justification of a course in respect
of the irregularity of which it is difficult to form two
opinions.—

Ordered that Extract from these Proceed-
ings be sent to the Special Commissioner in the

F. A:

13th June 1845.

Northern Division and Magistrate of Vizagapatam
for their information and guidance.—

(Sent in Nos. 882/883)

Read Calendar dated the 15th May
1845 submitted by the Sessions Judge of Chittoor—
in Case No. 12 of 1845.—

(Here enter F. A: No. 1541 of 1845).

Two Prisoners are charged with—
having at 5 O'clock in the evening attacked the—
Prosecutor in the road and after assaulting him
robbed him of property valued at Rupees 3–15–6.

2. The Sessions Judge concurring with
the finding of the Moofty sentenced the 1st Prisoner
to 14 Years imprisonment but required the 2nd to
produce security for his future good conduct for
3 Years.—

3. Adverting to the trifling value of
the property stolen and the absence of all proof of
any malice having been used towards the prosecutor
or of any other aggravating circumstances the Court
consider the punishment awarded the 1st Prisoner
to be too severe and they resolve in the exercise of
the authority vested in them by Section XXXV. Act
VII of 1843 to mitigate it and to direct that the
Prisoner

Prisoner

"1st. Mooneyadoo"

be sentenced to be imprisoned and kept to hard labor in irons, on the public roads or other public works for and during the period of eight years.—

Ordered that Extract of these Proceedings be sent to the Session Judge of Chittoor for his information by precept returnable in Three days from and after its receipt.—

(Sent following Precept No. 884)

Read Calendar dated the 24th. Ultimo submitted by the Session Judge of Rajahmundry in Case No. 5 of 1845.—

(Here enter F. H. No. 1555 of 1845)

1. Six Prisoners are charged in this Case with illegally detaining in custody and ill using three persons one of whom died from the effects of the ill usage received.—

2. This charge which is set forth at unusual length and drawn up with many unmeaning technicalities of English Law is considered by the Session Judge to be unsubstantiated.— The 2d, 3d, 4th, 5th, and 6th Prisoners have accordingly been released, but the 1st has been required to furnish Security.—

3. The Court seeing strong reasons to doubt

doubt the propriety of the disposal of this Case desire that an English translation of it may be submitted for their consideration with the least possible delay.

Ordered, that Extract of these Proceedings be sent to the Session Judge of Rajahmundry by precept returnable in XV days from and after its receipt.—

(Sent following Precept No. 885).

Read return dated 30th. April 1845. from the Session Judge of Calicut to the precept of the Foujdaree Adalut of the 3d. idem requiring the Magistrate "to use his utmost endeavours to sift to the bottom the complaint which has been brought forward by a female (Pallaye) of her husband Mootoran the 2d. Prisoner in Case No. 65 on the Calendar for 1844, having been hanged in lieu of the 1st. Prisoner (Mullun) who had been sentenced to suffer death."—

(Here enter No. 1319)

Read letter dated 8th. May 1845 from the Session Judge of Calicut submitting with reference to the foregoing return a communication from the Magistrate of Calicut soliciting permission to reply to the imputation cast upon him by Mr. Strange in his letter of the 30th. April last to the effect that he had formed his judgment on the matter of the alleged transposition "long ago."—

(Here enter No. 1405).

Read

Read letter dated 10th. May 1845.
from T. L. Strange Esqr. late Subordinate Judge
of Calicut commenting upon the proceedings and
report of the Magistrate of Malabar, on the
subject of a representation made that an innocent
prisoner had been hanged under his instrumentality
and arguing for the falsity of the said representation.

(Here enter No. 1427.)

Read letter dated 16th. May 1845 from
the same Gentleman, explaining the grounds upon
which he stated that the Magistrate of Malabar had
formed his opinion before he entered upon the enquiry
of the Cherrucc Vellayee's complaint that her husband
had been wrongfully hanged.

(Here enter No. 1479.)

Read letters dated 22nd. and 23rd.
May 1845, from the Sessions Judge of Calicut,
submitting copy of a letter from the Magistrate of
Malabar wherein that officer applies for permission
to reply to the remarks contained in Mr. Strange's
letter of 10th. idem to the Foujdaree Adalut respecting
the alleged transposition between the Prisoners in
Case No. 66 on the Calendar of the Sessions Court
for 1844. and representing them as not borne out
by the record and full of glaring mistakes and

expressing his conviction that Mr. Strange will be
called on to substantiate his charge against his Head
Revenue Moonshee Raman Menon whose character
and prospects Yr. must materially suffer, is so very
grave an imputation as that made by Mr. Strange
is allowed to lie over him without his having an
opportunity to answer it.—

(Here enter Nos. 1533 & 1534.)

With the return dated 30th. April

1.
the Sessions Judge submits the Magistrate's report
on the enquiry made by him in accordance with the
instruction conveyed in this Courts Order of the
3rd. idem together with a letter from Mr. Strange
containing his observations on the Magistrates report
and his own remarks.—

The Magistrate after detailing the
2.
preliminary proceedings adopted by him to prevent
the object of his enquiry transpiring, and the mode
of conducting it adopted by him, states that the gra
body of the evidence taken by him is of "one and
"the same tendency, and strengthened as they are by
"the eventual confession of the Prisoner himself, who
"seemed unable to withstand the weight of testimony
"brought against him, leave no doubt on his mind
"that a mistake has unfortunately occurred, and tha
"the man now alive is the one who ought to have
been

"been executed".—

3. To this view the Sessions Judge and Mr. Strange are strongly opposed.—

4. The Court however are unwilling to pass any judgment upon the case until Mr. Conolly shall have extended his investigation to the Jail and have tested his opinion recorded in the 18th. paras of his letter as to the period of the substitution. If the substitution did take place in the Jail, it could not have happened without the knowledge of the Jail servants. For the reasons stated by Mr. Conolly, the Judge might be in perfect ignorance of the act, but it is impossible this should be the case with the peons, and servants about a Jail, numbers of whom must have known the right persons.

5. The Judges have felt much delicacy in desiring this enquiry to be conducted by the Magistrate and their determination has been formed not from any doubt in their minds of the desire of the Sessions Judge to do justice or of readiness on his part to give his labor for the purpose or of inability to conduct it with propriety and talent but because they have felt the difficulty which must always be experienced in deciding on an Enquiry conducted by 2 persons on separate points of it, and being already in possession of Mr. Morris' opinion, of this part of the

case they consider it will be highly advantageous to obtain the opinion of another independent mind on the same point.—

6. The Sessions Judge will accordingly be pleased in transmitting these proceedings to the Magistrate to take such steps in communication with that officer as will enable him to carry out the wishes of the Foujdaree Adalut and submit a report on the conduct of the Jail officers in this most mysterious affair.—

7. The Court further resolve in accordance with the wishes of the Magistrate expressed in his letter of the 8th. May last to furnish him with Mr. Strange's letter of the 19th. April in order that he may reply to any remarks he may deem necessary.—

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

(Sent following Precept No. 856).—

Ed W

RDM
by

F. U.

Saturday 14th June 1845

At a Court of the Foujdaree Udalut

Present

H. Dickinson Esqre 1st
G. J. Waters Esqre 2nd
M. Lewin Esqre 3d
} Puisne Judges

Read letter dated the 24th Ultimo from the Agent to the Governor of Fort St. George in Vizagapatam forwarding translation of Proceedings of the trial in Case No. 12 on the Calendar for 1845.

(Here enter No. 1586)

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

Mr. H. Dickinson and Mr. G. J. Waters

1st Coradah Potanyah alias Ramadavamy 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 3rd Section III Regulation I of 1825, sentence him to be

transported

transported to such place as placed beyond the limits the Governor in Council shall appoint there to be imprisoned and kept to hard labor in irons on the public roads or other public Works for, and during the period of his natural life: and being of opinion that the prisoner

2nd Cantrobatten Lutchmidasy,

is not convicted on presumptive proof, on the evidence of accomplices or on her own confession of the crime of receiving stolen goods, knowing them to be such, do acquit her thereof but considering that strong suspicion, tho' not amounting to conviction attached to her, they direct that she be required under Clause Sixth, Section III Regulation XI of 1803 to find two sureties of 25 Rupees each duely, for her good behaviour and appearance when required within two years or in default thereof, that she be detained for two years in confinement.—

1.

The 1st prisoner in this case was charged with having murdered a female by wounding her on the face and head with a knife or other instrument, and with having robbed her of certain gold ornaments which were then on her person.—

2.

The 2nd prisoner was charged with having received the said gold ornaments, knowing them to have been stolen from the person of the murdered woman.

After

14th June 1845.

3.

After a careful and attentive perusal of the record of this trial, the Court of Foujdaree Udalut are convinced of the guilt of the 1st prisoner, but under the circumstances of the case resolve to pass on him the mitigated sentence of transportation for life.—

4.

There being no proof that the 2nd prisoner knew that the 1st prisoner had obtained the jewels by murder and robbery, though she acknowledges that she was aware that he bore a bad character, the Court direct that she be released on her furnishing security in 2 sureties for Rupees 25 each, for 2 years, or in default thereof that she be imprisoned for the same period.—

5.

Adverting to the remarks contained in the 16th Para of the agents communication regarding the declaration made by the 1st prisoner before the Junior Assistant Magistrate, the Judge of the Foujdaree Udalut cannot pass from the consideration of this trial without recording their opinion of the exceeding impropriety of the mode of examination adopted by Mr. Ratliff, as evincing a desire on the part of that gentleman to lead the prisoners to criminate themselves.—

Ordered, that Extract of these Proceedings be forwarded to the Agent to the Governor of Fort St. George at Vizagapatam, for his information and guidance.—

(Sent following letter No. 888.)

Read

Read letter dated the 19th Ultimo from the Acting Sessions Judge of Trichinopoly, requesting instructions in regard to the power of a Justice of the Peace in the matter of issuing a warrant to search the house of a European British subject.—

(Here enter No. 1503)

1. The question submitted by the Acting Sessions Judge originated on a requisition recently addressed to him, to issue a warrant to search the house of a European woman, wherein it was supposed an European Soldier was secreted, against whom it was charged that he had been absent for a few hours without leave.—

2. In the opinion of the Sessions Judge there can be no doubt that in any Case of Asserted criminality, the Justices of the Peace should act, — of the Soldier referred to being a deserter (even being harboured by the female) the Acting Sessions Judge ought to have granted the warrant, as desertion is an offence punishable not merely as a Military offence.—

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

(Sent following letter No. 887)

Read Return, dated 28th Ultimo from the Sessions Judge of Guntoor, to the Precepts of the Sessions Judge of Vellore

Judge of Vellore under date the 15th May 1845, containing their remarks on review of the Report submitted by the Sessions Judge under the provisions of Section XXXVII Regulation VII of 1802.—

(Here enter No. 1511)

Read letter dated 22d Ultimo from the Magistrate of Salem, stating why the case of Burglary committed in the Salem taluk in Case No. 38, was referred by the Head of Police for the decision of the Assistant Magistrate.—

(Here enter No. 1517)

Read letter dated 21st Ultimo from the Acting Magistrate of Canara, informing that no cases were disposed of by the Magistracy under Section LIV Act VII of 1843 in April last.—

(Here enter No. 1519)

Read letter dated 22d Ultimo from the Sessions Judge of Cuddapah, offering a few further remarks in Case No. 16 of the Calendar for 1845.—

(Here enter No. 1521)

Read Calendar dated 22d Ultimo submitted by the Sessions Judge of Bellary, in Case No. 19 of 1845.—

(Here enter No. 1522)

Read Calendar dated 22d Ultimo submit-

submitted by the Acting Sessions Judge of Trichinopoly, in Case No 10 on the file of the Sessions Court of Trichinopoly for 1845.—

(Here enter No 1525)

Read Supplemental Report dated 26th 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 the 31st March 1845.—

(Here enter No 1526)

Read letter dated 27th Ultimo from the Agent to the Governor in Ganjam, informing that Returns of Criminal cases tryed in the Month of April last is not for wards.—

(Here enter No 1527)

Read return dated 23rd Ultimo from the Sessions Judge of Madura, to the precept of the Foujdaree Adalut under, dated the 15th May 1845, directing the Sessions Judge to amend his sentence in Case No 13 of the Calendar for 1845.—

(Here enter No 1529)

Read Calendar dated 22nd Ultimo submitted by the Sessions Judge of Tellicherry in Case No 10 of 1845.—

(Here enter No 1538)

Read Calendar dated 25th Ultimo submitted by the Sessions Judge of Salem in Case No 29 of 1845.

(Here enter No 1537)

Read letter dated 27th Ultimo from the 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 April last.—

(Here enter No 1540)

Read return dated 26th Ultimo from the Agent to the Governor of Fort St. George at Kurnool, to the precept of the Foujdaree Adalut under date the 20th May 1845, requiring the agent to state what punishment was inflicted on the Police Officers who maltreated the Prisoners in Case No 6 Supplemental Report.—

(Here enter No 1545)

Read letter dated 25th Ultimo from the Subordinate Judge of Rajahmundry, replying to the Extract from the Proceedings of the Foujdaree Adalut dated the 16th Instant, and furnishing explanation of "Rodumdum" and stated that the remarks in No 21 have already been forwarded to the Magistrate and that copy of Parwana has now been sent.—

(Here enter No 1546)

Read return dated 26th Ultimo from the Acting Sessions Judge of Trichinopoly, to the precept of the Foujdaree Adalut under date the 7th May 1845, directing the Acting Sessions Judge of Trichinopoly to call up the proceedings in Case No 41 of 1845 on the file

11th June 1845.

file of the Principal Sudder Ameen's Court, and taught on Rec
such orders as may appear to him proper, reporting the
result for the information of Zeejaboo Udalut.

(Here enter No. 1648.)

Tuesday
17th June 1845.

At a Court of the Zeejaboo Udalut.

Present

Mr. Dickinson Esqr. 1st
Mr. L. Water Esqr. 2d
Mr. A. Lewin Esqr. 3d
} Puisne Judges

Read letter under date the 30th May 1845, from the Session Judge of Rajahmundry, forwarding Translation of the Record in Case No. 6 of 1845 on the file of the Session Court, for the final orders of the Court of Zeejaboo Udalut.

(Here enter Ltr. No. 1648.)

The Court of Zeejaboo 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 Mauntha Pellegoudoo

and

2nd Mauntha Ramoodoo

is sufficient to convict them of the Crime of Murder, do severally convict them thereof; and under the provisions of Section X Regulation VIII of 1802, sentence the prisoner

1st Mauntha Pellegoudoo

to suffer death by being hanged at the usual time and place of execution; but being of opinion under

17th June 1845 under the circumstances of the case, that the punish-
=ment to which the prisoner

2d Manika Ramudu

is liable under the provisions of Section X Regulation
VIII of 1802, is too severe, in this instance. The Court is
under the provisions of Clause Second Section VII Regula-
tion I of 1825, entitled to be transported beyond
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. After a careful and attentive
perusal of the record of this case the Court are
unable to concur with the Sessions Judge in convicting
the prisoner against the 2d prisoner to the sen-
=tence which the Sessions Judge has passed upon him
for life which must meet the ends of Justice.

2. The murder of this deceased
Accounting of a fourth crime a savage and deliberate
intent which renders it impossible to view the crime
otherwise than as a deliberate premeditated murder.

3. Neither can the Court concur in
the opinion expressed by the Sessions Judge as to
the innocence of the 2d prisoner as the Court
entertain no doubt whatever but he be the Com-
=mission of the murder.

The

17th December 1845 The Court have recently expressed their
opinion of the utter inapplicability of corporal punish-
=ment to cases of violent assault & murder.

The proceeding of the Sessions Judge
Mr Sturtevant in examining the 5th Prosecutor after
the conclusion of the case for the Defence were,
the Court observe, entirely irregular and unwarrantable

Ordered, that Extract of these Proceedings
be sent to the Sessions Judge of Rajahmundry for
his information and future guidance.

(Sent in No 894)

Read report of cases pending on the
30th April and committed for trial during the
month of May 1845 before the Sessions Judge
of Guntoor.

(Here enter Ltr No 1607)

1. With reference to the causes assigned
Case No 12. for the delay which has occurred in the commence-
=ment of this trial the Court direct that
the Principal Lude Amen be required to report
the date of his first application to the
Magistrate which is referred to in the explanation
submitted by the Sessions Judge.

Ordered, that Extract of these
Proceedings be sent to the Sessions Judge of
Guntoor for his information and for communication
to the Principal Lude Amen who shall state

by

17th June 1845. by prompt return will be expected within X days from date of receipt.

(Sent following Circular N°1805)

Read Return dated 3rd June 1845 from the Acting Subordinate Judge of Chittoor, to the precept of the Superintendent dated the 28th May 1845, calling for explanation of disparity in number of Cases tried & Convicted and Acquitted

(Here enter N°1806)

Read letter dated 3rd June 1845 from the Acting Magistrate of North Arcot submitting explanation on Cases N°s 3 & 4 in the Criminal Reports for January 1845, submitted by the Subordinate Judge of Chittoor, as required in Extract from the Proceedings of the Superintendent under date 11th March 1845.

(Here enter N°1807)

Read letter dated 3rd June 1845 from the Acting Subordinate Judge of Cuddapah reporting that 52 convicts were forwarded to the Station Commanding Artillery on the 29th April 1845.

(Here enter N°1808)

Read Report dated 2nd June 1845 submitted by the Sessions Judge of Cuddapah of Cases pending on the 30th April and committed for trial during the month of May 1845.

(Here enter N°1809)

17th June 1845 for trial during the month of May 1845.

(Here enter N°1805)

Read Report dated 2nd June 1845 submitted by the Sessions Judge of Salem, of Cases pending on the 31st May 1845 before the Sessions Judge of Salem, for expiredt of 25 days from the date of commitment, and accounting for delay.

(Here enter N°1806)

Read Report dated 2nd June 1845. submitted by the Sessions Judge of Masulipatam, of Cases pending on the 30th April and committed for trial during the month of May 1845.

(Here enter N°1807)

Read letter dated 2nd June 1845, from the Acting Magistrate of Guntoor, reporting that there have been no cases tried by the Magistracy under the provisions of Section I. IV Act VII of 1843 during the month of May 1845.

(Here enter N°1812)

Read Report dated 2nd June 1845 submitted by the Sessions Judge of Madura, of Cases pending on the 30th April and committed for trial during the month of May 1845.

(Here enter N°1815)

Read Return dated 3rd June 1845 from the Subordinate Judge of Bellary, to the precept of the Superintendent dated the 28th May 1845, conveying their orders on the Criminal Report for

7th June 1845 for the month of April 1845.

(Here enter No. 1620)

Read letter dated 3rd June 1845
from the Sessions Judge of Coimbatore stating that
there is no case during the past month to be entered
in the report required by the Registrar General's
Circular letter of the 18th ultimo last.

(Here enter No. 1621)

Read letter dated 3rd June 1845
from the Acting Subordinate Judge of Coimbatore, submitting
information as to the cause of delay in Case No. 25
Supplemental Report for April required in the
Extract from the proceedings of the Registrar General
of the 27th Ultimo.-

(Here enter No. 1622)

Read Statement dated 31st May
1845 from the Sessions Judge of Coimbatore, of the
Cases of Convicts in the Jail at Coimbatore,
during the Month of May 1845.

