4th September 1845

Explanation to the Observations made on the Annual Reports submitted by the Principal Civil Courts of Vizagapatam for the Month of July 1845.

(Here enter F.C. No. 2428.)

Read Report dated 20th Ultimo submitted by the Magistrate of Cuddapah, of Cases tried by the Magistracy under the Provisions of Section 6th Act. VII of 1843 during the Month of July 1845.

(Here enter F.C. No. 2429)

Read Statement dated 28th Ultimo submitted by the Sessions Judge of Chingleput of the actual produce of Labor of the Prisoners, and the application of the Funds arising therefrom from 1st April to 30th June 1845.

(Here enter F.C. No. 2430.)

Reads return dated 20th Ultimo from the Sessions Judge of Tinnevelly, to the Precept of the Tondiarpet Adalut under date the 18th August 1845 directing the release of the Prisoner in Case No. 46 of 1845 of the Tinnevelly Sessions Calendar.

(Here enter F.C. No. 2431)

Reads Supplemental Report dated 20th Ultimo submitted by the Agent to the Governor at Vizagapatam, of persons apprehended and kept in safe custody

F.C.

Wednesday
10th September 1845.

At a Court of the Tondiarpet Adalut

Present,

G. F. Waters Esqre. ——— 1st Puisne Judge,
Malcolm Lewin Esqre. ——— 2d Puisne Judge,
T. E. J. Boileau Esqre. ——— 3d Puisne Judge.

Read return dated 22d Ultimo from the Sessions Judge of Cuddalore to the Precept of the Tondiarpet Adalut under date the 21st July 1845 directing the Sessions Judge to release the Prisoner in Case No. 67 of 1844 provided any of his relatives or friends engage to take charge of him under an Engagement to forfeit a specific penal sum in the event of not taking such care of him as may prevent his doing further mischief and to detain him in custody in the event of none of his relatives or friends being willing to receive charge of him under the above condition and report at the close of each six months as long as he may remain in the Jail.—

(Here enter F.C. No. 2433 of 1845)

The

September 1845

Explanation to the Observations made on the Annual Reports submitted by the Principal Civil Courts of Vizagapatam for the Month of July 1845.

(Here enter F. H. No. 2428.)

Read Report dated 20th ultimo submitted by the Magistrate of Canara, of Cases tried by the Magistracy under the Provisions of Section 6th Act VII of 1838 during the Month of July 1845.

(Here enter F. H. No. 2429)

Read Statement dated 26th ultimo submitted by the Sessions Judge of Mangalore of the actual produce of the Labor of the Prisoners and the application of the Funds arising therefrom from 1st April to 30th June 1845.

(Here enter F. H. No. 2430.)

Read return dated 28th ultimo from the Sessions Judge of Tinnevelly, to the Foujdaree Udalut under date the 18th August 1845 directing the release of the Prisoner in Case No. 15 of 1845 of the Tinnevelly Sessions Calendar

(Here enter F. H. No. 2431)

Read Supplemental Report dated 20th ultimo submitted by the Agent to the Governor at Vizagapatam, of persons apprehended and tried

Wednesday
10th September 1845.

F. H.

At a Court of the Foujdaree Udalut

Present,

G. J. Waters Esqr. ——— 1st Puisne Judge,
Malcolm Lewin Esqr. ——— 2d Puisne Judge,
T. E. J. Boileau Esqr. ——— 3d Puisne Judge,

Read return dated 22d ultimo from the Sessions Judge of Cuddalore to the Precept of the Foujdaree Udalut under date the 24th July 1845 directing the Sessions Judge to release the Prisoner in Case No. 67 of 1844 provided any of his relations or friends engage to take charge of him under an engagement to forfeit a specific penal sum in the event of not taking such care of him as may prevent his doing further mischief and to detain him in custody in the event of none of his relations or friends being willing to receive charge of him under the above condition and report at the close of each six months as long as he may remain in the Jail.—

(Here enter F. H. No. 2433 of 1845)

The

10th September 1845.