(Here enter No. 1623)

Read Statement dated 31st May
1845 submitted by the Sessions Judge of Coimbatore,
shewing the instances in which the powers of punish-
ment vested by Regulation X of 1832 have been
exercised for May 1845.-

(Here enter No. 1624)

Read Report dated 2nd June 1845

submitted

7th June 1845 submitted by the Sessions Judge of Honore, of Cases
pending on the 30th April and committed for trial
during the Month of May 1845.

(Here enter No. 1627)

Read letter dated 30th May 1845
from the Sessions Judge of Honore, reporting the
transfer of certain Criminal Cases in Case No. 22 of
1845 on the Calendar of this Court from Honore
Zillah to that of Sirsy under Circular Order No. 1845
for the benefit of his health.

(Here enter No. 1625)

Read Return dated 3rd June 1845
from the Sessions Judge of Madura, to the proceedings
of the Registrar General under date the 28th May
1845, sanctioning under Clause 1st, Section III.
Regulation I of 1825, the mitigated punishment
recommended by the Sessions Judge in Case No. 15
of the Calendar for 1845.-

(Here enter No. 1629)

Read letter dated 5th June 1845
from the Magistrate of Madura, reporting that the
powers vested in Magistrates 1st by Sections IV & IV
of Act VII of 1843 have not been exercised in
last Month.-

(Here enter No. 1630)

Read Return dated 6th June 1845
from the Sessions Judge of Vellore, to the proceedings
of the Registrar General under date the 12th May 1845
requiring

17th June 1845 requiring the Sessions Judge to make the enquiries necessary to enable him to report positively whether the sums passed by the Principal Sudr Ameen, & Sudr Ameen in 1844 were in the hand writing of those officers respectively.

(Here enter No. 1631)

Read Sessions Court return dated 5th June 1845, from the Sessions Judge of Salem, to the precept of the Court of Sessions dated 8th ultimo, under date the 15th May 1845, regarding Case No. 45 of the Criminal Report of the Subordinate Court for the month of March 1845.

(Here enter No. 1632)

Read letter dated 3rd June 1845 from the Sessions Judge of Tellicherry, reporting that one case remains before the Sessions Court of Tellicherry during May 1845 for want of a period of 25 days from date of commitment.

(Here enter No. 1635)

Read Report dated 3rd June 1845 submitted by the Agent to the Governor of Fort St. George & Vice Presidency of Cases pending on the 30th April 1845 and committed for trial during the Month of May 1845.

(Here enter No. 1637)

Read letter dated 6th June 1845 from the Acting Magistrate of North Malabar, reporting that

17th June 1845 that during the Month of May last the Magistracy did not exercise the powers vested in them by Section LIV of Act VII of 1843.

(Here enter No. 1640)

Read letter dated 6th June 1845 from the Magistrate of Cuddapah, informing the Judges that the power vested in Magistrates by Section LIV Act VII of 1843 was not exercised during the Month of May 1845.

(Here enter No. 1647)

Read letter dated 3rd June 1845 from the Sessions Judge of Mangalore, reporting that he has sentenced the prisoners Sadasivan Moopen in Case No. 20 and 21 of 1845 on the Mangalore Calendar, to eight Months imprisonment with hard labor in irons from 19th March last, with reference to the Extract from the Proceedings of the Sessions Calendar under date the 5th Ultimo.

(Here enter No. 1655)

Read letter dated 4th June 1845 from the Acting Magistrate of Cannanore, forwarding Copy of a letter from the Assistant Magistrate, explanatory of the cause of delay in forwarding to the Court Case No. 68 on the Subordinate Judge's file, and stating that the Case No. 77 was committed in strict conformity with Circular Order No. 140.

(Here enter No. 1656)

Read letter dated 6th June 1845 from

7th June 1845 letter in Case No. 6 of 1845 on the file of the Sessions Court of Dichiwapoly.

(Here enter No. 1868)

Read Return dated 7th June 1845 from the Principal Sub Assistant of Coimbatore, to the precept of the Sessions Judge dated the 3rd June 1845, summoning the sentence in Criminal Case No. 23 of 1845, and directing to transmit to the office of the Registrar for annulment, the Extract from their Proceedings dated 28th April last.

(Here enter No. 1873)

Read letter dated 9th June 1845 from the Sessions Judge of Chittoor, stating that there was no case before the Sessions Court pending for a period in Excess of 25 days in the last month, and that the required report is not therefore transmitted.

(Here enter No. 1877)

Read Calendar dated 9th June 1845 from the Sessions Judge of Combaconum, in Case No. 25 of 1845.

(Here enter No. 1890)

Read letter dated 10th June 1845 from the Magistrate of Nellore, stating that no Cases cognizable under Section 4 IV Act VII of 1843 were disposed of by him or his Assistants during the Month of May 1845.

(Here enter No. 1892)

17th June 1845 from the Sessions Judge of Coimbatore, forwarding duplicate Copies of the two lists of 5 Convicts sent to the Head Assistant Magistrate at Palgaut in lieu of the 5 forming part of the 50 transported to the Colony under the Conditions detailed in his letter dated 25th April 1845.

(Here enter No. 1880)

Read Letter dated 5th June 1845 submitted by the Sessions Judge of Chingleput the Calendar of Convicts during the Month of May 1845.

(Here enter No. 1881)

Read Report dated 5th June 1845 submitted by the Sessions Judge of Chingleput, stating the Names of Convicts and of Witnesses released in the Zillah of Chingleput in the Month of May 1845.

(Here enter No. 1882)

Read Statement dated 5th June 1845 submitted by the Sessions Judge of Chingleput, stating the instances in which the powers of punishment vested by Regulation X of 1832 have been exercised.

(Here enter No. 1883)

Read Return dated 5th June 1845 from the Acting Sessions Judge of Dichiwapoly to the precept of the Sessions Judge dated the 29th May 1845, directing the Acting Sessions Judge to submit explanation why he omitted to question the 5th Witness for arguing the Contradiction admitted to in the 21st Question of his

17th June 1845

Read Calendar dated 7th June 1845,
from the Sessions Judge of Kanara in Case No. VIII
of 1845.

(Here enter No. 1696)

Read letter dated 8th June 1845
from the Sessions Judge of Cannanore, to the precept
of the Tanjore Adalut under date the 6th June 1845,
directing that the sentence of the prisoner Sinjivanna
passed upon the Prisoner in Case No. 9 of 1845 on the
Calendar of the Sessions Court be reduced to 7 years.

(Here enter No. 1700)

Read letter dated 9th June 1845
from the Magistrate of South Canara, reporting the
non-transmission of the Report required under sec-
XII of 1845 for the Month of May 1845.

(Here enter No. 1705)

Read letter dated 11th June 1845
from the Acting Magistrate of Cuddapah, affording
the information called for in the Adalut Sir-
-kar Proceedings of Tanjore Adalut under date the
29th May 1845.

4 Ans.

(Here enter No. 1736)

KDL
KJ

Wednesday
18th June 1845.

S. No.

At a Court of the Tanjore Adalut.

Present

Henry Dickinson Esqre 1st.
G. J. Waters Esqre 2nd.
Malcolm Lewin Esqre 3d. } Puisne Judges.

Read return dated the 25th March last from the Sessions Judge of Mangalore, to the precept of the Tanjore Adalut of the 10th February 1845, directing him to submit a translation of the record of Case No. 65 of 1844 on the Mangalore Calendar—

(Here enter No. 952 of 1845)

1. Two prisoners were charged in this case with having murdered the Prosecutor's Son named Nader Nareem, aged about 9 Years by strangling or choking him, and stript his body of jewels valued at about 35 Rupees and were acquitted and discharged—

2. This trial was called up in consequence of the late Acting Magistrate of Canara having requested that it might be

be reviewed by the Court of Exchequer
Ceylon, it being the opinion of the Acting
Magistrate that the acquittal of the
Prisoners was contrary to the evidence offered
in support of their guilt.-

3. The Court of Judicature Ceylon
have maturely considered the trial and are
of opinion that although the 1st Prisoner
could not have been convicted on the evidence
of the Approver (1st Witness) and of the Corroboration of his testimony (2nd & 3rd Witness) by the testimony
of these witnesses, combined with other im-
portant points of evidence throw the strong-
est suspicion on this Prisoner that he
was indeed concerned in the crime laid to
his charge.-

4. It is clearly proved that the
1st Prisoner was on very intimate terms
with the 2nd Prisoner, a Common dog killer
and that he was continually seen to
frequent his house. It is sworn that he
was seen to go in the direction of that
house during the night in which the
murder was perpetrated.-

5. The fact of this having been to
constant

constant in his attendance at his guard as
the Sessions Judge considers to be proved, is
in the opinion of the Court more than
questionable. Many witnesses speak to his
having been absent at the Duparah
Rodall and the Prisoner moreover confessed
before the Police that from 12 of that
night until 2 of the following morning
he was at the pendal sitting concealed
unseen & unheard by any one.-

How can it be said by any one
that he did not during this time pay
a visit to the house of the 2nd Prisoner?-

The 2nd Witness, brother in law
of the 1st Prisoner, swears that the Prisoner
caused him to bring the murdered boy to
him, and that they afterwards proceeded
to the house of the 2nd Prisoner, where the
witness left his brother in law and the
child. He moreover swears that the 1st
Prisoner threatened to kill him if he
said a word about the boy. The Court
can see no reason for supporting this statement to be otherwise than true.-

There-

8. There were the Court concurred with the grounds for the Sessions Judge to manifest that he did not consider this Prisoner to be an innocent man by demanding security from him.—

9. In the case of the 2nd Prisoner there has been a lamentable failure of justice which the Court cannot comprehend for this Prisoner distinctly confessed before both the Assistant Magistrate and the Subordinate Judge that he had been an accomplice in the murder having in the first place held the legs of the boy while the 1st Prisoner killed him and having in the second place assisted in carrying the body to the Nullah.—

10. Had the trial been referred to the Tanjore Vakeel this Prisoner would have been sentenced to be transported for life.—

11. Because the 1st Prisoner had as the Sessions Judge observed, successfully established an alibi, he took upon himself to declare that the whole case for the prosecution

prosecution had fallen to the ground, and therefore, notwithstanding that the 2nd Prisoner had deliberately confessed before two of the European Authorities of the District the part he had performed in the murder, notwithstanding the evidence of the 1st Witness, his mistress, describing the murder and the fact of blood, and the whistle clearly proved to have belonged to the murdered child, having been found in the house of this Prisoner he pronounced that he "should be unconditionally released."—

12. The Court of Tanjore Vakeel-Sut are under the necessity of observing that the acquittal of the two Prisoners reflects most grievously on Mr Anderson as a Judge. The Court will refrain from saying more on the subject trusting that care will be taken by the Sessions Judge to avoid similar error in future.—

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

(Sent in No 898)

Ordered

Ordered also that Extract
from these proceedings be furnished to the
Magistrate of Canara for his information—
/Sent in No. 899/

Read Circular of Court No. 20
on the Tpichinopoly Calendar for the
Session of 1845.

/Here Enter Ft. No. 1634/

1. The offence in this case is charged
to have been committed on the 8th August
1844 while it is stated that the charge
was not preferred till the 27th February
1845 and that the prisoners were not
apprehended till the 11th and 26th May
following.—

2. The delay in preferring the
charge and apprehending the prisoners is
not noticed by the Sessions Court in
the Calendar.—

3. The Court desire therefore
that explanation on these points may be
submitted for their consideration.—

Ordered, that Extract from
these proceedings be sent to the Acting
Sessions

Sessions Judge of Tpichinopoly for his in-
formation by precept returnable in 3
days from and after its receipt.—
/Sent following precept No. 900/

Read return dated 7th June
1845 from the Principal Sudr Ameen
of Guntoor to the precept of the Tanjore
Court of the 2d inst. conveying their
remarks and orders on the Guntoor Criminal
Reports for the month of April last.—

/Here Enter Ft. No. 1645 of 1845/

Adverting to the remarks of the
Principal Sudr Ameen in the 3rd para. of
his return the Court of Tanjore Circuit
desire that he be instructed that the
deposition of a Prockanton is of equal
value with that of a witness, and that
mere rank in life adds nothing to nor
detracts any thing from the value of
evidence when faithfully given. Each case
however must be determined on its own
merits and the experience of the Principal
Sudr Ameen it is hoped is such as to
enable him rightly to determine the

credence

18th June 1845.-

credence due to the evidence of parties before him.—

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

/Sent in Sr. 901/

Read Calendar of Cases Nr. 10 of 1845 on the file of the Sessions Court of Madura.—

/Here enter F.M. Nr. 1553 of 1845/

1. In this case the prisoner has been "charged with having in company with "the prisoners in Criminal Case Nr. 35 of "1845 on Calendar Nr. 15 of 1845 com- =mitted "with an iron pointed cudgel stabbed and "wounded the prosecutor from the effects "of which treatment the prosecutors two "teeth fell out. The prisoner was further "charged with having with the above said "prisoners robbed the prosecutor of his "vasty cloth handkerchief Rs. valued at 1/4 "and also with having cut and carried away "paddy valued at Annas 8."—

2. The Law Officer noticing the denial

F.M.
18th June 1845.-

denial of the prisoner of the charges which is fully given in the abstract of the pro- =ceedings merely adds.

"The prisoner being convicted from "the evidence adduced in support of the "prosecution in this case or circumstantial "or strong presumptive proof of the crime "laid to his charge, is liable to Abetment."

3. The Sessions Judge concurring in this finding has sentenced the prisoner to 14 years imprisonment under Clause third Section IV Regulation XV of 1803.-

4. The Court of Foujdaree Udalut resolve to call on the Sessions Judge to give a detail of such parts of the case as established and related to the robbery. The Law Officer will also be required to state in detail the facts proved in the case.—

5. The general remark "that the "prisoner was convicted from the evidence "of the crime laid to his charge" is ob- =viously insufficient to enable the Fouj- =daree Udalut to judge of the grounds on which

18th June 1845.-

which the order was dispatched for is intended and is in accordance with the instructions laid down in Regulation Order 6th September 1819 to which the attention of the Sessions Judge is requested.

Ordered, that Extracts from these proceedings be sent to the Sessions Judge of Madura by express to return in 3 days from and after the receipt.-

/Sent following express dt. 20th/

Read Calendar in Case No. 28 of 1845, submitted by the Sessions Judge of Cuddapah.-

/Here Enter No. 1550/

The above Calendar not requiring any remark from the Court of Sudr. Adawlut.-

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

/Sent in No. 903/

Read Calendar dated the 29th Ultimo submitted by the Sessions Judge of

18th June 1845.-

Kellore in Case No. 8 of 1845.-

/Here enter No. 1552/

Read Calendar dated the 22nd Ultimo submitted by the Sessions Judge of Madura in Case No. 19 of 1845.-

/Here enter No. 1554/

Read Calendars dated respectively the 28th Ultimo and 12th Instant, submitted by the Sessions Judge of Cuddapah in Cases Nos. 21-24-25-26 and 33 of 1845.-

/Here enter Nos. 1556-1557-1558-1559 and 1719/

Read Calendar dated the 29th Ultimo, submitted by the Acting Sessions Judge of Combaconum in Case No. 19 of 1845.-

/Here enter No. 1561/

Read Calendar dated the 29th Ultimo, submitted by the Sessions Judge of Guntoor in Cases Nos. 14 of 1845.-

/Here Enter No. 1582/

Read returns dated the 3rd Instant, from the Acting Subordinate Judge of Cuddapah, to the Precept of the Foujdaree Adawlut under date the 29th Ultimo, conveying their observations and orders on the Criminal

18th June 1845.-

Criminal Reports for the Month of April 1845.-

/Here enter No. 1611/

Read letter dated the 7th Instant, from the Magistrate of Rajshahy, reporting that the Powers vested by Act VII of 1843 have not been exercised in May 1845.-

/Here enter No. 1671/

Read return dated the 9th Instant, from the Sessions Judge of Cuttack, to the precept of the Sudder Adawlut under date the 29th Ultimo, conveying his opinion on the subject of the returns required to remedy the defect in the dates of the Solitary calls at Ajmeer.-

/Here enter No. 1676/

Read Calendar dated the 13th Instant, submitted by the Sessions Judge of Bellary in Case No. 21 of 1845.-

/Here enter No. 1737/

No. 10.

Thursday, 19th June 1845.- At a Court of the Sudder Adawlut.-

Present:

Henry Dickinson Esqre. — 1st
George S. Waters Esqre. — 2d
Malcolm Lewin Esqre. — 3d
— Puisne Judges

Read Extract from the Minutes of Consultation dated the 31st May 1845 No. 418 conveying the remarks and orders of Government on the Report required under Section XXXVII Regulation VII of 1802 submitted by the Sessions Judge of Cuddapah for the year 1844.-

(Here enter No. 1580 of 1845.)

1. The Court resolve to direct that a copy of the foregoing together with copies of paras 3 and 8 of the late Sessions Judge's report be forwarded to the Magistrate of Cuddapah with directions to furnish the special Report called for by Government in para: 1 of the Minutes of Consultation.-

2. The Court also desire to be informed if the Magistrate has deemed it proper to make any investigation into the conduct of the

the several Police officers thro' whose culpable neglect if not connivance the robbery referred to in paragraph 2 was perpetrated and if so what has been the result of this investigation and how the Police Officers implicated have been dealt with. If no enquiry has been instituted the Magistrate will be pleased to adopt the necessary measures for thoroughly examining into the matter and will explain why such a course was not earlier followed.

Ordered that Extract from these proceedings be forwarded to the Acting Magistrate of Cuddapah by precept returnable in 15 days from and after its receipt.

(Sent following precept at p. 905)

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

(Sent in No. 906)

Read Report dated 26th February 1846 submitted by the Sessions Judge of Combaconum under the provisions of Section XXXVII Regulation VII of 1802 for 1845.

(Hereunto No. 682.)

paras: 13 & 14.

The standing order of the Sudder Adawlut of which the Sessions Judge advocates the cancelment

19th June 1846.

cancelment was not passed without due consideration and subsequent to its promulgation has been deliberately weighed in certain instances consequent on representations from officers in the provinces; but the Sudder Adawlut have not seen cause for its modification and it only remains for them now to declare that they consider the ends of justice will better be met by its retention as a rule of practice than by its annulment and the placing in the hands of Sessions Judges a power, the injudicious exercise of which admits not of remedy.

para 15. 2. The substitution of the Rattan for the cat o' nine tails is not a measure which the Court of Sudder Adawlut can concur in.

3. They, however, concur with the

paras 16 to 20. Sessions Judge in regard to the expediency of making such modification of the existing law as will enable a Sessions Judge in common with the Magistracy and Criminal Judges, to award as compensation to an injured party, the whole or part of the fine which may be imposed on an aggressor by the sentence of a Sessions Court, and if the proposed alteration be approved

by

by Government the Court will be prepared to submit a Draft Act for carrying into the enactment. The 3d Judge dissents from the above opinion.-

paras 21 to 23. 4. From the remarks made in these paras the Sessions Judge would appear to have overlooked the fact that, under the Mahomedan Law, parties proved to have been concerned in the institution of false charges, may be punished for conspiracy although the provisions of Regulation X of 1832 would not be applicable to them.-

para: 29. 5. Adverting to para 29 of the Sessions Judge's Report in which specific mention is made of orders by this Court dated 15th March 1844 laying down for observance the rule for which the Sessions Judge contended in paras 24 to 28, the Court do not find that any good purpose has been answered by the retention in the Report of the paras in question which are obviously superfluous.-

paras 33 to 36-6. The Court of Sudder Adawlut believe that it was not found practicable to bring into operation Regulation X of 1827; but under any circumstances they would not deem themselves justified in advocating the adoption of a system having for its object to dispense with a detailed record of the depositions given in trials committed before the

19th June 1845.-

the Sessions Courts.-

Proc. of Sept. Court. 7. The offence charged in No. 1 (a
dated 29 July 1844. dar of Persons punished would appear to part
of the character of robbery by open violence and
been inadequately punished by the Magistracy

No. 7. 8. The charge and circumstances o
this case indicate robbery by open violence and
should have been committed for trial by the Cour

No. 8. 9. This is a case exceeding the powe
of the Magistracy to punish.-

No. 14. 10. The Sudder Adalut observe tha
the mere act of carrying a letter containing a false
charge is not punishable.-

No. 16. 11. The orders passed by the Sessions
Judge in respect of case No. 16 are approved by the
Sudder Adalut.-

No. 23. 12. This case obviously exceeded the
powers of the Magistrate.-

No. 35. 13. The proceedings of the Joint
Magistrate in this case are deserving of censure
and it is to be regretted that the failure of justice
which has taken place should have resulted from
a want of attention to the Circular orders of the
Court which the Joint Magistrate was bound to
obey.-

14. It is also to be regretted that the Prisoners concerned in Cases Nos 1 and 2 of Perwannas committed under Regulation VI of 1827 should have been treated in the manner noticed by the Sessions Judge.

Pros of Sess Court dated 14th August 1844.--

15. The Court of Foujdary Adalut are of opinion that Act XVII of 1840 cannot have contemplated the disposal by the Magistracy of the trivial cases of manufacturing salt from fullers earth which are noticed in this and other proceedings of the Sessions Judge and they would not interfere with the instructions issued in regard to such cases by the Magistrate to the officer of the Police.--

Magistrs Return dated 19th Sept: 1844.--

Coortallum Head Police- Cases Nos 3.--

16. The Court of Foujdary Adalut are surprized that in a charge of Burglary such as this appears to be, the Head of Police of Coortallum should have permitted himself to pass a further sentence: and they trust that the reprehension conveyed to that officer by the Magistrate will have the effect of ensuring a more regular discharge of the duties devolving on him.--

Magistrs Return dated 19th September 1844.--

Sheally Head of Police- Cases Nos 206.

17. The explanation in respect to this case which has been submitted by the Magistrate to the Sessions Court would make it appear that the Prisoner referred to had been committed to Jail

Jail in default of giving security for his appearance only on the ground of a Muhazurnamah drawn up by regarding his general bad character.--

18. If the impression of the Foujdary Adalut be correct the Magistrate should have been and should now be, enjoined immediately to set the Prisoner at liberty, a Muhazurnamah of the above character being no sufficient cause for placing an individual of bad character under a requisition of security.--

19. As it appears sufficient to retain on the records of the Foujdary Adalut only copies of such cases of the Magisterial Calendars as have elicited remarks from the Court of the Sessions Judge, it is resolved that the necessary transcripts being made, the Calendars themselves be returned to the Sessions Court.--

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 submission to the Most Noble the Governor in Council.--

(Sent in No 907)

Ordered also that extract from these proceedings be forwarded to the Acting Sessions Judge

19th June 1845.

Copy of Communication for his information.
(Sent in No. 908) in

Lt Col BM — WDM
Sup

Friday
20th June 1845. At a Court of the Inquiries Held
at
Henry Dickinson Esqre 1st
George D. Waters Esqre 2nd } Civil Judges
Malcolm Lewin Esqre 3rd

Read letter dated the 17th Ultimo
from the Acting Sessions Judge of Chingleput
forwarding for the consideration of the Inquiries Held
copies of a letter from the Magistrate, and of
correspondence with the Officer Commanding Saint Thomas
Mount relative to the degree of interference exercised and certain Shop Keepers
there under No. 1485.

1. The question involved in the above
papers is whether it is competent to the Superintendent
of Police at Saint Thomas Mount to prohibit
certain Butchers not registered as such following
their trade at the small meat market
at Saint Thomas Mount, and also altogether to
prevent them from opening shops within the limits
of that Cantonment.

2. Under a requisition from the Brigadier
Commanding the Mount, the Superintendent of Police
has explained that with reference to the delegation
to him of the Powers of a Justice of the Peace, he
considers that all persons either European or Native
whether

20th June 1845.

whether Camp followers if not, committing offences within Cantonment limits are subject to the jurisdiction of the Justice of the Town, and it is further shewn by the Brigadier that the offences committed by the Butchers in question are of two sorts, the one for having sold "bad meat, goats flesh &c." and the other for breaches of the Town, misdemeanors being drunk and rioters in the streets &c.

3.

The Court of Enquiry directed consider the Acting Sessions Judge of Chingleput Mr. H. Parker, to have taken as many of the proceedings of the Police as relate to the amount who in the opinion of the Court, could not interfere with the exercise of the usual avocations of the two persons refused to comply by an egregious abuse of the powers dexterously vested in them.

4.

The Judges observe that the powers of an Officer in charge of the Police in a Military Cantonment who has gratified as a Justice of the Town, are still limited by the provisions of Regulation VII of 1832, and it is obvious that if the parties refused to are shewn to be guilty of a misdemeanor it is within the power of the Police Officer to cause its abatement, a ground aside of the nature of that against which the Butchers in question have protested, is, however, in the opinion of the Enquiry Board, illegal and untenable, and the

20th June 1845.

do not understand on what plea it could be attempted to interfere with the erection of a shop on ground belonging to the individual constructing it or of which he might be in legal possession.

In this view of the subject referred to them the Judges retain to transmit the correspondence recorded to the Government in view to the issue of such orders as may appear to be called for.

Ordered, that Extract of these proceedings be sent to the Secretary to Government in the Judicial Department, for submission to the Right Noble the Governor in Council.

(Sent in No 972)

Read letter dated 30th ultimo from the Sessions Judge of Cuddalore, submitting with reference to the 7th Para of the Extract from the Proceedings of the Enquiry Board dated 2nd. Instant, in case No 26 of 1845, that the Warrants referred to, are never issued to the Principal Sadr Ameen, the Seal not being under his charge.

(Here enter No 1570)

Read letter dated 31st ultimo 1845 from the Sessions Judge of Cuddalore, reporting the execution of the 4th and 5th Prisoners in Session Case No 26 of 1845.

(Here enter No 1590)

20th June 1845.

Read letter dated 3d June 1845 from the Sessions Judge of Cuddalore, reporting that no case was pending trial before the Sessions Court for a period exceeding 30 days, calculated from the date of commitment, during the last month.

(Here enter No. 892)

Read report dated 2d June 1845, submitted by the Sessions Judge of Madura, of Cases pending on the 30th April and committed for trial during the month of May 1845.

(Here enter No. 893)

Read letter dated 2d June 1845 from the Sessions Judge of Coimbatore, reporting no cases to be reported on as required by the Circular letter dated the 16th October 1844 and 21st January 1845, were pending during last month.

(Here enter No. 894)

Read letter dated 2d June 1845 from the Sessions Judge of Coimbatore, forwarding a list of Convicts under sentence of transportation up to the 31st May 1845.

(Here enter No. 895)

Saturday
21st June 1845

At a Court of the Privy Council

Present

The Hon. Dickinson Esqr. 1st Puisne Judge
G. J. Waters Esqr. 2d Puisne Judge
M. Lewin Esqr. 3d Puisne Judge

Read Report dated 16th March 1845 submitted by the Sessions Judge of Cuddapah under the provisions of Section XXXVII Regulation VII of 1802.

(Here enter No. 872 of 1845)

Passed in Council. In this case the Sessions Judge adverts to an often agitated subject the practice of Madura. He is not prepared to propose any specific remedy for the evil, but finds it difficult to concur in the belief that restrictive measures may not be beneficially enforced.

2. On the occasion of the outbreak among certain tribes in Madura which formed the matter of reports to the Government by the Magistracy of the District on the dates noted marginally the communications of the Magistrate were referred to the Privy Council who then expressed their views unable to give their support to the measure suggested by the Magistrate of disarming the people of restricting the keeping of arms.

17th Oct. 1844. No. 32
21st Oct. " No. 35

Con. 20th July 1842 No. 50

Com

3.

Law in the matter of [illegible]
appears to be [illegible] that
the Court instead of [illegible]
of the 12 pairs of [illegible] compelled to withhold [illegible]
observed that [illegible] Magistrate of [illegible]
experience upon it as his opinion that [illegible]
alteration of the shape of the Calves [illegible]
be attended with [illegible]
the question with [illegible]
to interfere.

4

The Court of Leydens Obdalt stated in this address to Government that [illegible]
for the gradual reduction of the rate of mortality
resulting from the practice of maiming the limbs
as they have not any reason to modify the estimate
then declared they wish to furnish to the Superior
Judge of Cantract a copy of that communication
and to request that the measures which it contains
for adoption may be carefully enforced.

Spain 9. 5

It does not appear to the Court
Obdalt to be possible to bring to effect any highly
improved state of Police discipline such as that
Superior Judge seems to expect from the existing
to the Constabulary of the system of supervision enforced
to in this para, unless greater expenditure involving
greater outlay be afforded to the Police than is

Spain 11. 6

The acts of gross misconduct on the part
of certain officers of Police which are detailed in
the papers forming the appendix adverted to in this
para are such as in the opinion of the Superior
Obdalt should not be passed over with the
slight notice taken of them on the recommendation
of the Head assistant Magistrate by the Magistrate
of Malabar.

7.

The proceedings of the Subordinate Police
functionaries under the Magistracy in this Province seem to
require more stringent control than is imposed by the
Summary displayed in the papers under remark and the
Court Obdalt accordingly request the Superior Judge
will at once adopt measures for the commitment
to the Criminal Court of all those concerned in the
cruel treatment shown to have been experienced by
the individuals who on the enquiry made by the
Police were forwarded to the Subordinate Court on
the charge of murdering the woman Cannimy afterwards
deemed to be alive and well

8

The Court of Leydens Obdalt consider
it to form no palliation of the cruelty to which the
accused were subjected that the Manon deputed
by the Head of Police to make a local investigation
should have been under the impression that the
woman in question had actually been murdered
and they think that the ends of justice urgently
demand that an example be now made of all
those who directly or indirectly participated in the
violence

21st June 1845.

visions and thereof lawfully forfeited by order of the

June 13

Government

The Registrar Gibbs was ordered to

believe that the records appointed to the Gibbs

Court at Lahore of an additional Assistant Judge

will materially relieve the Superior Judge of the Nadia

from the arduous and onerous labor which he has

on him during the past year but while the

records of this Court show to have been lessened by

the appointment referred to

Ordered that the transfer of the

Cases in the Magistrate Collectors which have been

retired by the Superior Judge being returned, the same

be forwarded to the Superior Court

being there filed of record

Ordered, that Contract of those

proceedings together with Copy of the above Resolution

be sent to the Secretary to Government in the Judicial

Department for submission to the Court Will the

Governor in Council

Sent at 3 P.M.

Ordered also, that Contract of those

proceedings be sent to the Superior Judge of Lahore

by present returnable without delay

Sent following Receipt (No 916)

Read communication under date

the 20th Ultimo from the Superior Judge of Lahore

submitting the entire record of Case No 27 in the

file of the Superior Court for 1845 for the final

sentence of the Lingam Gibbs

(Records No 1587)

L.U.

21st June 1845.

The Court of Enquiry Adelphi on

deliberate consideration of all the circumstances of

the case in evidence before them, being of opinion that

the proof against the prisoners

1st Sellen

and

3rd Boodeyshan

is sufficient to commit them of the crime of Murder,

to commit them thereof; but, having 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 Volume Second Section III Regulation I of 1825,

do sentence the prisoners

1st Sellen

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

prisoner,

3rd Bodeyshan,

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:-

But being of opinion that the proof

2nd Byron alias Hawkins,

is not connected on presumptive proof, or on

the evidence of credible witnesses, or on his

own

own confession of the crime of Murder, do acquit the Prisoner, and direct that he be set at Liberty.

The Prisoner in the case was charged with wilful murder.

2.

The Sessions Judge recommends that sentence of death be passed on the 1st Prisoner who is clearly convicted of the murder of the deceased, that the 3rd Prisoner on whose person the effects and certain earrings belonging to the deceased were found and who is proved to have been present during the commission of the Murder and to have assisted in concealing the body of the murdered man be transported for life.

3.

The Sessions Judge the 2nd Prisoner of which he was convicted by his own confession, and direct that he be released from confinement.

After a careful perusal of the record of this case, the Court is satisfied of the guilt of the 1st Prisoner, on consideration of the grave injury which he had received from the deceased no sufficient ground for a sentence other than death may be inflicted to the injury to the interest of society.

5.

The Court is of opinion that murder is to be considered an aggravation to a crime, rather than a palliation of it, but it is not to be supposed that the Prisoner had any such notion of his offence and if so, would be a strong

Prisoner, a poor ignorant man scarcely able to discriminate between right and wrong and smarting under the deepest injury he could have sustained.

6.

With reference to the confession of this Prisoner before the police (which though denied by him before the Sessions Court is proved in the usual manner to have been voluntarily made) admitting his crime and assigning as a reason for it the seduction by the deceased of his wife and of his concubine and affirming that he was instigated to the commission of the Murder by the Mother of the latter; the Court consider that the truth of this statement is strongly corroborated by the fact of his having abstained from vengeance so long after he had ascertained the injury inflicted on him; which would lead to the inference that he was ultimately prompted to the perpetration of the deed by another person.

7.

Looking this view of the case the Court resolve to pass on the 1st Prisoner the mitigated sentence of "transportation for life".

8.

In passing a sentence of the years imprisonment upon the 3rd Prisoner who does not appear to have actually taken a part in the perpetration of the Murder, the Court consider this punishment to be sufficient to meet the ends of justice.

9.

The Court resolve to direct the unconditional release of the 2nd Prisoner who appears to have been deterred from revealing the Murder by the threats of the 1st Prisoner.

10.

It is to be regretted that the individual

21st June 1845

individual was not examined as a witness against the 1st and 2nd prisoners.

Ordered that Extract of this proceeding be sent to the Sessions Judge of Jaffna for his information and guidance.

(Sent in No 917)

Read return made this day by the 3d to Foujdaree Adalut precept dated the 31st ultimo for remarks on the Criminal Reports for the months of April 1845 and calling for certain explanations connected therewith.

(Here enter F.R. No 1852)

The Acting Schoolmaster Sessions Judge states in his return that judgment in Case No 43 of the above report was not passed on the third previous charge had been proved and promulgated against the prisoner in this case having failed to prosecute the 1st prisoner on the charge of which he did not consider it necessary to make any reference to the Magistrate on the subject.

2. The Court observes that unless the Prosecutor chose to proceed in the case of adulting the charge must be dismissed and the prisoner released.

Ordered that Extract of these Proceedings be sent to the Acting Schoolmaster Sessions Judge of Combaconum for his information and guidance.

(Sent in No 918)

J. U.

Monday 23d June 1845.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esquire 1st Puisne Judge.
George J. Waters Esquire 2d Puisne Judge.
Malcolm Lewin Esquire 3d Puisne Judge.

Read again Miscellaneous Petition presented on the 9th December 1844 by Visvanadha padiachy of the Zillah Combaconum.

(Here enter F.U.M.P. No 178 of 1844.)

Read also return from the Acting Sessions Judge of Combaconum dated the 30th Ultimo to the precept of the Foujdaree Adalut dated the 21st idem directing him to state whether any witnesses in behalf of the 2d prisoner in Case No 36 of 1844 on the file of the Sessions Court were or were not called for and whether any obstacle occurred to their attendance and examination.

(Here enter F.U. No 1316.)

The Acting Sessions Judge states

1.

that from the abrupt manner in which the deposition taken from the 2d prisoner in the case above

return

above referred to terminates, it cannot be ascertained whether the prisoner after saying he had witnesses was unprepared to give their names, or whether from any other cause the examination was closed without any further reference to them.

2. The Acting Sessions Judge further states the writer of the Deposition in question has left the district and forwards copy of a second Deposition taken from the prisoner wherein he asserts that he named five witnesses on his behalf during the trial, but that their names were not taken down.

3. On a perusal of the Petition of the Acting Sessions Judge and of the Depositions therewith submitted the Court observe that it was obviously incumbent upon the Sessions Judge before whom the case was tried when the prisoner pleaded an alibi to call for those witnesses whose names were mentioned by him in support of his plea.

4. The Court deem it almost incredible that the prisoner after preferring such a plea should not have expressed a wish to have his witnesses examined.

Under

Under these circumstances the

5. Court are of opinion that the prisoner has not had a fair trial and accordingly resolve to direct the Acting Sessions Judge to reopen the proceedings in the case above referred to, and after examining the witnesses called by the prisoner to pass sentence "de novo."

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

(Sent following precept No 925)

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

Read again Miscellaneous Petition presented on the 27th January 1845 by Peria Perumal Reddy of Madura complaining of an order passed by the Sessions Judge of Madura setting aside an order of the Head Assistant Magistrate which was confirmed by the Magistrate of that Zillah and which imposed a fine on certain parties hostile to the Petitioner and praying the Court to cancel the Sessions Judge's order.

(Here enter F. U. M. P. No 210 of 1845.)

Read

23d June 1845

Read also Miscellaneous Petition presented on the 21st Ultimo by the same party producing the order of the Sessions Judge complained against in conformity with the instructions of this Court conveyed in their proceedings of the 17th February last held on Miscellaneous Petition № 21 of 1845.

(Here enter F.U.M.P. № 80 of 1845.)

1. The Court of Foujdaree Udalut having perused the Extract from the proceedings of the Sessions Judge of Madura submitted with Petition № 80 are satisfied that the order was passed on a deliberate consideration of the record of the case to which it refers.

2. The Court not doubting that the decision of the Sessions Judge is correct refuse to interfere in the matter.

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

Read again Miscellaneous Petitions presented on the 24th February and 10th March 1845 by Chengareddy and P. Sooblenah of Tillah Vellore.

(Here enter F.M.P. № 46 and 55 of 1845.)

F.U.

23d June 1845.

Read also return dated the 31st of May 1845 from the Sessions Judge of Vellore the Foujdaree Udalut precept under date the 28th April transmitting copies of the above petitions presented to the Court by the relatives of certain prisoners in which they complain of the Sessions Judges unjust detention in custody of the prisoners and requiring that officer to submit a full explanation of the circumstances of the charge and progress of the trials.

(Here enter F.U. № 1575.)

1. From the return submitted by the Sessions Judge it appears that the cases alluded to by the petitioners are the same that were referred for the final sentence of the Foujdaree Udalut and disposed of by this Court by sentence dated the 22d Ultimo.

2. The Sessions Judge is correct in the supposition that the column in the Session Court report headed "Date of sentence" was intended only for the date of sentences passed by the Session Court.