in 5 days from and after its receipt.—

/Sent following precpt. No. 1595/

Read letter dated the 21st July 1845 from the Sessions Judge of Mangalore.—

/Here enter No. 2199/

In the above communication, information is solicited by the Sessions Judge at the instance of the Acting Magistrate of Canara, on three points:—

1st Whether, and under what Regulations, the Magistrates are empowered to inquire into recent Encroachments by private individuals on the Streets and public roads.—

2nd Whether the Magistrate in Cases of the abovementioned description must proceed under Act XXI of 1841, giving the Defendant the benefit of a Punchayet as constituted under that Act, and if not, what should be the mode of proceeding.—

3rd & 4th Whether in Case the Case be referred to a Punchayet and the Appellant

10th September 1845.

1.

The Sessions Judge reports that Trimbaga only relations and friends are his brother and brother-in-law, both of whom are in such easy circumstances as to be unable to bind themselves for his safe keeping in any sum whatever and that he, therefore, remains in confinement.—

2.

Under these circumstances the Court of Sessions thinks it right to adopt their order of the 24th July last and to direct that the Bond of this Petitioner for Rupees 1000 with two sureties be dispensed with, and the Zillah Surgeon certifying that there is no reason to apprehend a return of his disorder, he be released from custody. The Court and the Sessions Judge will give due notice of the circumstances to the Magistrate who will be required to observe over him the necessary surveillance.—

Ordered that the Court of Sessions proceedings be forwarded to the Sessions Judge of Kanara by Despatch for information.

in 5 days from and after its receipt.—

/Sent following precpt No 1595/

Read letter dated the 24th July 1845 from the Sessions Judge of Mangalore.—

/Here Enter No 2199/

In the above communication, information is solicited by the Sessions Judge at the instance of the Acting Magistrate of Canara, on three points:—

1st Whether, and under what Regulations, the Magistrates are empowered to inquire into recent Encroachments by private individuals on the Streets and public roads.—

2nd Whether the Magistrate in Cases of the abovementioned description must proceed under Act XXI of 1841, giving the Defendant the benefit of a Punchayet as constituted under that Act, and if not, what should be the mode of proceeding.—

3rdly Whether in Case the Case be referred to a Punchayet and the

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1.

The Sessions Judge reports in return that Tirumalaya only relations and friends are his brother and brother-in-law, both of whom are in such a state from distance as to be unable to bind themselves for his safe keeping in any sum whatever and that he, therefore, remains in confinement.—

2.

Under these circumstances the Court of Sessions thinks that in the event of this Petitioner's being found guilty of the charge of Criminal Trespass, and the Fellah Sangrama certifying that there is no reason to apprehend a return of his disorder, he be released from custody. In such case the Sessions Judge will give due notice of the circumstances to the Magistrate who will be required to observe over him the necessary surveillance.—

Ordered that the above proceedings be forwarded to the Sessions Judge of Canara by Dawk to return the

6th September 1845.

Appellant be cast, the Magistrate could be authorized in ifsuing a Search warrant and in impofing a fine in Case of disobedience and whether part of such fine could be available to meet expences, should the material not realize an adequate amount.

2. The Court do not find any reasonable ground for doubting that the encroachments and nuisances on the highway should be treated as unlawful Institution and nuisance coming under the provisions of Act XXI of 1841 on which point the reasons before the conclusion arrived at by the Sessions Judge is approved.— para 4

3. A Magistrate, however, in the opinion of the Court, is not confined to act in cases of "present encroachments" under the provisions of Act XXI of 1841, being fully authorized, as previous to the promulgation of that law, to institute such Enquiry and adopt such proceedings regarding them as may be necessary without the formalities set forth in Act XXI of 1841.—

4. The observance of these

nevertheless desirable as tending in their results more completely to secure the Magistrate, unless under peculiar circumstances from a detrimental issue of any proceedings at law instituted after an appeal to the lower Court.—

5. The opinions expressed in the 7th para: of the Sessions Judges letter have the concurrence of the Sudder Adalut.

6. Adverting to the particular case brought to notice to illustrate the operation of Act XXI of 1841, the Judges would remark that inasmuch as where the Punchayet covered under that Act may neglect to give an award, it is provided that the Magistrate may execute any orders he may have passed, a fortiori the Magistrate may enforce them when the award formally delivered may admit the existence of the nuisance to which the orders had reference.—

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

(and

Appellant be cast, the Magistrate could be authorized in issuing a search warrant and in imposing a fine in case of disobedience and whether part of such fine would be available to meet expenses, should the material not realize an adequate amount.