3. The Court observe that the remarks contained in the 6th para of the return

return were incalled for since the Petitioner com-
lain neither charge nor insinuation against
the Session Judge.-

4. The Court think that the
prisoners had great cause to complain of their
long imprisonment before their trials were referred
to the Foujdaree Adalut.-

5. It is to be regretted that the Ses-
sion Judge did not refer one of the trials and
obtain the Judgment of the Foujdaree Adalut
on it before he referred any other, much labor
and delay would by this course have been
avoided.-

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

(Sent in No. 926)

Ordered also that Extract of
these proceedings be furnished to the Petitioners
on their application.-

Read a Miscellaneous Petition
presented by Venkataramier of Tillak Salem on
the 17th March 1845.

(Here enter F.B.P. No. 63 of 1845.)

1. The object of this petition is to
induce the Court of Foujdaree Adalut to call
for and peruse the record of the Case noted mar-
Case No. 8 of 1845. ginally in which the petitioner's brother Anna-
samy Iyen was sentenced by the Session Judge
of Salem to 14 years imprisonment with hard
labor in irons for the alleged participation in a
gang-robbery committed in the house of the pro-
secutor and to reverse the sentence passed by
that officer.-

2. On a perusal of this petition
and on a reference to the Calendar in the Case
referred to, the Court see no ground to question
the validity of the proofs therein recorded or to
impugn the justice of the sentence passed by
the Session Judge who convicted the prisoner
of the crime laid to his charge in concurrence
with the Law Officer.-

3. Petition is therefore dismissed.

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

Read again Miscellaneous
Petition presented on the 25th March last by
Shaik

23d June 1846.

Shaik Halecy late a Peon on the Jail Establishment of the Zillah Court of Nellore praying to be restored to the situation from which he was dismissed by the late Acting Zillah Judge on the ground of having been absent from his duty when in charge of certain prisoners employed on the roads.

(Here enter F. M. A. P. No 65 of 1845.)

Read also return dated 16th May 1845 from the Session Judge of Nellore to the precept of the Foujdaree Adalut of the 25th April last calling for a report of the circumstances under which the said Peon was dismissed.

(Here enter F. M. A. No 1456)

1st The Court of Foujdaree Adalut observe that the return of the Session Judge is extended far beyond what was contemplated and is unnecessarily diffuse.

2d. Under the circumstances stated in this return the Court see no reason whatever for interfering on behalf of the Petitioner whose dismissal appears to have been just and proper.

Ordered that this Petition be rejected, and that copy of para 2 of these proceedings

F. M.
23d June 1845.

proceedings be furnished to the Petitioner for his application.

Ordered also that Extract from these Proceedings be forwarded to the Session Judge of Nellore for his information.

(Sent in No 927)

Read Miscellaneous Petition presented on the 8th April 1845 by Gholam Rurjah Vakeel on behalf of Chappoo Coorappa of Zillah Calicut.

(Here enter M. P. No 73 of 1845.)

Petitioner complains of the proceedings of the Foujdaree Adalut under date the 22d June 1844 directing his dismissal from the office of Adhikary in the Amshoms of Makada and Caranoor on the alleged ground of his having instigated a Bolkar and two Prosecutors in the case noted marginally to ill-treat the prisoner in consequence of which maltreatment he was so exasperated as to commit the crime of wounding laid to his charge.

Case No 16 of 1844 on the file of the Session Court of Calicut.

Petitioner sets forth the respectability of his family and the insufficiency

of evidence to warrant the sentence of dismissal passed against him by the Court of Foujdaree Udalut and alleges that the prisoner in the case above referred to was instigated by other parties to prefer the charges on which those orders were grounded -

The Court see nothing on the face of this petition to induce them to alter the opinion expressed in their former proceedings regarding the unfitness of the Petitioner to be entrusted with any Police authority

Petition is dismissed

Ordered that Extract of these Proceedings be furnished to the Petitioners Vakeel on his application -

Read Miscellaneous Petition presented by Bommee reddy and another of the Tillah Cuddalore on the 8th of April 1845

Here enter F.U. No. 378 of 1845

This is an application for the interference of the Foujdaree Udalut to order the restoration of petitioners to their offices of Pullah Maniygar and Moonsiff of the respective Villages of Coongeleya Nattum and Kottayoor from

from which they have been dismissed by the Collector of South Arcot -

With reference to the matter of this petition the Court observe that it was stated by the Sessions Judge of Cuddalore in his remarks on certain trials which had been held before him regarding numerous Gang-Robberies committed in the Trinamalee Talook of that Tillah that the Cooleahs who were discovered to have been the perpetrators of these Robberies had for several years been living under the Special protection of the Moonsiffs of Kottayoor and Coongeleya Nattum and that there were strong grounds for believing that the said Moonsiffs had been concerned as receivers in the robberies committed -

It was absolutely necessary after such an opinion being recorded of the petitioners that they should be dismissed from their appointments, and they may consider themselves fortunate that there was not sufficient evidence on which to put them on their trial for these offences -

Petition

23d June 1845.

Petition is therefore dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioners on their application.

Read Miscellaneous Petition presented on the 11th April 1845 by Vengoo swamy Odian and Varoopaya goundan of the Tillah Salem.

(Here enter M.P. № 75 of 1845.)

1. The object of this petition is to induce the Court of Zoujdaree Udalut to exercise assigned to order the release of the prisoners in Case № 13 on the file of the Salem Court of Salem who were convicted of the crime of wounding and sentenced by the Zoujdaree Udalut to be imprisoned with hard labor in irons for various periods.

2. On a perusal of this petition the Court of Zoujdaree Udalut see no reason to review the sentence passed upon the Prisoners after a careful and attentive consideration of all the circumstances of the case.

3. Petition is dismissed.

Ordered that Extract from these

F.U.

23d June 1845.

these Proceedings be furnished to the Petitioners on their application —

Read Miscellaneous Petition presented on the 14th April last by Vingapa Pcharry and two others of the Tillah of Salem.

(Here enter F.U. M.P. № 79 of 1845.)

The Petitioners who are the relations of the 3d 4th and 5th prisoners in Cases № 4 and 5 on the Salem Calendar for 1845 pray for the release of their relatives.

The prisoners in question were convicted by this Court of the crime of gang robbery and have been sentenced to 14 years imprisonment.

The Petitioners allege that the charge was false and trumped up in consequence of a quarrel between the prosecutor and the prisoners that it was supported by false evidence, that the evidence is inconsistent and that their relatives are men of good character —

They assert that the proceedings against their relatives are marked with oppression and injustice and pray the Court to call for the record of the trial.

The

23d June 1845.

The record of the trial has been under the consideration of the Court of Foujdaree Udalut by whom the sentence awarded was passed.

This sentence is final.

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

Read Miscellaneous Petition presented on the 21st April 1845 by Veeranna Pillay of Tillah Chingleput.

(Here enter F.U. M.P. № 81 of 1845.)

This is an application for the interference of the Foujdaree Udalut to order the refund of a fine of Rupees 25 imposed upon the Petitioner by the Magistrate of Chingleput and the punishment of the Head of Police of Ranchi Talook the Entwail and certain Boys of Conjeveram and certain other individuals who are said to have ill-treated the petitioner.

2. The Court resolve before passing any final order on the matter of this petition to direct the Acting Sessions Judge of Chingleput to call for and peruse the record in the case

23d June 1845.

case and report under what circumstances the fine of Rupees 25 was levied by the Magistrate from the petitioner and what notice has been taken of the irregularities imputed to the Police in this address.

Ordered that Extract of these proceedings be sent to the Acting Sessions Judge of Chingleput for his information and guidance by precept returnable without delay.

(Sent following precept № 928)

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

Read Miscellaneous Petition presented on the 21st April 1845 by Beesoovan Canthee Iruby of Tillah Chittoor.

(Here enter M.P. № 82 of 1845.)

The object of this petition is to induce the Court of Foujdaree Udalut to peruse the proceedings of the Subordinate Judge of Chittoor in the case noted marginally with reference to the 3d, 4th and 5th prisoners, two of whom were acquitted by that Officer, and the

11

the 4th prisoner ordered to be retained under a requisition of security.

2.

On a perusal of this petition the Court refuse to interfere with the orders of the Subordinate Judge in this case which have been confirmed by the Sessions Judge in Appeal. Petition is therefore dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioner on her application.

Read a Miscellaneous Petition presented on the 28th Ultimo by J. Appah on behalf of Karyoorty Patty of the Tellah Chittoor

(Here enter M.P. № 83.)

This is an application for the interference of the Court of Zoujdaree Udalut to order the restoration of Petitioner to the Office of Kutwal in the Calastry Zemindary from which he has been dismissed by the Magistrate of North Arcot and the refund of a fine of 30 Rupees imposed upon him by that Officer.

2

It is shewn on the face of the petition that the Petitioners Case was tried by the

the Magistrate and that on an Appeal being preferred to the Sessions Judge, the decision was confirmed by that authority.

The Court of Zoujdaree Udalut refuse to interfere in the matter.

Petition dismissed.

Ordered that Extract of these proceedings be granted to the Petitioner as sued on his application.

Read a Miscellaneous Petition presented on the 28th April 1845 by Soobarow late Tahsildar of Carroor Talook in Tellah Combatore.

(Here enter M.P. № 86 of 1845.)

Petitioner requests that the Court of Zoujdaree Udalut will reconsider their orders of the 16th October 1844 directing his dismissal from the Office of Head of Police on the alleged ground of his having lent his official aid to and hushed up the misconduct of certain prisoners in Case № 20 of 1844 on the file of the Sessions Court of Combatore.

On

On a perusal of this petition the Court observe that the dismissal of the Petitioner was ordered after a full deliberation on the merits of the case.

The Court see no grounds for a reconsideration of those orders.

Petition is dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioner on his application.

Read Miscellaneous Petition presented on the 25th April 1845 by Veeraswamy Naiken late Tahsildar of Arcot Taluk in the Zillah North Arcot.

(Here enter M. P. № 89 of 1845.)

Petitioner requests that the Court of Zoujdaree Udalut will reconsider their Orders of the date noted marginally directing his dismissal from Office on the ground of his having been convicted of gross abuse of authority whilst holding the appointment of Head of Police in the District of Cuddapah.

The Case of Petitioner having met with the full deliberation of the several authorities

1st and 22d May 1845.

before whom it was brought the Court refuse to pass any further orders on this matter.

Petition is therefore dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioner on his application.

Read Miscellaneous Petition presented on the 12th May 1845 by Veeraswamy Naiken and Veerumaly Naiken of Zillah Chingleput.

Here enter M. P. № 92 of 1845.

This is an application for the interference of the Zoujdaree Udalut to order the release of one Tyaloo Naiken late a Duffadar in the Taluk of Ootaramaloor who was sentenced by the Principal Sudr Ameen to six months imprisonment on a charge of fraud and extortion.

The Petitioners, who are near relatives of the prisoner, set forth his long services and assert that the charges were fabricated against him by certain individuals with whom he was at enmity at the time.

The

25th June 1845.

The Court see no grounds for their interference in the matter of this petition.

It appears that the prisoner failed in his attempt to prove the truth of certain assertions made in his defence on his trial before the Principal Sudr Ameen.

Petition is therefore dismissed

Ordered that Extract of these Proceedings be furnished to the Petitioners on their application.

Read a Miscellaneous Petition presented on the 26th May 1845 by Sooleaya Oodian of Tillah Cuddalore.

(Here enter F. M. P. No 98 of 1845.)

The object of this petition is to induce the Court of Foujdaree Adalut to cancel the sentences passed on the prisoners in Case No 36 on the Cuddalore Calendar for 1845 who were convicted of the murder of one Vellandy Vallmar.

The sentence of death passed upon two of the prisoners in the above Case has already been carried into execution.

With regard to the three remaining

F. Vi.

23d June 1845.

prisoners who have been sentenced to transportation for life the Court decline to issue any further Orders.

The trial of the prisoners was conducted by the late Acting Sessions Judge with extreme carefulness and impartiality and all the circumstances of the Case were most impartially and attentively weighed by the Judges of the Foujdaree Adalut before passing the final sentence.

Petition is dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioner on his application.

Read Miscellaneous Petition presented on the 9th June 1845 by Anya Mooloo of the Tillah of Cuddalore.

(Here enter F. M. M. P. No 101 of 1845.)

The prayer of this Petition is the same as that which was rejected by the Court in their proceedings of the 12th May held on a Petition presented by the same party and numbered No 66 of 1845.

The

Pr. 1

23d June 1845

The case alluded to by the Petitioner having been finally disposed of the Court direct that the prayer of this petition be rejected and that copy of these proceedings be furnished to the Petitioner on his application.

Read Calendar of Cases for 1845 on the file of the Sessions Court of Madura under date the 6th June 1845.

(Here enter No 1665.)

1.

The prisoners in this case were charged with Assault and robbery.

2.

The Sessions Judge considering the evidence to be insufficient to the conviction of the prisoners, but being of opinion that a strong suspicion attached to them, placed them each under a requisition of security in two sureties for the sum of Rupees 25 each for three years, this sentence, in default of payment, being commutable to imprisonment for the same period.

3.

After an attentive consideration of the circumstances of the case and of the evidence as it is contained in the Calendar, the Court are satisfied that the identity of the prisoners was not proved, and that they should have been unconditionally

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unconditionally released.

The grounds of suspicion no- Reports
ticed by the Sessions Judge are, the Court observe, the
insufficient to warrant a requisition of security / the
and that for a period of three years.

The Court accordingly resolve
5
to direct that the prisoners be unconditionally
released.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Madura for his information and guidance.

(Sent in No 929)

Read the Criminal Report submitted by the Principal Sudr Ameen of Cochin for the Month of May 1845.

(Here enter No 1733.)

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

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

(Sent in No 930)

Read

Read communication under date the 23d Ultimo from the Session Judge of Ootacamund submitting copy of a letter from the Acting Subordinate Judge at that station requesting to be informed whether the Circular Order № 167 dispenses with the necessity of the person usually deputed by the Criminal Court under Circular Order № 96 accompanying a convict party beyond the boundary of the Pillah.

(Here enter F. R. № 1542.)

No allusion to Circular Order № 167 having been made in the Order possibly framed regarding the relief of convict parties the Session Judge expresses a doubt whether the rule laid down in the former order is intended to be annulled or not.

2. The Court consider that the practice of deputing a person from the Criminal Court though not specifically alluded to, is intended by the Circular Order in question to be discontinued.

Ordered that Extract of these Proceedings be sent to the Session Judge of Ootacamund for his information and for communication to the Acting Subordinate Judge.

(Sent in № 931)

F. R.
23d June 1845.

Read again Criminal Report dated the 4th March 1845 submitted by the Principal Sudr Ameen of Ittehapore for the month of February 1845.

(Here enter F. R. № 803.)

Read again also return under date the 11th April 1845 from the Session Judge of Chicacole to the precept of the Foujdaree Adalut dated the 27th March directing him to call up the record in Case № 1 of the Report № V submitted by the Principal Sudr Ameen at Ittehapore for the month of February 1845 and to pass such order as might appear to him to be proper reporting the same for the information of the Foujdaree Adalut.

(Here enter F. R. № 1174.)

Read also return under date the 27th May 1845 from the Session Judge of Chicacole to the precept of the Foujdaree Adalut dated the 29th April 1845 calling for the submission of a translation of the whole proceedings in the above case.

(Here enter F. R. № 1603.)

The

The Court of Foujdaree Udalut
seeing reason to doubt the correctness of the pro-
ceedings passed by the Principal Sudr Ameen in
the case above referred to issued the foregoing in-
structions to the Sessions Judge who submitted an
abstract of the evidence, passing some strictures
on the conduct of the Principal Sudr Ameen whose
proceedings he reviewed, denouncing them as er-
rant and illegal and stating that in the mode
of examination adopted by that Officer, bias was
laid for the prisoner and for the witnesses.
2. The Court however on a careful
and attentive perusal of the entire record, think
the recorded opinion of the Sessions Judge unders
necessary have arrived at a very different con-
clusion from that Officer, both as regards the
merits of the Case itself and the mode in which
the examinations were conducted by the Prin-
cipal Sudr Ameen.
3. The Court see reason to believe
that the prisoner was guilty although the
evidence adduced was insufficient for his legal
conviction and consider the observations of the
Sessions Judge & Mr Glass, on this proceeding

of the Principal Sudr Ameen to have been
wholly unwarrantable and uncalled for, as the
examinations in the opinion of the Foujdaree
Udalut evince great impartiality and show that
great pains were taken to arrive at the truth.

Ordered that Extract of these
Proceedings be sent to the Sessions Judge of
Chicacole for his information and for com-
munication to the Principal Sudr Ameen
at Itchapore.

(Sent in № 932)

Read Miscellaneous Petition
presented on the 25th March 1845 by Monteachy
and Auniya Moottoo of the Talluk of
Cuddalore.

(Here enter F. U. Dn. P. № 68 of 1845.)

Read also again letter dated
26th December 1844 from the Sessions Judge of
Cuddalore forwarding for the consideration and
final sentence of the Foujdaree Udalut an
English translation of the record of the trial
in Case № 57 of 1844 on the Cuddalore Calen-
dar for 1844.

(Here enter F. U. № 3546 of 1844.)

25th June 1845.

1.

In this Case 3 prisoners were charged with having gone with sowe others armed and with lighted torches to the house of the Prosecutor at midnight, forcibly entered into it and after beating the prosecutor felonio-dered him of property valued at Rupees 376½.—

2.

The Law Officer taking exception to the evidence of the Witnesses on account of their numerous and marked discrepancies, and alluding to the circumstance that no property was found in the houses of the Prisoners the they were surrounded and watched an hour after the commission of the robbery and searched at day-break — acquitted the Prisoners.

3.

The Sessions Judge observed — that the evidence in the case depended entirely on the identification of the Prisoners by the Prosecutors and the 1st and 2d witnesses — and in the absence of all proof of enmity between the Prosecutor and Prisoners or the possibility of any part of the stolen property coming into the possession of the Prosecutor by the conviction of the Prisoners. He was led to place great stress on this point and on the

presumptive

25th June 1845.

prosecutor's denouncement by name of the 1st and 2d Prisoners on the very night of the robbery. He also thought that some weight should have been given to the bad character of all the Prisoners.—

4.

The Sessions Judge considered of little moment the discrepancies in the evidence for the Prosecution, pointed out by the Law Officer and disallowed as favorable to the Prisoners the circumstance of their having been found in their houses immediately after the robbery and no stolen property found with them — and he concluded by expressing his opinion that the Prisoners should be convicted of robbery with open violence and sentenced to 14 Years imprisonment with hard labor in irons.—

5.

The Court of Foujdaree Adalut (Mr. Maclean) concurring with the Sessions Judge in thinking that the identification of the Prisoners was complete and satisfactory sentenced the Prisoners to the punishment recommended by the Sessions Judge.—

J. Sm

6.

In the Petition the Petitioners complain of this sentence and pray the Court to review it they allude to and specify the discrepancies remarkable in the evidence and appeal to the circumstance of none of the stolen property having been discovered in the house of the Prisoners notwithstanding the precautionary measures adopted to prevent the egress of the inmates, as confirmatory of their innocence.—

7.

The Court of Kingdom Bidadari collectively having been led by the presentation of the Petition to reconsider the record of this trial see strong grounds for dissenting from the conviction of the prisoner.

8.

The contradictions noted in the statement appear to the Court of Kingdom Bidadari to be important and weighty and they see reason for relying on the evidence for the defence.

9.

The Petitioners appear to have been accused in consequence of the circumstances related by the Prosecutor, in his deposition before the police and in consequence of previous character. It is however unaccountable

if true that Rungan should not have been (as stated by the 3rd and 4th Witnesses) accused till day-break. It is evident that not a word of the Prosecutors statement is to be relied on. and altho' the 3rd Witness stated before the Session Court that the Prosecutor, so soon as he saw him after the robbery, mentioned the names of the 1st and 2nd Prisoners, the Court do not believe this. If it had been true the witness would also have mentioned the fact before the Police; and the first examination of the 3rd Witness, who speaks of robbers without name and does not mention the alleged recognition, is against such a conclusion. the fact is however stated by the 4th Witness.

10.

The discrepancies in the depositions given respectively by the 1st Witness before the Police and Session Judge are sufficient to show that her statement is false altogether.

11.

The Court are therefore unable to place any reliance in the evidence for the prosecution. They consider that the case is not proved and resolve to set aside the conviction of the Prisoners, and to order their release.

Ordered.

23d June 1845

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddalore for his information by precept returnable in x days from and after its receipt.

(Sent following precept x No 933)

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

Read x Miscellaneous Petition presented on the 31st of March last by Soly Payenne of the Pillah Salem..

(Hereunto x M. P. No 71 of 1845.)

1. This is an application for the interference of the Zeyndaree Adalut to order the release of petitioners nephew x Hem prisoner in Case x No 156 on the file of the Subordinate Court of Salem who was sentenced by the Subordinate Judge to 2 years imprisonment with 150 lashes on the alleged ground of having been concerned in the commission of a robbery.

2. Petitioner sets forth that her nephew the prisoner had been for eight years in the service of a Mr Fisher whose property

F. U.

23d June 1845.

he was charged with having stolen, that the articles found in his house and identified as that Gentlemans property were 3 old iron buckles which he had left there while he was "dog boy" in Mr. Fishers service in consequence of their being unfit for use.

3. On a perusal of this petition and of the remarks of the Subordinate Judge as contained in the Criminal Report. the Court resolve to direct that the sentence passed in the Case be suspended and that the Sessions Judge be called upon to review the proceedings of the lower Court and to offer any observations that may occur to him for the information of the Zeyndaree Adalut

Ordered that Extract of these Proceedings be furnished to the Petitioner on her application.

Ordered also that Extract of these Proceedings be sent to the Sessions Judge of Salem for his information and guidance by precept returnable without delay.

(Sent following precept No 934)

3d June 1845

Read Miscellaneous Petition
presented on the 8th of April 1845 by Sumpraty
Ramiah of the Tillah Chittoor.

(Here enter M. P. No 77 of 1845.)

1. The object of this petition is to induce the Court of Foujdaree Udalut to order the Magistrate of North Arcot to inquire into certain charges which Petitioner preferred against the Poligar of Bungary Pettah and to cause the restoration of certain property and bonds plundered and extorted from the petitioner by the said Poligar, and also the refund of a fine of Rupees 10 imposed on the petitioner by the late Magistrate on the alleged grounds of his having preferred a false complaint.

2. The only part of the petition which requires the interference of this Court, is the assertion that the Sessions Judge declined to make due enquiry into the legality of a fine levied by the Magistrate from the Petitioner although he had represented to that Officer that the Lower Judge had committed certain proceedings of the Sudr Ameen Pundit

23d June 1845.

Pundit on the production of which the fine was levied.

3. The Court accordingly resolved to direct the Sessions Judge to enquire fully into this Case and to report upon the truth &c of the Petitioner's assertion for the information of the Foujdaree Udalut specifying the nature and purport of the proceedings held by the Sudr Ameen Pundit which it would appear, were declared null and void by the Sessions Judge.

Ordered that Extract of these Proceedings be sent 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 935)

Ordered also that Extract of these Proceedings be granted to the Petitioner on his application.

Read Miscellaneous Petition presented on the 28th April 1845 by Sryaveingar of Tillah Immavelly.

(Here enter M. P. No 87 of 1845.)

Advert Reg

23d June 1845.

1. Adverting to the proceedings of the Tondaree Vdalut under date the 8th of April last. Petitioner sets forth that in conformity with the instructions therein contained he has submitted a copy of the order of the Sessions Judge alluded to in his former petition drawn upon common paper without the signature of the Sessions Judge who refused to grant him an attested copy on stamped paper.-

2. The Court resolve to call upon the Sessions Judge of Tinnevelly to forward to them an attested copy of his Proceedings on the Petition said to have been presented to him by the Petitioner.-

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Tinnevelly for his information and guidance by precept returnable within 4 days from and after its receipt.

(Sent following precept No 235)

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

Read

F. U.

23d June 1845.

Read Miscellaneous Petition presented on the 21st of April 1845 by Kristnasamy Padyatchee of the Tillah Tinchinopoly.-

(Here enter M. P. No 88 of 1845.

1. The Court observe that the matter of this petition has already been disposed of in the proceedings of the 21st April 1845 to which the Petitioner is referred.

2. Petition is dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioner on his application.-

Read Miscellaneous Petitions presented on the 12th of May 1845 by Veerasamy Naickan and Moonyeppen late Sail Peons in the Tillah Chinglepute.

(Here enter M. P. Nos 93 and 94)

1. With unimportant variations the complaints preferred by the Petitioners are the same and to the effect that they have been summarily dismissed from their situations by the Acting Sessions Judge in consequence of the misrepresentations of one Mungapathy Naicken a Duffadar of Peons.-

2. Before passing any final order on the matter of these petitions the Court resolve to direct that they be sent to the Acting Sessions Judge who will explain the circumstances under which the Petitioners were dismissed from their situations.

Ordered that Extract of these Proceedings be sent to the Acting Sessions Judge of Chingleput for his information and guidance with a precept returnable within XV days from and after its receipt.

(Sent following precept No 237)

Ordered also that Extract of these proceedings be granted to the Petitioners on their application.

Circular Order
No 171.

The attention of the Court of Foujdaree Udalut having been drawn to the omission in the usual Monthly Triennial Reports of the authority under which cases falling within the jurisdiction of Sessions Judges are committed for trial by those functionaries, it is resolved, in extension of the rule laid down in para: 2 Circular Order dated 16th November 1831, to require that the provision of the law under which a commitment is ordered may invariably be specified.

(Sent following Circular Order No 238)

Read letter dated the 28th Ultimo from the Sessions Judge of Salem submitting the trial in Case No 27 on the Salem Calendar for 1845.

(Here enter No 1740)

The Court of Foujdaree Udalut

Mr Waters
and
Mr 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

6th Goroomoorty Apparoy

is sufficient to convict him of the crime of receiving stolen property knowing it to be such, do convict him thereof; and under the provisions of Clause third Section XV Regulation VI of 1822, 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 [3] three Years.

The 6th prisoner in this Case was charged with having purchased certain property

1. stolen

stolen by the first 5 prisoners being aware of the manner in which it had been obtained.

2. The Sessions Judge differing in opinion with the Law Officer regarding the conviction of this prisoner, has referred the case for the final orders of the Foujdaree Udalut having meanwhile suspended the sentences recorded against the remaining prisoners.

3. The Court after a careful and attentive consideration of the record of this case concur with the Sessions Judge in the conviction of the 6th prisoner and resolve to pass on him the sentence of 3 years imprisonment with hard labor in irons proposed by that Officer.

4. The Court observe that the prisoners in this Case were punishable under the provisions of Clauses second and fifth Section II Regulation XI of 1822, and that the technical objections raised by the Law Officer should have been removed by a second reference and a sentence of seven years imprisonment passed by the Session Judge under Section XXI Regulation XII of 1802.

5. Adverting to the provisions of

F. No.
23d June 1845.

Clause second Section VI Regulation XV of 1803 in which it is declared that "if the Judge of Circuit disapprove the Futwah given by his Law Officer he shall not pass any sentence except for the acquittal and discharge of any prisoner not convicted but shall commit the trial with his opinion thereupon for the decision of the Foujdaree Udalut" the Court consider that the proceedings of the Session Judge in passing sentence upon any of the prisoners in this Case, were irregular and that the trial should have been referred not as regards only the 6th Prisoner, but in respect of the whole number charged and not acquitted in the Court of the Session Judge.

The Court however approve of the sentences recorded against the 1st 2d 3d and 4th prisoners by the Session Judge and of the requisition of security in the Case of the 5th prisoner.

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

(Sent following letter - No 939)

Read

The

22d June 1845.

Ordered that Extract from these proceedings be sent to the Acting Session Judge of Combaconum for his information and guidance by precept, returnable within x days from and after its receipt.-

(Sent following precept No 940)

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

Read Miscellaneous Petitions presented on the 8th and 28th Ultimo by Dawee Monatchee of Pondicherry.

(Here enter In Pns Nos 76 and 85 of 1845.)

1. Petitioner complains of the proceedings of the Acting Magistrate of North Arcot and of the Sessions Judge of Chittoor held on a complaint preferred by her against one Sulla Soobbiah and others inhabitants of Vellore charging them with having entered her house by night and robbed her of Jewels valued at Rupees 2000.-

2. The two daughters of the Petitioner were also charged with having participated in the crime.-

The

23d June 1845.

Read Miscellaneous Petition presented on the 12th May 1845 by Narrayna pawny Mordely of Tillah Combaconum.-

(Here enter M. P. No 91 of 1845.)

1. This is an application for the interference of the Foujdaree Adalut to reverse the sentences of imprisonment for various periods with hard labor in irons passed by the Sessions Judge of Combaconum on Petitioner Moottoo Mordelly Moottoo Verun and Chinnan 1st 2d and 3d prisoners respectively in Case No 8 on the file of the Sessions Court of Combaconum.-

2. After adverting to certain contradictions to be observed in the evidence for the prosecutor the petitioner alleges that the Sessions Judge refused to examine certain witnesses on behalf of the prisoners though requested to do so.

3. Before passing any final Orders on the matter of this address the Court resolve to send this petition to the Acting Sessions Judge who will offer any observations on its contents that he may think proper, and explain for what reason he refused to examine the prisoners witnesses as stated by the petitioner.

Ordered

23d June 1845.

3. The case was dismissed by the Acting Magistrate on the ground that the Jewels in question appeared to have been the common property of the Petitioner and her daughters.

4. These Orders were confirmed by the Session Judge in appeal.

5. On a perusal of these petitions and of the Extracts from the proceedings of the Session Court therewith submitted, the Court of Foujdaree Udalut resolve to direct the Session Judge to call for and peruse the entire record in this Case and after making such further enquiry as may appear to be necessary in the presence of Petitioner from whom individual the facts of the case and her ability to prove the same should be clearly ascertained transmit the result with his opinion for the information of the Foujdaree Udalut.

6. The Court observe that tho' the property in question may have been professed as common by the Petitioner and her daughters this fact does not affect her claims nor would it authorize the daughters directly or indirectly

F. C.
23d June 1845.

to aid in its abduction by acts of violence or by stealth.-

Ordered that Extract of these Proceedings be sent to the Session Judge of Chittoor for his information and guidance by Precept, returnable in X days from and after its receipt.

(Sent following precept No 941)

Ordered also that Extract of these proceedings be furnished to the Petitioner on her application.-

Read Calendar of Case No 3007 of 1840 on the file of the Session Court of Salem submitted under date the 9th Instant.

(Hereunto F. C. No 1688)

The Court of Foujdaree Udalut not being satisfied of the propriety of the conviction of the 1st prisoner in this case resolve to direct that an English translation of the record of the trial be submitted for their consideration with the least practicable delay.-

Ordered that Extract from these Proceedings be sent to the Session Judge of Salem by precept returnable in XX days from and after its receipt

(Sent following precept No 942)

F. 26.

Tuesday 24th June 1846.

At a Court of the Sirajdary Adalut.

Present

Henry Dickinson Esqre — 1st
George J. Waters Esqre — 2d
Malcolm Lewis Esqre — 3d
} Puisne Judges

Read Criminal Reports submitted on the 9th Instant by the Acting Subordinate Judge of Cuddapah, for the month of May 1846.

Vide enter F. 26. No. 1684.

The Court observe that the sentence passed upon the prisoners in this case is wholly inadequate as a punishment of the crime liable to their charge.

2. If the facts stated in the charge are in any way susceptible of proof, the case should be committed for trial before the Sessions Court.

The Court accordingly direct

3. that this course may be adopted by the Acting Subordinate Judge, and that the fine imposed upon the prisoners if collected, be returned to them.

Case No. 91.

The prisoner in this case was charged

Case No. 94.

4. with neglect from the

charged with having allowed a prisoner who was placed in his custody to escape through neglect.-

5. The prisoner was sentenced by the Acting Subordinate Judge to be dismissed from his situation as Village Watchman under the provisions of Section XXIII Regulation VIII of 1802.

6. The Court observe that the authority quoted for the sentence passed in this case is only applicable to the punishment by the Magistrate of guards in charge of Convicts who may have escaped.-

7. The Acting Subordinate Judge not being competent by a judicial sentence to order the dismissal of the prisoner from his situation, the Court resolve to annul the sentence and to direct that officer to bring the conduct of the prisoner to the notice of the Magistrate who will adopt such measures as may appear to him to be necessary.-

Case No 94.- 8. The prisoner in this case was charged with having preferred a false complaint before the Acting Magistrate and was sentenced by the Acting Subordinate Judge to one month's imprisonment

imprisonment with hard labour, without fetters the authority quoted for this sentence being Sect. II Regulation IX of 1832.-

9. Under the rule laid down in the

C. O. No 140. Circular Order noted marginally the Court observe that the complaint having been referred to the Head of District Police and the complainant not having adhered to his accusation when examined by that officer, the provisions of the enactment quoted were inapplicable.-

10. The Court accordingly direct that the prisoner be released.-

Ordered, that Extract of these proceedings be forwarded to the Acting Subordinate Judge of Cuddapah for his information by precept returnable within X days from (and after) its receipt.-

(Sent following precept No 943)

Read Minutes Reports dated the 1st Ultimo submitted by the Acting Agent to the Governor of Fort St George at Guntoor for the months of April 1845.-

(Here enter No 1057)

Read letter dated 12th Instant from the Sessions Judge of Cuddapah retransmitting the Extract

the

24th June 1845.-

Extract from the Proceedings of this Court of the 9th Idem Conveying remarks and final sentence in Case No 22 of his Court's file for 1845 for cancelling the Serishab arrow.-

(Here enter No 1761.)

Read report dated 23rd Ultimo submitted by the Magistrate of Coimbatore, of cases tried by the Inquisitory under the provisions of Section LIV of Act VII of 1843 during the month of May 1845.-

(Here enter No 1765.)

Read letter dated 17th Instant from the Sessions Judge of Salem, submitting two letters from the Asst and Joint Magistrates, regarding arrack rents, together with an Extract from the report of the Paramuthy Tahsildar on the same subject, and shewing the number of crimes committed between the 1st January and 31st December 1844, the parties apprehended, and undiscovered.-

(Here enter No 1783.)

Read letter dated 16th Instant from the Magistrate of Madura, submitting explanation on Cases 33 and 45 of Criminal Report No 6 for April.-

(Here enter No 1789.)

Read Calendars of Cases No 36 and 41 of 1845, submitted by the Sessions Judge of Tanjore under date the 19th Instant.-

(Here enter No 1796 & 1797.)

F. U.

Wednesday, 25th June, 1845.- At a Court of the Foujdaree Udalut.

Present,

Henry Dickinson Esquire 1st Puisne Judge,
George I. Waters Esquire 2d Puisne Judge,
Mr. Malcolm Lewin Esquire 3d Puisne Judge,

Read Criminal Reports for the month of May submitted under date the 7th June 1845 by the Principal Sudr. Ameen of Coimbatore.-

(Here enter No 1766.)

Case No 43.

In this case the Principal Sudr. Ameen has recorded his conviction that the Head Police Officer Ganapaty Pillay and the Head Darogah Maroodeen both conspired "from "vindictive feelings which the face of the proceed"ings plainly exhibit, to ruin the Prisoner, an old "servant of the Company" and after alluding to former instances of misconduct of these two officers he has "on behalf of the Inhabitants of "Coimbatore Talook, begged the immediate control"ing authority and the superior Court of Justice "to remove this Head Police Officer altogether for the

the Police, Jurisdiction, taking into their consideration the
"humane observations contained in the Circular Order
"Foujdaree Adalut dated 29th October 1824. 29th April 1836
"and the Regulation III of 1819."

2. The Court of Foujdaree Adalut accordingly resolve to direct the Sessions Judge to enquire into the several allegations against the Head of Police and under Clause first Section XXXIX Act VII of 1843 to recommend his dismissal from office if he should consider such a step to be necessary reporting the result to the Foujdaree Adalut.

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

(Sent following precept No 944)

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

(Sent in No 945)

Read Calendar of Cases No 47 of 1845 on the file of the Sessions Court of Cuddalore under date 7th June 1845.

(Here enter No 1665)

25th June 1845.

1. The prisoner in this Case was charged with having been concerned in the commission of several acts of highway robbery in company with the prisoner in the case noted in the margin and with others not yet apprehended.

No 22 of 1845.

2. The evidence against the prisoner being sufficient to his conviction he was sentenced by the Sessions Judge to 14 years imprisonment with hard labor in irons under the provisions of Clause third Section IV Regulation XI of 1803.

On a perusal of the Calendar of the Case the Court of Foujdaree Adalut seeing reason to doubt the propriety of the mode in which the trial has been disposed of resolve to require the Sessions Judge to submit a translation of the entire record of the Case for their consideration.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Cuddalore for his information and guidance by precept returnable without delay.

(Sent following precept No 946)

Read

25th June 1845.

Read Criminal Report submitted on the 4th June 1845 by the Sessions Judge of Honore for the month of May 1845.

[Here enter J. U. No 1687.]

Case No 31.

1.

The prisoner in this Case was charged with having been found in possession of smuggled salt.

2.

It appears that on a reference from the Head of Police the Acting Head Assistant Magistrate directed the case to be committed to the Court on the ground that the salt was found in the Prisoner's hut which it is reported by the Sessions Judge has been proved not to have been the Case.

3.

The Court accordingly resolve to direct that the Acting Head Assistant Magistrate be called upon to explain under what circumstances he ordered the committal of these prisoner.

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Honore for his information and for communication to the Magistrate by precept, returnable within XX days from and after its receipt.

(Sent following precept No 947.)

Read

J. U.

25th June 1845.

Read Calendar of Case No 23 of 1845 on the file of the Sessions Court of Coomassie dated the 9th June 1845.

[Here enter J. U. No 1689.]

1.

The prisoner was charged with robbery from the person and was sentenced by the Acting Sessions Judge to be imprisoned for five (5) years with hard labor in Sessions

2.

The Law officer attending the Sessions convicted the prisoner and declared him liable to Ookoobut. Head being barred in consequence of certain technical objections.

3.

The Acting Sessions Judge concurred in the conviction of the prisoner, but being of opinion that the last of the technical objections set forth by the Law Officer viz: "that the property was stolen in a place less secure than a house" was not of the nature contemplated in Clause fourth Section II Regulation XV of 1803 passed the foregoing sentence.

4.

With reference to the circumstances of the Case as stated in the Calendar the Court consider that a sentence of seven years imprisonment should have been communicated to

to the prisoner and that the technical objection raised by the Law Officer should have been overcome by a second question.