2. The Court do not find any reasonable ground for doubting the encroachments and nuisance on the highway should be treated as unlawful obstruction and nuisance coming under the provisions of Act XXI of 1861 and therefore the conclusion arrived at by the Sessions Judge is approved.—

3. A Magistrate, however, in the opinion of the Court, is not confined to act in cases of present encroachments under the provisions of Act XXI of 1861, being fully authorized, as previous to the promulgation of that law, to institute such inquiry and adopt such proceedings regarding them as may be necessary without the formalities set forth in Act XXI of 1861.

4. The observance of the

para 4

nevertheless desirable as tending in their results more completely to secure the Magistrate, unless under peculiar circumstances from a detrimental issue of any proceedings at law instituted after an appeal to the lower Court.—

5. The opinions expressed in the 7th para: of the Sessions Judge's letter have the concurrence of the Sudder Adalut.

6. Adverting to the particular case brought to notice to illustrate the operation of Act XXI of 1861, the Judge would remark that inasmuch as where the Panchayet convened under that Act may neglect to give an award, it is provided that the Magistrate may execute any orders he may have passed, a fortiori the Magistrate may enforce them when the award formally delivered may admit the existence of the nuisance to which the orders had reference.—

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

and

and communication to the Magistrate—

/Sent in No 576/

Read Criminal Reports
under date the 1st Ultimo submitted by
the Subordinate Judge of Rajahmundry
for the month of July 1845—

/Here enter Fll. No 2326/

Case No 34.

The Court observe with re-
ference to the rule contained in Circular Order
No 171, to which the attention of the Subor-
dinate Judge is now directed, that to the re-
gulations applicable to the offence with
which the prisoner in this case was charg
should have been quoted in citing the
authority for his commitment for trial
before the Sessions Court—

Ordered, that Extract from
these proceedings be sent to the Subordinate
Judge of Rajahmundry for his information
and future guidance—

/Sent in No 577/

Read communication dated 31st
Ultimo from the Sessions Judge of Chingleput
submitting at the request of the late Acting

Magistrate of that District, for the orders
of the Foujdaree Adalut, a reference whether
under the circumstances of the enquiry held
by the Acting Magistrate himself and
by the Head of Police under his special
instructions, regarding a charge of assault
preferred by certain officers against the
villagers of Cannoor, it is competent to
the Sessions Judge to order a more complete
enquiry into the merits of the case than
he considers already to have been made.—

/Here enter No 2467 of 1845/

1. Affirming the Sessions Judge,
on a review of the record forwarded by
the Acting Magistrate, to have been of
opinion that a further investigation was
necessary for the ends of justice, the Court
of Foujdaree Adalut see no objection
to the issue of the instructions contained
in the proceedings of the Sessions Court
dated 13th Ultimo—

2. The Circular Order of this
Court, No 163, to which the Sessions Judge
has drawn the attention of the Acting
Magistrate

11th September 1845.

Magistrate, has reference, it is observed, to Cases in which the Prosecutor and Defendant are both European British Subjects.—

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

/Sent in No. 1575/

Read Calendar of Cases No. 37 and 38 of the Chingleput Sessions Calendar for the 1st Instant submitted by the Sessions Judge of Tinnevelly in Case No. 27 of the

/Here Calendar No. 2576/

Read Calendar dated the 1st Instant submitted by the Sessions Judge of Mangalore in Case No. 42 of 1845.

/Here Calendar No. 2575/

Encl 2

F. C.

Thursday
11th September, 1845.

At a Court of the Foujdaree Adalut.