5. If the punishment of 7 years imprisonment seemed to the Judge to exceed the offence - he should have submitted the case for mitigation.

6. The Judge resolve to reduce the sentence to the measure proposed by the Acting Sessions Judge.

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

(Sent in № 948)

Read Calendar № 35 under date the 9th June 1845 submitted by the Sessions Judge of Cuddapah.

(Here enter № 1675)

1. The prisoner in this case charged with murder has been discharged from trial on account of lunacy.

2. The Court presume that he has been placed under the charge of the Medical Officer

Officer as required by Circular Order 1st June 1829 - but the Sessions Judge has neglected to submit that officer's opinion as to whether the prisoner is a fit object for confinement in the Lunatic Hospital at Madras.

3. This omission must now be supplied.-

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

(Sent following precept № 949)

Read the Criminal Reports submitted by the Subordinate Judge of Madura for the Month of May 1845.

(Here enter № 1709)

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 Subordinate Judge of Madura for his information.

(Sent in № 950)

S. V.

Thursday,
26th June 1845. At a Court of the Tsujdarree Adalut.

Present,

Henry Dickinson Esqre 1st Puisne Judge,
George. J. Waters Esqre 2nd " Puisne Judge,
Malcolm Lewin Esqre 3rd " Puisne Judge,

Read Criminal Reports

for the month of May last submitted under date the 10th June 1845 by the Acting Sessions Judge of Chingleput.—

(Here enter S. V. No. 1669)

1. The Court of Tsujdarree Adalut feel called on to make no further remark on these Reports than to notice the objectionable practice of giving to the Report the date of the last day of the period for which it is prepared instead of that of the day of despatch.—

2. This practice must in future be discontinued.—

Ordered that Extract from these Proceedings be sent to the Acting Sessions

26th June 1845

Sessions Judge of Shimoga reports for information.

(Sent in No. 953)

Read Criminal Reports
for the month of May 1845 submitted
under date the 13th instant by the Acting
Subordinate Judge of Combacum

(Here enter J. R. No 1726)

Report No V 1. The same prisoner has been convicted on both these cases No 69 and 70 of theft and is the latter of escape and has been sentenced in Case No 69 accumulating under Clause fourth Section III Regulation XI of 1822 to 9 months imprisonment with hard labor in irons.—

2 This sentence is irregular and at variance with the construction given by the Sudder Adalut in their Circular Order of the 13th July 1829 to the provisions of Section V Regulation VI of 1822. The punishments for the two offences should have been distinct from and in addition to the punishment to which he was sentenced

26th June 1845 in case No 69.—

3 The Moosty Sudr Ameen will be required to amend his sentence.

Case No 74 4 The explanation of the delay of 36 days in the Jaloak given in this case is altogether insufficient and most unsatisfactory. The Magistrate will be pleased to notice in such way as he may deem proper the conduct of the Police Officer by whom the delay was occasioned and submit a report of his proceedings direct to the Sudder Adalut.—

Case No 80. 5 In this case the 1st prisoner is charged with preferring a false complaint before the Police to the effect that his house had been broken into and robbed of property valued at Rupees 675 and the second prisoner is charged with being "accessary to the 1st Prisoner".—

6 The Acting Subordinate Judge by whom the case was tried, suspects most strongly that with some intention or other which has not transpired

26th June 1845

transpired the 1st prisoner reported that his house had been robbed but being frustrated in his object and for the purpose of getting possession of the jewels &c. he made the 2nd prisoner put the bundle down and spread the mat he did, stating that only 18 Rupees were missing to give an aspect of truth to his story". There was not in the opinion of the Acting Subordinate sufficient evidence to commit the prisoners and with the knowledge of the previous litigious character &c he deemed it right to hold them to security.—

The prisoners are not aware of having brought a false charge against any particular person either by name or application therefore cannot be tried for it and cannot be punished under the provisions of Regulation IX of 1832.

The Court have further to remark

F. 249.

26 Jun

F. 249.

26th Jun 1845.

from their Law Officers that the act charged is not punishable under the Mahomedan Law.—

The Acting Subordinate Judge will therefore be pleased to release the prisoners or cancel the bail bonds.

The Court observe that the remarks of the Acting Subordinate Judge in this Case and in Case No 82. have been unnecessarily extended and can answer no good purpose but rather tend to obstruct the dispatch of business— The abstracts of the cases should not comprise a transcript of arikars or a detailed summary of the evidence of each prosecution and witness but should be divested of all superfluous matter and be drawn up in as condensed a form as may be compatible with perspicuity giving a concise but clear statement of the case and the grounds of the sentence recorded in it.—

Case No 85— 10 No explanation having been

2d June 1845

been afforded of the delay of 14 days which occurred before the Police in this case - The Magistrate will be pleased to supply the omission noticing in such manner as he may deem fit any irregularity that may appear in the proceedings of his Police Officer and reporting the result hereof to the Foujdaree Udalut.—

Cases Nos 87 and 88. The proceedings adopted by the Acting Subordinate Judge in these cases of suffering the Foujdaree Nazir for particulars to the Calendars is highly irregular and objectionable and must be discontinued each case should be complete in itself and contain a concise but clear abstract of statements and the grounds of the judgment passed in it.—

Ordered that Extract from these Proceedings be sent to the Acting Subordinate Judge of Combaconum for his information and guidance by first post after its receipt.

(Sent following Receipts to

26th June 1845

The Register lays before the Court the following statements drawn up in this office, from the Returns received thro' the Sessions Courts, exhibiting the operations of the Village and District Police and the Magistracy, of the Subordinate Criminal Courts and of the Courts of Sessions respectively; and he submits also an abstract of the operations of the Foujdaree Udalut from the 1st of January to the 30th June 1844, prepared according to the forms approved by Government.—

(Here enter No 1 to 9)

Statement No 1, with the Statements Nos 2 to 2 Village Police details in No 2, exhibits the number of persons summoned before the Village and District Police and the Magistracy for Petty Offences punishable by them selves, together with the number of acquittals and convictions, and the nature of the punishments inflicted—

The total number of persons brought before the Village Police together with the number acquitted or convicted of

and

of Petty Offences, as compared with the preceding half year, or from the 1st of July to the 31st December 1843, is as follows:-

	Persons Summoned	Persons acquitted	Persons Convicted
From the 1st of July to the 31st December 1843	3806, 761	657	3280.
From the 1st of January to the 30th June 1844	4513	568	3253.

4 Of the 3253 persons punished by the Village Police, 2478 were confined in the Village Choultry and 775 in the Stocks.-

5 Out of 4,513 persons brought before them, 3,802 were for Petty Assaults or affrays and 709 for Petty Thefts, of the former 2394 were punished and of the latter 657.

District Police 6 The total number of Persons brought before the District Police from the 1st January to the 30th June 1844 for Petty Offences punishable by themselves, was 5,9746 besides which there were also 1,095 persons whose

Cases

26th June 1845 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 64,538.-

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 the year 1843.-

	Persons Summoned	Persons Acquitted	Persons Convicted	Persons Discharged from the Complaint in the course of the Inquiry	Persons Summoned to the Inquiry	Persons Acquitted on the Inquiry	Persons Convicted on the Inquiry	Persons Discharged from the Complaint on the Inquiry	Persons Summoned to the Inquiry but not Convicted
From 1st July to 31st December 1843	63,570	2,198	24,513	17,120	14,537	6,203	"	1095	
" 1st January to 30th June 1844	60,845	1998	22,716	15,178	16,119	5,9107	"	14,34	

9 In the number of persons acquitted, as shown above, are included those against whom the complaint was considered to be wilfully false and

and malicious, amounting to 608, an increase compared with the preceding half year of 262 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 the nature of their punishment by the District Police, for the two periods above referred to, inclusive of those punished after reference to the Magis-trate.—

Punishments	Half year ending 31st December 1845	Half year ending 30th June 1846
Fined	13,120	11,432
Confined in the Gaol or House of Correction with or without labour	5211	5085
Confined in the Stocks	120	144
Flogged	121	129
	18572	16790

11 In regard to the 129 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 Magis-trate upon reference made to that authority under the provisions of Clause 2nd, Section IV, Regulation V of 1822.

Before the Magistracy 12. there were brought during the half year under review, 4,532 persons for petty Offences, besides whom there were 123 persons whose cases had not been disposed of at the close of the pre-vious six months, making a total of 4,655 persons. In the preceding half year the total number was 3,956.

Increase 699.

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 dur-ing the 1st half of the year 1846.

	Persons discharged and acquitted by Magistracy	Discharged upon Recognizance to appear to receive sentence when called upon	Convicted	Total disposed of	Persons under examination at the close of the half year	Total
From 1st January to 30th of June 1846	4,035	2084	890	1566	4540	115	4655

statement

Statement Shewing the manner in which the persons convicted before the Magistracy were punished.—

	Fined	Imprisoned	Flogged	Fined & Imprisoned
From 1st of January to 30th of June 1846	967	553	46	566

14 Of the 2084 persons acquitted by the Magistracy there were 7 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 21.

15 Of the 4,655 persons charged with petty Offences, 3513 persons were brought up for Petty assaults, 397 persons for Petty Thefts, 248 persons for breaches of certain revenue Laws, 165 persons for abuse of authority as Police Officers, and 138 persons for using false weights and measures. Of the 165 persons charged with abuse of

of authority only 45 were convicted and punished, 44 by fine and 1 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 and punished during the last half of the year 1845 and the 1st half of the year 1846, have been contrasted.—

	During the half year ending 31st December 1845				During the half year Ending 30th June 1846			
	Summoned and depending	Acquitted	Discharged upon Police-manship &c.	Convicted	Summoned and depending	Acquitted	Discharged upon Police-manship &c.	Convicted
Village Police	3,886	761	837	2288	4513	568	692	3253
District Police	65,378	21,198	24,513	18,572	60,841	19,901	22,716	16,794
Magistracy	3,956	1,727	636	1,470	4,655	2,084	894	1566
	73,220	23,686	25,986	22,330	70,009	22,553	24,298	21,609

17 The above statements exhibits a decrease, as compared with the preceding half year, of 3211 persons brought

26th June 1845

brought before the Native Police Officers and Magistracy.—

18. The sums remitted to the Magistrates by the District Police Officers on account of the 11482 persons who were fined by them, amounted on the aggregate to Rupees 11069-7-8

Crimes and Misdemeanors

Statements Nos 3 and 4.—

19. The total number of Crimes and Misdemeanors committed during the half year ending on the 30th June 1844, as exhibited in the statement No 3 with its details in statement No 4, amounts to 1934, in which it is calculated that 5493 persons were concerned, being 94 cases and 507 persons more than in the preceding six months.—

20. Of the 12,009 persons supposed to have been concerned in the cases ascertained to have occurred during the period embraced in the

respective

26th June 1845

report 5,258 persons appear to have escaped apprehension which is only 34 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 1844.—

	Half year ending the 30th June 1844	
	Cases	Persons
Murder	99	286
Culpable Homicide	18	32
Robbery and Murder	16	158
Gang Robbery attended with or without aggravating circumstances	420	3966
Robbery by a single individual	54	55
House breaking by day	38	75
—do— by night	1153	2762
Theft	795	1822
Arson	144	279
Rape	28	42
Procuring abortion	14	22
Forgery	37	80
Perjury	12	22
Maiming or wounding	155	379
Revenue Laws breaches of certain	94	313

22. It will also be seen that the

Wilfully false and malicious

26th June 1865

the number of cases brought before the Magistracy during the half year under review, is 298 including 822 persons of which 56 cases and 296 persons were disposed of by the Magistrates under Section LIV Act VII of 1863.

In the Districts of

Guntoor
Masulipatam
South Arcot
Trichinopoly and
Vizagapatam.

No cases were disposed of by the Magistracy under the Act above mentioned

23. Statements No 1 to 5 inclusive the Subordinate Criminal Courts

Statements No 1 to 5 exhibits the proceedings of the Subordinate Courts from the 1st of January to 30th June 1865

24. The total number of cases brought before the Subordinate Courts during the above period including those not disposed of at the close of the preceding period is 150 including 3333 prisoners.

25 In the preceding thirty-five

A26

26th June 1865

the total number of cases was 1,412 including 2,950 prisoners, being an increase in the half year under review of 89 cases and 383 prisoners.—

26 Of the cases brought and depending before the Subordinate Courts 71 were cases of Murder, 23 of Culpable Homicide, 20 of Robbery and Murder, 3 of Poisoning, 31 of Maiming and Wounding 8 of Rape, 9 of Procuring abortion, 1 of Sodomy 78 of Gang Robbery attended with aggravating circumstances, 80 of Gang Robbery without aggravating circumstances, 11 of Robbery by a single individual, 20 of Arson, 1 of House breaking by day, 20 of House breaking by night 185 of Theft, 72 of Receiving stolen goods, 30 of Forgery 48 of Perjury 10 of Subornation of Perjury or Forgery 108 of Breach of Revenue Laws Vide Vide

27 Of the 3,333 persons brought before the Subordinate Courts

413. Were released unconditionally against 10 of whom the charge was considered wilfully false and malicious.

26th June 1845

64 were released on security
55 were detained on demand of security
910 were convicted and punished in cases cognizable by the Subordinate Courts.

28

In cases cognizable by the Sessions Courts.—

448 were released by the Subordinate Courts against 6 of whom the charge was considered wilfully false and malicious
31 were released on security
23 were detained on demand of security
235 were committed for trial
149 were under examination
4 Died
1 Escaped

3333

29

Of the 910 persons who were convicted and punished by the Subordinate Courts—

496 were imprisoned
288 were fined
6 were flogged
54 were imprisoned and fined
66 were imprisoned and flogged

910

26th June 1845.

30 The number of persons convicted and punished by the late Criminal Courts and by the present Subordinate Courts in the preceding half Year was 854. the number committed was 734 and the number unconditionally released in cases, either punishable by themselves or by the Courts of Sessions, was 99½ in the half year under review this number as shewn above was 1161.—

31 In Conformity to the instructions conveyed in para 4 of the Minutes of Consultation under date the 24th October 1839, № 853, the Statements prohibiting the operations of the Subordinate 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.—

32.— These Reports shew that generally the Sudr Ameens have

26th June 1845.

have exercised their duties as Criminal Judges satisfactorily.—

Statements for Jan & Courts of Sessions.

33 The Statements forwarded exhibit the operations of the Sessions Courts from the 1st of January to 30th June 1845.—

34 The cases of every description which came before these Courts during the first months under review were 456 including 1137 persons 180 persons more than were brought before the late Courts of Circuit and the present Sessions Courts during the 2d half of the Year 1843.—

35 Of the 1137 persons who were committed for trial, 333 were released unconditionally, of whom 48 were considered to have been falsely and maliciously accused, 111 were released on Security and 397 were Convicted and punished.—

36 Of these latter

21 Were flogged and imprisoned for a term not exceeding 7 Years.—

397

F. 26.

26th June 1845.

37 Were flogged and imprisoned for a term not exceeding 7 years.—

149 Were imprisoned for a term exceeding 7 years without flogging.—

189 Were imprisoned for 7 years and under without flogging.—

1 Was fined and imprisoned.—

37 There were 61 Cases including 143 Prisoners referred to the Foujdaree Udalut, 43 Cases containing 122 Prisoners remained undisposed of by the Sessions Courts at the close of the half year, 13 Prisoners were sent back to the Subordinate Courts to be disposed of by those authorities, 13 Prisoners were discharged from the bar and 5 Prisoners died.—

38 The greatest number of Cases were brought before the Sessions Courts at—

Cuddapah — 51 — of which 8 Cases were referred to the Foujdaree Udalut

Cuddalore — 47 — " — 1 — do — do — 3

Calicut — 40 — " — 6 — do — do —

Mangalore — 38 — " — 12 — do — do —

Combaconum 38 — " — 3 — do — do —

26th June 1845

Bellary — 29 of which 4 Cases were referred to the Superior Court

Madura — 28 — 1 — do — do —

Chittoor — 24 — 4 — do — do —

Honore — 24 — 3 — do — do —

Tinnevelly 22 — 4 — do — do —

Nellore — 20 — 1 — do — do —

Coimbatore 20 — 4 — do — do —

39

Of the 6 Trials referred to the Foujdaree Adalut by the Sessions Courts the Sentences delivered by their Law Officers, were concurred in by the Sessions Courts in 46 Trials, but the sentences of the Officers made the Trials of necessity referrable, and 15 Cases were referred because the Sessions Courts did not approve of the Sentences of their Law Officers.—

Statement No 9

40

Foujdaree Adalut

Statement No 9 shewing the operations of the Foujdaree Adalut during the 1st half of the Year 1845

41

It shews that at the date of the last report there was 1 Case including 1 prisoner which had not been disposed of; and there

26th June 1845

there were received during the half Year under observation 63 Trials including 157 Prisoners, making together 64 Trials and 158 prisoners, whereof 35 were trials for Murder, 2 Cases of Culpable Homicide, 7 Cases of Robbery and Murder, 1 Case of Murder, Robbery, Arson and Wounding, 1 Case of Robbery, Murder and Arson, 1 Case of Conspiracy to commit murder by letting loose a venomous Snake, 2 Cases of Wounding with intent to kill, 1 Case of Poisoning, 1 Case of Maiming or wounding, 5 Cases of Gang Robbery attended with aggravating circumstances 2 Cases of Gang Robbery without aggravating circumstances, 1 Case of Robbery by a Single individual, 1 Case of administering intoxicating drugs and Robbery, 1 Case of House breaking by night, 1 Case of Stealing Judicial Records, 1 Case of Bribery and 1 Case of abuse of Authority.—

of

26th June 1845

42 Of the 64 Trials 60 were disposed of within the half year under review, leaving 3 undisposed of at the close of the Return and in 1 Case the Prisoner died before the Foujdaree Udalut could dispose of the Case—

43 Of the 60 Cases containing 151 prisoners in which the Court of Foujdaree Udalut finally gave Judgment—

35 Prisoners were released unconditionally

31 Were ordered to be released on security — 2 whose sentences were confirmed by the Sessions Judge

85 Were convicted and sentenced to punishment by the Sessions Judge

151

44 Of the 85 prisoners convicted 25 were confirmed by the Foujdaree Udalut

26 Were sentenced to suffer death

24 Transported without flogging

8 Imprisoned for more than 7 and not more than 14 Years without flogging

26 Imprisoned for 7 Years and under without flogging

1 Released on commutation of the sentence of imprisonment already undergone

85

No. 21.

26th June 1845

45 In conformity to the instructions contained in the 22d Para of the Extract from the Minutes of Consultation under date the 8th August 1834 the Judges beg leave to explain that out of the 24 Cases referred to the Foujdaree Udalut because the presiding Judge disapproved of the Futwah of the Law Officer, or the finding of the Assessors the decision of the Sessions Judges was affirmed by the Foujdaree Udalut in 16 Cases—

46 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	jointly	attached to the Court
G. J. Cassamajor Esqre Aggt Judge	35		During the whole period
M. Lewin Esqre Aggt 2d Judge	26	Do.	Do.
J. Maclean Esqre Aggt 3d Judge	34	Do.	Do.

47 A Statement is also appended

prohibiting the number of preferrible trials which have actually been preferred to the Foujdaree Adalut within the period under review, and shewing what has been the average number of days delay in the disposal of these trials as required by the 33d para of the General letter from the Honorable the Court of Directors dated 20th March 1838.—

48 With reference to the instructions contained in Para 8 of the General letter from the Honorable the Court of Directors dated 19th February 1845, the Judges beg to submit two Statements marked A and B shewing the particulars to which the Magistrates have therein delivered discharges their Police duties and how far it has been delayed by them to their assistants, and in accordance with the Honorable Courts further instructions contained in Para of their letter dated 30th December 1842, the Judges beg also to forward a Statement marked C shewing the Extent to

and degree of supervision and control Exercised by the Magistrates over the Proceedings of their Assistants.—

49 Accompanying the Statements submitted for the consideration of Government will be found Statements in Abstract prohibiting the State of Crime during the 1st half of 1845, in the separate tracts of the Vizagapatam, Ganjam and Kurnool Districts, placed under the jurisdiction of the Government Agents.—

Ordered that Extracts 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. 955)

Read letter dated the 29th January 1845 from the Sessions Judge of Combaconum submitting a report upon the manner in which the Sadr Ameens have Exercised the Criminal jurisdiction vested

[illegible] returnable with

6th June 1845

vested in them by Section II Regulation III of 1833 for the 1st half year of 1845.

(Here enter F. U No 342)

Read letter dated the 29th January 1845 from the Sessions Judge of Cuddapah stating in reply to the Foujdaree Adalut's letter of the 24th Instant that the order requiring the submission by the Sessions Judge of a report on the manner in which the Sudr Ameens perform their Criminal jurisdiction is not applicable to the existing judicial system.

(Here enter F. U No 356)

Read letter dated 29th January 1845 from the Sessions Judge of Guntoor forwarding a Report upon the manner in which the Sudr Ameen performed the Criminal Jurisdiction vested in him by Section II Regulation III of 1833 during the 1st half of 1845.

(Here enter F. U No 346)

Read letter dated 30th January 1845 from the Sessions Judge of Chingleput submitting the report of the Subordinate Judge regarding the manner in which the

F. C.

26th June 1845 Sudr Ameens have performed the Criminal duties vested in them by Section II Regulation III of 1833.

(Here enter F. U No 363)

Read letter dated the 3rd February 1845 from the Acting Sessions Judge of Tinnevelly stating in reply to a letter from the Foujdaree Adalut that the Moonsiff Sudr Ameen of Tinnevelly decided in the 1st half of 1845 - 18 Criminal cases and that he has generally exercised his powers with discretion.

(Here enter F. U No 429)

Read letter dated the 10th February 1845 from the Sessions Judge of Cuddapah forwarding the report from the Acting Subordinate Judge regarding the manner in which the Sudr Ameens have exercised the Criminal Jurisdiction vested in them by Section II Regulation III of 1833 for the 1st half of 1845.

(Here enter F. U No 489)

Read letter dated the 10th February 1845 from the Sessions Judge of Madura forwarding copy of a report from the Subordinate Judge upon the manner in which the Sudr Ameens have exercised the Criminal Jurisdiction vested in them by Section II Regulation III of 1833 for

for returnable with

26th June 1845

for the first half year of 1844 are called for in the Forgone Warrant dated the 24th January 1845.—

(Here enter F. W. No. 519)

Read letter dated the 1st February 1845 from the Sessions Judge of Bangalore, forwarding copy of a letter from the late Acting Subordinate Judge of Ward submitting the required report upon the manner in which Criminal jurisdiction was exercised by the Sudr Ameens during the 1st half of 1844.—

(Here enter F. W. No. 546)

Read letter dated 12th February 1845 from the Acting Sessions Judge of Coimbatore stating that during the 1st half of 1844 the Sessions Judge reserved only one of the sentences passed by the Moonsiffs for confirmation and modified one passed by the Sudr Ameen and in other respects these Officers satisfactorily performed their Criminal duties.—

(Here enter F. W. No. 549)

26th June 1845

Read letter dated the 12th March 1845 from the Acting Sessions Judge of Cuddalore, stating that during the 1st half of 1844 the Moonsiff and Ameen disposed of 6 Criminal Cases in a satisfactory manner.—

(Here enter F. W. No. 820)

Read letter dated the 31st May 1845 from the Sessions Judge of Chittoor calling attention to his letter of the 3rd March last, containing the report regarding the Criminal Jurisdiction exercised by the Sudr Ameen of this Court.—

(Here enter F. W. No. 1572)

Read Criminal Reports submitted by the Principal Sudr Ameen of Tinnevelly for the month of May 1845

(Here enter F. W. No. 1686)

Case No. 45 1. The prisoner in this case was charged with perjury before the Magistrate of Tinnevelly.—

2. The Court observe that the charge as entered in the appropriate column

26th June 1845 — column is incomplete, the prescribed
31st January 1832 — form of Indictment, laid down in the
12th May 1832 — Circular Orders noted marginally —
having been omitted. The Principal
Sudr Ameen will now submit an amended
indictment in conformity thereto on a
less abstract form —

Case No 46. 3 On a reference to the appendix
to these Reports by the Court it seems that
the sentences passed by the Principal
Sudr Ameen upon the Prisoners in this
Case have been reversed by the Sessions
Judge —

4. Under these circumstances
a note referring to the appendix should
have been entered in the Report of the
Case itself in order that the Court at
tention may thereby at once be di-
rected to the appendix. —

5 With reference to the last
sheet of the Report now under review
containing the particulars of a case
decided by the Principal Sudr Ameen
under Extract from Proceedings by the
Court

26th June 1845 — Court of Sessions Udalur dated 11th
Prosecutor Vythee
versus Sungaradiapen
and five others
Larceny. — April 1845 the Court are at a loss to
understand under what authority the
report of this case has been then
submitted. —

6. The Principal Sudr Ameen
will offer an explanation on the above
point

Ordered that Extract from
these Proceedings be sent to the Prin-
cipal Sudr Ameen of Tinnevelly
by precept returnable within XV days
from and after its receipt. —

(Sent following Precepte No 954)

Read letters from the
several Sessions Judges and Magis
forwarding the Criminal Reports
the 1st half of 1844

(Here enter Nos 1867 1868 1984 1999
2146-2158-2248-2273-2288-2348-2438-2582
2809 3002 of 1844 and Nos 163- 78-480-
480-574-601 and 639 of 1845)

F. 86.

Friday 7th June 1845.

At a Court of the Foujdaree Udalut.

Present

Henry Dickinson Esqre. 1st
G. S. Waters Esqre. ... 2d } Puisne Judges
Malcolm Lewin Esqre. 3d

Read letter from the Acting Agent to the Governor of Fort St. George in Ganjam under date the 7th June 1845, submitting the entire record of Case No. 6 of 1845, for the final orders of the Foujdaree Udalut.-

(Here enter F. 86: No. 1707)

Mr. H. Dickinson.
Mr. G. S. Waters.

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 Cala Peetambaro.

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

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: and being of opinion that the prisoner

3d Cuttah Ramakrishnadoss

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession of the above crime, to acquit him thereof, but considering that strong suspicion, tho' not amounting to conviction attaches to him they direct that he be required under clause sixth Section II Regulation XI of 1823 to find security to the amount to be determined at the discretion of the Governor Agent for his good behaviour and appearance when required, within a period not exceeding that officer will dispose, or in default thereof that he be detained for a similar period in confinement.

1 The 1st Prisoner in this case was charged with wilful murder the 2d and 3d prisoners were charged with having aided and abetted in the commission of the above crime.

2 After a careful and attentive examination of the record of this case the Court are satisfied with the

27th June 1845.

the idea that the 2d prisoner took no part in the commission of this cruel murder but merely accompanied his brother to the house in which the deed was perpetrated for the purpose of aiding him in carrying away his wife.

3 The Court accordingly resolve to direct that the 3d prisoner be released under a requisition of security.

Ordered that Extract of these Proceedings be sent to the Acting Agent to the Governor of Fort St. George in Ganjam for his information and guidance.

(Sent following letter No. 961).

Read letter dated 16th Instant from the Sessions Judge of Tellicherry submitting the record of the trial in case No. 11 on the Calendar of the Sessions Court for 1845.

(Here enter Fl: No. 1794 of 1845)

Mr. Ly: I. Waters and Mr. Mc. Lewin.

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

Cherikamel alias
Moodiraparambatha Ramoonny.

is sufficient to convict him of the crime of wilful mur

murder and wounding do convict him thereof and to
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 for Warning letter No 782)

Read Criminal Reports for the --
Month of May 1845 submitted under date the 6th Instant
by the Acting Subordinate Judge of Calicut

(Here enter F: R: No 1650)

Report No V
Issue Nos 76 and 84

1.
In these cases the prisoners were
severally found guilty of housebreaking - the case No 76
the 2d prisoner "who bears a bad character" has been
sentenced to 6 Months imprisonment and the 3d to
5th to 4 Months imprisonment and in Case No 84
the prisoner has been sentenced to 6 Months imprison-
ment and to receive 100 Lashes

2.
These sentences are in direct variance
with the provisions of Regulation XII of 1832 as --
explained in Circular Order No 139. The Court will
not now disturb them but they desire that the Subordinate
Judge be cautioned to act more in conformity with
the instructions issued for his guidance in future

3.
The officiating Subordinate Judge
will further be pleased to record in future the reasons

F: R:
27th June 1845.

the term burglary the Court having repeatedly ruled
it to be objectionable --

Ordered that Extract from these
Proceedings be sent to the Acting Subordinate Judge
of Calicut for his information --

(Sent in No 963)

Read letter dated the 6th Instant from
the Magistrate of Malabar submitting with reference
to the Extract from the Proceedings of the Foujdaree
Court dated the 5th April last copy of a letter from
the Resident of Cochin in which that officer states
that as the affray referred to took place at a distance
of not more than 1½ Miles from the shore the Sea
Attendant having been on the Beach when the
affray occurred - that the Cochin authorities have a
right and justly on the Resident's opinion, to recognize
the Company's jurisdiction at the spot in question --

(Here enter No 1670)

The Foujdaree Adalut observe that no
doubt is regarding jurisdiction which is disputed - the
Principal Sudr Ameen of Cochin Mr Taylor must
satisfy himself by evidence that the affray took
place within the limits of his jurisdiction which is
denied and having done this, the Court will have it in
their power to address the Government but this prin-
ciple must

must first be made clear.—

Ordered, that Extract from these Proceedings be sent to the Magistrate of Malabar for his information.

(Sent in No. 2644)

Read Criminal Reports for the week of May 1845. dated the 31st May 1845, submitted by the Sessions Judge of Chicacole.—

(How entered Vide No. 1673 of 1845.)

Report No. V
Case No. 5.

1. The prisoner in this case which was tried by the Assistant Sessions Judge was charged with house breaking and was acquitted, but required to furnish security.—

2. The Sessions Judge over ruled the acquittal of the Assistant Sessions Judge and sentenced the prisoner under Clause Second Section IX Regulation X of 1816 to 3 months imprisonment.—

3. The Court of Foujdaree Adawlut observe that the provisions quoted by the Sessions Judge as under Clause Sixth Section II Regulation VI of 1822 provides for the punishment of house breaking and the Court have ruled that under this enactment the period of punishment should always be in excess of 6 months.—

4. The Sessions Judge will be more careful in future when over ruling the sentence of the Subordinates to prevent similar errors.—

Case No. 8.

5. Section VII Regulation VIII of 1832 and not Section XXII Regulation III of 1802 should have been cited as the authority under which the fine was imposed on the witnesses in this case. The Court further desire to know by whom the order imposing the fine was passed.—

6. The Court regret to observe that the Sessions Judge has overlooked the directions issued in Circular Order No. 168, and has failed to have the headings prescribed by that order inserted in the Column of charge—and that notwithstanding the orders of the Court issued in their proceedings of the 6th May, the Sessions Judge continues to date papers issuing from his office not according to the date of dispatch but on some fictitious rule.—

7. The Court trust it will not be necessary to advert to this last point again.—

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

(Sent following Receipt No. 755)

Read Criminal Reports for the week

of May 1845 dated 9th Instant, submitted by the Subordinate Judge of Bellary.

(Here enter F. U. No 1708 of 1845)

Case No. 62. 1. The Subordinate Judge will be pleased to complete the sentence in this case, by adding to it the provisions under which the punishment was awarded.

Case No. 63. 2. With reference to the explanation of the delay before the Police in this case, the Court of Foujdaree Adawlut desire to know where the prisoner was from the 24th April the date of his apprehension, till the 7th May the date of his appearance before the Head of Police of Runchapollium.

3. The Court of Foujdaree Adawlut observe that according to the rule laid down in their Circular proceedings of the 22d May 1837. the due proportion of Rupees and Duffadars would be 8 instead of 6 as entered in the Statement of Duffadars &c. appended to these Reports. The Acting Subordinate Judge will therefore be pleased to explain the cause of the receipt of 1 Rupee and 1 Duffadar in the ground entertained to watch the prisoners at work outside the Bellary Jail during the Month of May last.

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Bellary for his information by Precept returnable

F. U.
27th June 1845.

in 5 days from and after its receipt.—

(Sent following Precept No. 966)

Read Criminal Reports submitted by the 12th Instant by the Principal Sudr. Ameen of Guntoor for the month of June 1845.—

(Here enter F. U. No 1752)

Case No. 39. 1. The Prisoner in this case was charged with having wounded his father and thereby caused his death.—

2. The Principal Sudr. Ameen considering the evidence insufficient to prove that the death of deceased who was an aged man, was caused by the blows inflicted by the prisoner, but being of opinion that under the circumstances of the case strong suspicion attached to him placed him under a requisition of Security.—

3. The Court seeing reason to doubt the correctness of the Sentence passed in this Case, resolve to direct the Sessions Judge to call up the proceedings, reporting the result of his enquiry for the information of the Foujdaree Adawlut.—

Ordered, that Extract of these Proceedings be sent to the Sessions Judge of Guntoor for his information and guidance by Precept returnable

27th June 1845.

delay.—

(Sent following Proceedings No. 967.)

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

(Sent in No. 968.)

Read Criminal Report submitted by the Moofty Sudr Ameen in charge of the Circuit Court at Rajahmundry for the month of May 1845.—

(Here enter No. 1688)

Case No. 23.

1. Adverting to the remarks of the Sudr Ameen releasing the Prisoner in the case No. 1. Court of Foujdaree Adawlut desire that the Magistrate be called on to submit a full explanation of the circumstances under which the prisoner who had already been punished by the Police Court for the same offence came to be tried by the Subordinate Court.—

Ordered, that Extract from these Proceedings be sent to the Subordinate Judge of Rajahmundry by precept returnable in V days from out of the receipt

(Sent following precept No. 969.)

Read Supplemental Report dated 30th Instant, submitted by the Agent to the Governor of Fort St. George of Vizagapatam of persons apprehended in the Seperate limits of Vizagapatam and delivered to the Agency

27th June 1845.

Agency, and regarding whom no final orders had been passed at the date of the Report ending on the 30th April 1845.—

(Here enter F. C. No. 1813 of 1845.)

Read letter dated 21st Instant from the Principal Sudr Ameen of Tinnevelly, enclosing copy of the Proceedings of the Sessions Court under date 17th Instant, as an appendix to the Tinnevelly Criminal report for the month of April 1845.—

(Here enter F. C. No. 1814 of 1845.)

Read letter dated 19th Instant from the Magistrate of Masulipatam, stating that no cases of the description therein alluded to have come under his cognizance during the month of May 1845.

(Here enter F. C. No. 1816 of 1845.)

Read letter dated 20th Instant from the Magistrate of Salem, stating that no cases under the Provisions of Act VII of 1843 were excercised by the Magistracy during the month of May last.—

(Here enter F. C. No. 1817 of 1845.)

Read return dated 20th Instant from the Sessions Judge of Guntoor, to the precept of the Foujdaree Adalut under date the 17th June 1845 conveying their orders on review of the Report of

June 1845.

pending on the 30th April, and Committed for trial
during the Month of May 1845 before him.
(Here enter F. W. No. 1318 of 1845).
Read Calendar in Case No. 33 of 1845
Submitted by the Sessions Judge of Mangalore under
date the 20th Instant.
(Here enter F. W. No. 1819 of 1845).

F. W.

Saturday 28th June 1845.

At a Court of the Foujdaree Adalut.

Present

Henry Dickinson Esqre 1st
G: I. Waters Esqre 2d
Malcolm Lewin Esqre 3d
} Puisne Judges

Read letter dated the 31st Instant from the Acting Sessions Judge of Chingleput submitting the record of the trial in Case No. 8 of the Calendar of the Sessions Court for 1845.
(Here enter F. W. No. 1773 of 1845).

Mr. Mc. Lewin

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

Veerasamy
alias
Sandewarayen

is sufficient to convict him of the crime of stabbing for which, according to the Mahomedan Law, as declared in futwas of their Law officers discretionary punishment is awardable, do convict him thereof, and with reference to the provisions of Clause third Section VII Regulation XV of 1803, do sentence him

28th June 1845.

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

(Sent following Bills No 98)

Read Criminal Reports submitted on the 31st Ultimo by the Subordinate Judge of Salem, for the Month of May 1845.

(Here enter F: U: No 1728.)

Case No 73. 1. The Prisoner in this case was charged with having burglariously entered the prosecutor's house and stolen therefrom certain property.

2. The Court observe that with reference to the crime of Housebreaking (as explained the use of the word "Burglary" has repeatedly been prohibited by the Foujdaree Adalut.

Case No 77. 3. As this appears to be only a case of theft against the prisoner in this case, the Court are at a loss to understand why he should have been designated the 1st prisoner.

4. The Subordinate Judge will explain this apparent contradiction.

Ordered, that Extract from these Proceedings be sent to the Subordinate Judge of Salem for his information by first return.

P.M.

28th June 1845

V days from and after its receipt.

(Sent following Precept No 971)

Read Criminal Reports submitted on the 31st Ultimo, by the Principal Sudr Ameen of Cuddalore, for the Month of May 1845.

(Here enter F: U: No 1744).

Case No 77. 1. The 1st prisoner in this case was charged with Gang robbery, the 2nd prisoner with being in possession of stolen property knowing it to be such.

2. It appears from the remarks of the Principal Sudr Ameen that the prisoners were apprehended on the 13th of April, and were not brought before the Head of District Police until the 29th idem.

3. The Court of Foujdaree Adalut require an explanation of the delay of 16 days which occurred between the apprehension of the prisoners, and their appearance before the Head of Police.

4. The Court also desire to be informed of the result of the communication which appears to have been made by the Principal Sudr Ameen to the Sessions Judge with reference to the delay in forwarding this case to the Criminal Court, and the omission of the Head of Police to commit another prisoner who is stated to have been apprehended

28th June 1843.

on the 14th April and to have been admitted by the witness is —

Ordered that Extract of this Proceedings be sent to the Principal Sudr Ameen of Cuddalore for his information by first opportunity with the Vakeel from and after its receipt —

(Sent following Extract No. 7)

Read letter dated 18th Ultimo, from the Magistrate of Ramnaddapuram, stating that no cases of the description mentioned in Section LIV Act VII of 1843 have been under his cognizance during the months of March and April 1843 —

(Here enter F. C. No. 1454 of 1843)

Read letter dated 15th Ultimo from the Sessions Judge of Salem to the Registrar of the Sudr Adalut under date the 6th Ultimo, requesting him to call for the record in Case No. 45 of the Criminal return submitted by the Subordinate Judge of Salem for March Last, and to direct that punishment be inflicted if of opinion that it is warranted by the evidence —

(Here enter F. C. No. 1455 of 1843)

Read Calendar in Case No. 46 of 1843 submitted by the Acting Sessions Judge of Cuddalore under date the 13th Ultimo —

(Here enter F. C. No. 1463 of 1843)

Read Calendar in Case No. 18 of 1843 submitted by the Acting Sessions Judge of Combaconum

under

P.M.