Present,

G. I. Waters Esqre. ——— 1st Puisne Judge,
Malcolm Lewin Esqre. ——— 2nd Puisne Judge,
F. E. J. Boileau Esqre. ——— 3rd Puisne Judge,

Read Calendar of Cases Nos. 35 and 36 on the Chingleput Calendar for 1845, submitted under date the 28th July last by the Sessions Judge of Chingleput.

(Here enter F. C. No. 2220 of 1845).

In Case No. 35 two prisoners were convicted by a Jury of housebreaking and theft of property to the value of Rupees 69-8 ...

2. The Sessions Judge concurring in this finding sentenced the 1st prisoner for this and for the following case No. 36 in which he was also a prisoner to 7 years imprisonment with hard labor in irons under Section XXI Regulation VII of 1802, and the 2nd Prisoner to seven years imprisonment with hard labor in irons under the above said Regulation and further to receive 195 stripes under Section II Regulation VI of 1827 as an old offender" ...

3. The Court of Foujdaree Adalut approve of the sentence but they observe that it should have been

Case No. 139. 3. The heading of this case should have been "assault with fracture of limb instead of "assault" as entered in the Report.—

Case No. 145. 4 The explanation of the detention of this case for 23 days before the Police is given as follows in the Report.—

5. The prisoner appeared before the Head of Police on the 15th June two days after his apprehension and was examined by him, a doubt having occurred to the Police in regard to the manner of its disposal he on the 22nd applied to the Magistrate whose reply having been received on the 1st July the case was concluded and forwarded to the Court on the 5th July.—

6. The Court direct that a copy of the case as it stands in the Report be forwarded by the Subordinate Judge to the Magistrate who will be pleased to ascertain the cause of the non arrival of the prisoner before the Head of the Police till the 15th June, the cause of the delay which occurred before the reference of the case to the Magistrate and of that which took place after the receipt of his reply by the Police officer, he will further notice the infraction of Circular Order No. 62 and report direct to the Foujdaree Adalut, what measures the irregularities of

been framed under clause 1 Sec. 11 Regulation XV of 1803 there being no other Law which applies to such a case.—

4

It is observed that Section XV Regulation VII of 1802 is only applicable when Death is pronounced and cannot therefore be quoted with propriety in cases tried by a Jury.—

5.

The Sessions Judge will be pleased accordingly to amend his sentence.—

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

(Sd) J. R. Colvin

(Sd) J. Dunbar

(Sd) H. Ricketts

(Sd) C. Brodhurst

(Sd) W. Dorin

(Sd) J. Reid

(Sd) J. Grant

(Sd) J. P. Grant

(Sd) H. T. Raikes

(Sd) W. Cracroft

(Sd) C. Allen

(Sd) J. Colvin

(Sd) J. Lowis

(Sd) J. Tucker

(Sd) J. Stuart

(Sd) J. Shakespear

(Sd) J. Thoresby

(Sd) J. Hawkins

(Sd) J. Hutchinson

(Sd) J. Hutchinson

(Sd) J. Hutchinson

of the officer in question have read and necessary

Case No. 148 7. In this case the prisoners are charged with smuggling 16 3/4 seers of arrack. but the value of the arrack has not been specified. The Acting Subordinate Judge will be careful in future similar cases to avoid a like omission.—

Case No. 153. 8. The Magistrate will be pleased to notice as he may deem proper the irregular detention of the prisoners in this case from the 17th to the 23rd of June in the custody of the apprehenders. the causes assigned for their detention have been repeatedly and most strongly denounced by the Foujdaree Adawlut they have been usually found to be only excuses advanced to protect the petty police officers from just and well grounded imputations of having made undue use of their authority to extort confessions. the delay of the case for 13 days before the Police has also not been accounted for nor has the nature of the reference as required by Circular Order No. 63 been stated. The Magistrate will therefore call for an explanation and assist as he may consider necessary the irregularities of the Head of the Police in question reporting the result to the Foujdaree Adawlut.—

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Cuttack

Cuttack for his information by precept returnable in 3 days from and after its receipt.—

(Sent following precept No. 1600).