F. C.
28th June 1845.

under date the 16th Ultimo —

(Here enter F. C. No. 1464 of 1845)

Read letter dated 12th Ultimo from the Joint Magistrate of Ootacamund stating that the Annual and Half yearly Returns of the Jail for the year 1844 were forwarded on the 5th Instant and the delay in forwarding these documents sooner was occasioned by the absence of the Jailor —

(Here enter F. C. No. 1467 of 1845)

Read Report dated 15th Ultimo — Submitted by the Magistrate of Coimbatore, of Cases tried by the Magistracy under the provisions of Section LIV of Act VII of 1843 during the Month of April 1845 —

(Here enter F. C. No. 1475 of 1845).

Read Report dated 17th Ultimo — 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 April 1845 —

(Here enter F. C. No. 1476 of 1845)

Read letter dated 13th Ultimo from the Acting Magistrate of Rajahmundry affording information on the subject of delay of 2 Cases No. 47 and 49 as required by the Courts Proceedings of 23rd October 1844 —

(Here enter F. C. No. 1477 of 1845).

Read Calendar in Case No. 18 of 1845 Submitted

28th June 1845

submitted by the Sessions Judge of Bellary under date the
16th Ultimo:-

(Here enter F: C: No. 1481 of 1845).

Read Return dated 18th Ultimo from
the Acting Sessions Judge of Cuddapah, to the precept
of the Foujdaree Adalut under date the 8th Ultimo desiring
him to put additional Questions to the Law officer and
pronounce Sentence anew on the Prisoners in Cases Nos 7
and 8 of 1845:-

(Here enter F: C: No. 1484 of 1845).

Read (Criminal) Report dated 21st
April 1845 submitted by the Principal Sessions Judge
of Vizagapatam for the month of April 1845

(Here enter F: C: No. 1486 of 1845)

Read letter dated 17th Ultimo from the
Sessions Judge of Bellary forwarding the original bound
Book
filed by the Court in Case No. 13 of 1845, together
with Copy of the Subordinate Judge's letter which accompa-
nied it:-

(Here enter F: C: No. 1487 of 1845)

Read Return dated 14th Ultimo from the
Sessions Judge of Cuddapah to the precept of the Foujdaree
Adalut under date the 5th Ultimo calling upon him to
inform where the Prisoner in Case No. 19 of the Calendar
for 1845 was in the interval between his apprehension
and his appearance before the Head of Police

(Here enter F: C: No. 1488 of 1845)

Read

28th June 1845.

Read Return dated 17th Ultimo from
the Sessions Judge of Madura to the precept of the
Foujdaree Adalut under date the 10th Ultimo, calling upon
him to report the reason which may have been assigned
by the Law officer for the delay of 12 days between
the close of the trial of Case No. 9 of the Calendar for
1845:-

(Here enter F: C: No. 1492 of 1845).

Read Return dated 17th June 1845
from the Sessions Judge of Madura, to the precept of
the Foujdaree Adalut under date the 3d Ultimo, requiring
him to revise the proceedings in Case No. 173 on the
Criminal reports for the months of December 1844:-

(Here enter F: C: No. 1493 of 1845).

Read return dated 8th Ultimo from
the Subordinate Judge of Rajahmundry, to the precept
of the Foujdaree Adalut under date the 3d Ultimo,
requiring him to forward Copies of Proceedings of the
Sessions Court, over ruling the Sentences of the Sub-
Ameen in Nos. 8 and 13.

(Here enter F: C: No. 1497 of 1845).

Read Return dated 7th Ultimo from
the Subordinate Judge of Rajahmundry, to the
precept of the Foujdaree Adalut under date the 29th April
1845, requiring him to forward Copies of Paras 4 and 5
of the Proceedings of the Foujdaree Adalut dated 23d
October 1844 to the Magistrate of Rajahmundry:-

(Here enter F: C: No. 1498 of 1845)

Read

28th June 1845.

Read Report dated 17th Ultimo
submitted by the Magistrate of Timmerly of Cases
tried by the Magistracy under Act VII of 1843.

(Here enter F. R. No 1505 of 1845)

Read Petition dated 5th Instant from
the Principal Sudr Ameen of Timmerly to the Court
of the Foujdaree Adalut under date the 27th May 1845 enclosing the
observations on the Criminal Report for the Month of
April 1845.

(Here enter F. R. No 1672 of 1845)

P.M.

Monday
30th June 1845.

At a Court of the Foujdaree Adalut

Present.

Henry Dickinson Esqre 1st Puisne Judge

G. J. Waters Esqre ——— 2d Puisne Judge

Malcom Lewin Esqre ——— 3d Puisne Judge

Read Miscellaneous Petition
presented on the 9th June 1845 by Sivandan
Pudan Pirryan and another of Jellah
Combaconum.

(Here Enter F. M. P. No 102 of 1845)

This is an application for
the interference of the Court of Foujda-
ree Adalut to order the release of the
Petitioners in Case No 66 on the file of
the Sessions Court of Combaconum
who were sentenced to Seven years'
imprisonment with hard labor in
irons on a charge of Affault and Rob-
bery proved against them.

2 The Court have already
considered

30th June 1845

recommended the case reported for the Petitioner and have agreed to the undergoing sentence recommended by the Superintendent to be passed on the Prisoner.

The Court adjourned to meet further in the case.

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

Read miscellaneous Petition presented on the 26th May 1845 by P. Rungasamy.

Vide Index D.M. Petn 97 of 1845

This is a second application for the interference of the Court to obtain the release of the Petitioner's son from prison on bail or on the Security of bonds to appear at the next Criminal Session of the Court of Judicature to answer the charge of perjury and subornation preferred against him.

The Court see no reason to alter the opinion expressed in the proceedings of the 30th April 1845

D.M.

30th June 1845

regarding the propriety of the sentence against which the Petitioner complains.

Petition is dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioner on his application.

Read miscellaneous Petition presented on the 26th May 1845 by P. Rungasamy.

Vide Index D.M. Petn 97 of 1845

The object of this Petition is to obtain an order for a new trial in case No 14 of 1845 wherein one Prisoner was tried for the murder of Petitioner's aunt's husband.

The Petitioner complains that another person implicated in the murder was not apprehended and that all the witnesses for the prosecution have not been examined and insinuates that the influence of the accused were employed

28

as proceeding for the expunging

The Court of Exchequer having again referred to the state of the case stated by the Petitioner as the cause for granting the prayer of the said Petition Looks deposited of the complaint with the prayer of the Petition would therefore appear good and sufficient ground to entertain

Ordered that the Petition be rejected and that Extract from the Proceedings be furnished to the Petitioner on application.

Read Miscellaneous Petition presented on the 9th June 1845 by Anne of the Parish of Lambacarra and Plaintiff in Ejectment Dist. No 1 of 1839 on the file of that Court

(Same Entry &c as to Petition of 1845)

The Petitioner complains that the Defendant and the undersigned in the foregoing suit that the said

Pilot

Pilot
30th June 1845.

filed by the Defendant was a forgery and that notwithstanding this circumstance was fully known to the officer who tried the case and was stated in the decree that suit as well as in the decree passed in Suit No 1 of 1841 yet that no notice has been taken of the Defendants delinquency and he prays the Court to issue orders for bringing him to trial for forgery

The Court are unable to pass orders of the nature desired the Petitioner having failed to produce copies of the decrees in which the alleged misconduct of the defendant is stated to be recorded.

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

Read Miscellaneous Petition presented on the 28th April 1845 by Lawrence Boyce Farmer of Tullah of Lambacarra

(Same Entry &c as to Petition of 1845)

His

30th June 1845

This is an application
for the interference of the Foujdaree:
to admit to order the release of one Sheik
Soo Condal Petitioner's husband and
prisoner in case N: 1 on the Burdwan
sessions calendar for 1845 who was sen-
tenced by the Sessions Judge to 4
years' imprisonment.

2 The Court have returned
to the calendar of the case and see
no reason to doubt the guilt of the
Petitioner's husband the 1st Prisoner
who has convicted on the most
clear and satisfactory evidence of hav-
ing been the leader of the
gang who committed
the assault and robbery that
was followed by the death of the
Prosecutor's companion who deposed to
the injuries received at the time
Petitioner complains

Ordered, that Extract of
Proceedings be furnished to Petitioner on
application.

30th June 1845.

Read Calendar of case
N: 12 of 1845 on the file of the Sessions
Court of Tellicherry, submitted under
date the 13th June last, by the Sessions
Judge of that Court.

(Here Enter Jl. N: 1758 of 1845)

The Court of Foujdaree Adalat
seeing reason to question the propriety
of the sentence passed in this case, resolve
to require the Sessions Judge to submit
with the least practicable delay, an
English translation of the record of
the trial for their consideration.

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

(Sent following precept N: 976)

Read letter dated the 3d
Instant, from the Acting Sessions Judge
of Trichinopoly, forwarding the record of
trial in case N: 7, on the file of the
Sessions Court of Trichinopoly for 1845 for the
final

final sentence of the Tuydaree Cutcherry

(Sessions Cutcherry Mangalore Register No 1616 of 1845)

The Court of Tuydaree Cutcherry

Evidence for the Prosecution

on a deliberate consideration of all the circumstances of the case as witnessed before them, being of opinion that the proof against the Prisoner

1st Appears

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 considering that strong suspicion might attach to the conviction attaches to the Prisoner

2d Remarks

the Court under the provisions of Clause 2nd Section II Regulation XI of 1825 direct that he be required to furnish two sureties of 25 Rupees each and bind himself in good behaviour and appearance

[illegible]

Jail.

30th June 1845

when required within 3 years, or in default thereof, that he be detained for 3 years in Confinement.-

Sent following letter No 977

Read returns under date the 3d June 1845 from the Sessions Judge of Mangalore, in Precept of the Tuydaree held dated the 10th May 1845, directing that officer to remove by a third question the objection raised by the Law officer, as to the property which the Prisoner convicted No 10 of 1845 on the Mangalore Calendar was convicted of having stolen, not being amounted to the sum and also calling for further particulars of the said Prisoner previous conviction and punishment referred to in the Calendar.-

(Sessions Register No 1634)

The Sessions Judge states in his letter that in conformity with the requisition contained in the above letter the Law officer objection referred to has been removed by a third question, and the

The

the prisoner in the above case was sentenced by the Sessions Court on the 4th November 1830 to 6 months imprisonment with 50 lashes, for having stolen in the day time a bag containing 3/8 Rupees that on the 30th March 1836 the same Prisoner was sentenced to two years imprisonment with 100 lashes for a similar offence, and that he is an old offender having frequently been punished by the Magistracy for the commission of petty thefts.

In consideration of the small value of the property stolen in the case now under review, the Sessions Judge has sentenced the Prisoner to two years imprisonment with hard labor in irons, and not on the same grounds a recommendation of punishment to that effect.

With reference to the circumstances detailed in the return of the Sessions Judge the Court do not consider themselves justified in enhancing the punishment of the Prisoner in the case before them

30th June 1845.

extent recommended by the Sessions Judge.

The Court resolve to reduce the period of imprisonment in this case to 6 years.

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Bangalore for his information and guidance.

(Sentence No 978)

Read Calendar of case No 16 of 1845 on the file of the Sessions Court of Chittoor.

(Home Letter Dated No 1776 of 1846)

The Court of Foujdaree Adalat seeing reason to question the propriety of the disposal of this case resolve to direct the Sessions Judge to submit an English translation of the record of the trial for their consideration with the least practicable delay.

Ordered, that Extract of these Proceedings be sent to the

Judge

On a perusal of this petition the Court observe that the dismissal of the Petitioner was ordered after a full deliberation on the merits of the case.

The Court see no grounds for a reconsideration of those orders.

Petition is dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioner on his application.

Read Miscellaneous Petition presented on the 25th April 1845 by Veeraswamy Naiken late Tahsildar of Arcot Taluk in the Zillah North Arcot.

(Here enter M. P. № 89 of 1845.)

Petitioner requests that the Court of Zoujdaree Udalut will reconsider their Orders of the date noted marginally directing his dismissal from Office on the ground of his having been convicted of gross abuse of authority whilst holding the appointment of Head of Police in the District of Cuddapah.

The Case of Petitioner having met with the full deliberation of the several authorities

1st and 22d May 1845.

before whom it was brought the Court refuse to pass any further orders on this matter.

Petition is therefore dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioner on his application.

Read Miscellaneous Petition presented on the 12th May 1845 by Veeraswamy Naiken and Veerumaly Naiken of Zillah Chingleput.

Here enter M. P. № 92 of 1845.

This is an application for the interference of the Zoujdaree Udalut to order the release of one Tyaloo Naiken late a Duffadar in the Taluk of Ootaramaloor who was sentenced by the Principal Sudr Ameen to six months imprisonment on a charge of fraud and extortion.

The Petitioners, who are near relatives of the prisoner, set forth his long services and assert that the charges were fabricated against him by certain individuals with whom he was at enmity at the time.

The

25th June 1845.

The Court see no grounds for their interference in the matter of this petition.

It appears that the prisoner failed in his attempt to prove the truth of certain assertions made in his defence on his trial before the Principal Sudr Ameen.

Petition is therefore dismissed

Ordered that Extract of these Proceedings be furnished to the Petitioners on their application.

Read a Miscellaneous Petition presented on the 26th May 1845 by Sooleaya Oodian of Tillah Cuddalore.

(Here enter F. M. P. No 98 of 1845.)

The object of this petition is to induce the Court of Foujdaree Adalut to cancel the sentences passed on the prisoners in Case No 36 on the Cuddalore Calendar for 1845 who were convicted of the murder of one Vellandy Vallmar.

The sentence of death passed upon two of the prisoners in the above Case has already been carried into execution.

With regard to the three remaining

F. Vi.

23d June 1845.

prisoners who have been sentenced to transportation for life the Court decline to issue any further Orders.

The trial of the prisoners was conducted by the late Acting Sessions Judge with extreme carefulness and impartiality and all the circumstances of the Case were most impartially and attentively weighed by the Judges of the Foujdaree Adalut before passing the final sentence.

Petition is dismissed.

Ordered that Extract of these Proceedings be furnished to the Petitioner on his application.

Read Miscellaneous Petition presented on the 9th June 1845 by Anya Mooloo of the Tillah of Cuddalore.

(Here enter F. M. M. P. No 101 of 1845.)

The prayer of this Petition is the same as that which was rejected by the Court in their proceedings of the 12th May held on a Petition presented by the same party and numbered No 66 of 1845.

The

Pr. 1

23d June 1845

The case alluded to by the Petitioner having been finally disposed of the Court direct that the prayer of this petition be rejected and that copy of these proceedings be furnished to the Petitioner on his application.

Read Calendar of Cases for 1845 on the file of the Sessions Court of Madura under date the 6th June 1845.

(Here enter No 1665.)

1.

The prisoners in this case were charged with Assault and robbery.

2.

The Sessions Judge considering the evidence to be insufficient to the conviction of the prisoners, but being of opinion that a strong suspicion attached to them, placed them each under a requisition of security in two sureties for the sum of Rupees 25 each for three years, this sentence, in default of payment, being commutable to imprisonment for the same period.

3.

After an attentive consideration of the circumstances of the case and of the evidence as it is contained in the Calendar, the Court are satisfied that the identity of the prisoners was not proved, and that they should have been unconditionally

23d June 1845.

unconditionally released.

The grounds of suspicion no- Reports
ticed by the Sessions Judge are, the Court observe, the
insufficient to warrant a requisition of security / the
and that for a period of three years.

The Court accordingly resolve
5
to direct that the prisoners be unconditionally
released.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Madura for his information and guidance.

(Sent in No 929)

Read the Criminal Report submitted by the Principal Sudr Ameen of Cochin for the Month of May 1845.

(Here enter No 1733.)

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

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

(Sent in No 930)

Read

Read communication under date the 23d Ultimo from the Session Judge of Ootacamund submitting copy of a letter from the Acting Subordinate Judge at that station requesting to be informed whether the Circular Order № 167 dispenses with the necessity of the person usually deputed by the Criminal Court under Circular Order № 96 accompanying a convict party beyond the boundary of the Pillah.

(Here enter F. R. № 1542.)

No allusion to Circular Order № 167 having been made in the Order possibly framed regarding the relief of convict parties the Session Judge expresses a doubt whether the rule laid down in the former order is intended to be annulled or not.

2. The Court consider that the practice of deputing a person from the Criminal Court though not specifically alluded to, is intended by the Circular Order in question to be discontinued.

Ordered that Extract of these Proceedings be sent to the Session Judge of Ootacamund for his information and for communication to the Acting Subordinate Judge.

(Sent in № 931)

F. R.
23d June 1845.

Read again Criminal Report dated the 4th March 1845 submitted by the Principal Sudr Ameen of Ittehapore for the month of February 1845.

(Here enter F. R. № 803.)

Read again also return under date the 11th April 1845 from the Session Judge of Chicacole to the precept of the Foujdaree Adalut dated the 27th March directing him to call up the record in Case № 1 of the Report № V submitted by the Principal Sudr Ameen at Ittehapore for the month of February 1845 and to pass such order as might appear to him to be proper reporting the same for the information of the Foujdaree Adalut.

(Here enter F. R. № 1174.)

Read also return under date the 27th May 1845 from the Session Judge of Chicacole to the precept of the Foujdaree Adalut dated the 29th April 1845 calling for the submission of a translation of the whole proceedings in the above case.

(Here enter F. R. № 1603.)

The

7th June 1845.

Jesp: of Chittoor for his information by precept returnable in XX days from and after its receipt.-

/Sent following precept No 781/

Read Semi annual Reports for the month of May last, submitted under date the 1st inst. by the Acting Subordinate Jesp: of Mangalore.-

/Vide Entry Book No: 1711/

The Court of Sirjadar Adalut Canara that under the orders of Government of the 15th May 1837, the due proportion of Peons allowed as a guard to the Prisoners at work outside the Jail at Mangalore during the month of May last, should have been 66, and not 71 as entered in Statement appended to the above Reports the Acting Subordinate Jesp: will therefore be pleased to submit an explanation of the cause of the excess of three Peons above the regulated allowance.

Ordered, that Extract of

30th June 1845

these Proceedings be sent to the Acting Subordinate Jesp: of Mangalore, by precept returnable in 3 days from and after its receipt.-

/Sent following precept No 780/

Read Calendar of case No: 1 of 1845 on the file of the Sessions Court of Nellore.-

(Vide Entry Book No: 1762 of 1845)

The Court of Sirjadar Adalut desire to be informed why a second question was put to the Law Officers in this case, and they require that an amended translation of the first may be submitted for their consideration as from the present version of it, it is difficult to understand the grounds on which the Prisoner has been declared liable to "Ookoobut".

Ordered, that Extract of these Proceedings be sent to the Sessions Jesp: of Nellore for his information

Precept returnable in 5 days from and after its receipt.-

/Sent precept No 781/