Read Criminal Reports under date the 1st Ultimo, submitted by the Subordinate Judge of Cuttack for the Month of July 1845.—

(Here enter F. 26. No. 2410)

Case No. 99. 1 The Court desire to be informed whether the 2d and 3d Prisoners in this Case are "Veecharee spookars" as if so they are amenable to punishment under the provisions of the Regulation quoted in the Report.—

2. The Sub. Assem will explain why the orders contained in Foujdaree Adawlut proceedings dated 21st December 1844 have been overlooked.—

Case No. 113. 3. The Court observe that the regulation under which the prisoners in this case has been sentenced, has been erroneously quoted. the provisions of the Law applicable to the crime proved against the prisoner being clause sixth Section II Regulation VI of 1832.—

4 Adverting to the rule laid down

Circular Order 139. in the Circular Order noted marginally the period of imprisonment awarded should have been in excess of six months.—

The

11th September 1845.

Case Nos 116 5

The remarks contained in the two preceding paras are applicable to this case also—

Case Nos 116. 6

The Court are of opinion that the delay which occurred in the transmission of this case to the Criminal Court was altogether unaccountable, the Police Ameen having transgressed the limits of his jurisdiction in receiving evidence to the character of the prisoner

7. The Magistrate of Tanjore will be pleased to notice the conduct of the Police Ameen in question, in order to prevent a recurrence of similar delays and irregularity in future—

Ordered, that Extract from these Proceedings be sent to the Subordinate Judge of Combaconum for his information, and for Communication (Paras 5 and 6) to the Magistrate of Tanjore by first Post returnable within X days from and after its receipt.—

(Sent following Receipt No 601)

Read letter dated 29th August 1845 from the Sessions Judge of Combaconum, to the Fourth Assistant of the 26th Instant, conveying the orders on the Calendar of cases Nos 31, 32, 33, and 34 of the Combaconum Sessions Calendar for the month of

(Here enter F. R. No 2515 of 1845)

Adverting to the remarks of the Sessions Judge in regard to the commitment

11th September 1845.

of the 3d and 4th prisoners in Case No 31 of 1845, the Court of Foujdaree Adalut deem it advisable that those prisoners should be banished to two separate and more distant Zillahs than Trichinopoly, as was contemplated in their proceedings of the 26th Ultimo, and they accordingly direct that the prisoner

3d Arnachella

be removed to the Jail in the Zillah of Salem, and the prisoner

4th Ponnoopadiachy

to the Jail in the Zillah of Coimbatore there to be imprisoned agreeably to the terms of their respective sentences.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judges of Combaconum, Trichinopoly, Salem and Coimbatore for their information.—

(Sent in No 1602)

Read Calendar under date the 27th Ultimo of case No XXX of 1845, submitted by the Sessions Judge of Calicut.—

(Here enter F. R. No 2541)

1. The prisoner in this case was charged with forgery, in having fraudulently made certain alterations in a public document material to the issue of a Civil Suit in which he was a party concerned.

2. The Sessions Judge in concurrence with the Law Officer convicts the prisoner of the crime

said

laid to his charge, but on the ground that the prisoner
did surround more of folly or ignorance than
sufficient to mitigate the punishment which the provisions of law
be mitigated to two years imprisonment with hard labor
in irons; and adverting to the extreme age of the prisoner
submits that he should be worked within the jail—

3. Under the circumstances represented by
the Sessions Judge, the Court resolves to sanction the
mitigated sentence proposed by that officer to be passed
upon the prisoner in this case.—

Ordered, that Extract from these proceed-
ings be sent to the Sessions Judge of Calicut for
his information.—

(Sent in No. 1623)

Read return dated 28th Ultimo from the
Principal Sudr Ameen of Cuddalore, to the precept of
the Foujdaree Adalut under date the 26th Ultimo, calling
for explanation in case No. 103 of 1845.—

(Here enter F. A. No. 2517 of 1845).

Read return dated 28th Ultimo from
the Sessions Judge of Tellicherry, to the precept of the
Foujdaree Adalut under date the 18th Ultimo, stating
that all the Prisoners in Case No. 13 of 1845 on the
Calendar of the Session Court be immediately and uncon-
ditionally released.—

(Here enter F. A. No. 2518 of 1845)

F. A.
11th September 1845.

Read return dated 30th Ultimo from
the Subordinate Judge of Chittoor, to the precept of
the Foujdaree Adalut under date the 28th Ultimo, conveying
their observations and remarks on the Criminal Reports
for the Month of July last.—

(Here enter F. A. No. 2519 of 1845).

Read Calendar in Cases Nos. 38 and 39
of 1845, submitted by the Session Judge of
Combaconum under date the 28th Ultimo.—

(Here enter F. A. No. 2526 of 1845).

Read Calendar in Case No. 13 of 1845
submitted by the Session Judge of Chingleput under date
the 27th Ultimo.—

(Here enter F. A. No. 2527 of 1845).

Read Calendar in Case No. 44 of 1845
submitted by the Session Judge of Cuddapah under
date the 28th Ultimo.—

(Here enter F. A. No. 2529 of 1845.)

Read Calendar in Case No. 45 of 1845
submitted by the Session Judge of Cuddapah under
date the 28th Ultimo.—

(Here enter F. A. No. 2530 of 1845).

Read Calendar in Case No. 61 of 1845
submitted by the Session Judge of Cuddapah under
date the 29th Ultimo.—

(Here enter F. A. No. 2531 of 1845)

Read.

Read letter dated 27th. Ultimo from the Sessions Judge of Calicut, transmitting the warrant issued for the execution of the sentence of death passed on the Prisoner in Case No. XXIV of 1845 on the Calendar of his Court, with the endorsement of the Subordinate Judge certifying the death of the Prisoner from wounds given about 8 hours before the receipt of the warrant.—

(Here enter F. R: No. 2544 of 1845)

Read Calendar in Case No. 35 of 1845, submitted by the Acting Sessions Judge of Tinnivelly under date the 29th Ultimo.—

(Here enter F. R. No. 2551 of 1845)

Read letter dated 1st Instant from the Acting Magistrate of Guntoor, reporting that there have been no cases tried by the Magistracy under the provisions of Section XIV. Act VII of 1843 during August 1845.—

(Here enter F. R: No: 2560 of 1845).

Read return dated 4th Instant from the Principal Sudr. Ameen of Bellary, to the precept of the Foujdaree Adalut of the 23d Ultimo, continuing observations on the Criminal Reports for the Month of July 1845.—

(Here enter F. R. No. 2572 of 1845)

Read return dated 4th. Instant from the Sessions Judge of Combaconum, to the precept of the Foujdaree Adalut under date the 28th. Ultimo, Conveying their orders on the Calendar in Case No. 37 of 1845.—

(Here enter F. R: No. 2575 of 1845).

Read Calendar in Case No. 48 of 1845, submitted by the Sessions Judge of Cuddapah under date the 4th. Instant.—

(Here enter F. R: No. 2580 of 1845)

Read Calendar in Case No. 49 of 1845, submitted by the Sessions Judge of Cuddapah under date the 4th. Instant.—

(Here enter F. R: No. 2581 of 1845).

Read Calendar in Case No. 17 of 1845, submitted by the Sessions Judge of Honore under date the 30th. Ultimo.—

(Here enter F. R: No. 2583 of 1845).

F: C:

Friday
12th. September 1845

At a Court of the Foujdaree Adalut.

Present

G: I: Waters Esqr. ——— 1st. Puisne Judge.
Malcolm Lewin Esqr. ——— 2nd. Puisne Judge.
J: E: I: Boileau Esqr. ——— 3rd. Puisne Judge.

Read letter dated 30th. August 1845, from the Session Judge of Guntoor, forwarding Copy of correspondence between the Session Judge and the Acting Magistrate of Guntoor, relative to the misconduct of the Head of Police of Banpuilla Tannah, for the consideration and orders of the Court of Foujdaree Adalut.

(Here enter F: C: No. 2549 of 1845)

1. At the close of his proceedings of the 29th. August last, the Session Judge records his opinion, that the conduct of the Police officer in question is most reprehensible and as the Heads of Police in Guntoor have shewn a general neglect and want of delegence in their Police duties, he recommends that, as a warning to others, a severe example should be made of the Banpuilla Head of Police, and that he should not only be fined Rupees 40 as proposed by the Acting Magistrate, but that he should also be

dismissed.

F. C.

Friday
12th. September 1845.

At a Court of the Fouzdaree Adalut.

Present

G. J. Waters Esqr. ——— 1st. Puisne Judge.
Malcolm Lewin Esqr. ——— 2d. Puisne Judge.
J. E. J. Boileau Esqr. ——— 3rd. Puisne Judge.

Read letter dated 30th. August 1845, from the Sessions Judge of Guntoor, forwarding Copy of correspondence between the Sessions Judge and the Acting Magistrate of Guntoor, relative to the misconduct of the Head of Police of Banputtla Taunah, for the consideration and orders of the Court of Fouzdaree Adalut.

(Here enter F. C. No. 2549 of 1845)

1. At the close of his proceedings of the 29th August last, the Sessions Judge records his opinion, that the conduct of the Police officer in question is most reprehensible and as the Heads of Police in Guntoor have shewn a general neglect and want of diligence in their Police duties, he recommends that, as a warning to others, a severe example should be made of the Banputtla Head of Police, and that he should not only be fined Rupees 40 as proposed by the Acting Magistrate, but that he should also be

dismissed

dismissed from his situation.

3 The Court before proceeding any further on this subject, deem it proper to afford the Head Police Officer in question an opportunity of stating in his power in extenuation of his offence, and they accordingly resolve to direct the Sessions Judge to acquaint him that the Magistrate, for such an explanation he may desire to submit.

Ordered, that Extract from this proceeding be sent to the Sessions Judge of Guntoor for his information, by French Post, and that he do furnish within XV days after its receipt.

(Sent following French Post No 1805)

Read letter from the Acting Sessions Judge of Salem, to the French Consul at Madras under date the 30th July 1845, requesting information on Calendar No 33 submitted by him on the 16th Inst and the translation of the same.

(Here enter F: C: No 2369 of 1845)

Read Calendar dated 1st July 1845 submitted by the Sessions Judge of Tinnevelly, to the Sessions Court for the 1st Half year of 1845.

(Here enter F: C: No 2388 of 1845)

Read Criminal Abstract dated 1st Ultimo submitted by the Sessions Judge of Tinnevelly for the

12th September 1845.

month of July 1845.—

(Here enter F: C: No 2386 of 1845)

Read letter dated 11th August 1845 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 July last.—

(Here enter F: C: No 2392 of 1845.

Read Report No VI dated 14th Ultimo together with its Cha submitted by the Sessions Judge of Bellary, Statement of the additional Peons and Convict Labor, and also the statement showing the instances in which the powers of punishment created by Regulation X of 1832 have been exercised.—

(Here enter F: C: No 2393 of 1845)

Read Report dated 8th Ultimo submitted by the officiating Sessions Judge of Masulipatam of Convicts Labor for July 1845.—

(Here enter F: C: No 2394 of 1845.)

Read report dated 13th Ultimo submitted by the Sessions Judge of Cuddalore, of Casualties Nos and of Prisoners released in the Gaol during the month of July 1845.—

(Here enter F: C: No 2399 of 1845).

F. Ct.

Saturday,
13th September, 1845.

At a Court of the Fouzdaree Adalut.

Present,

Geo: J. Waters Esqre. ——— 1st Puisne Judge,

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

J. & J. Boileau Esqre. ——— 3d Puisne Judge,

Read Calendar in Case No. 25 of 1845 submitted by the Sessions Judge of Tinnevelly under date the 27th Ultimo.

(Here enter F. Ct. No. 2540 of 1845)

1. In this Case two prisoners were charged with having cut with a Toddy drawers knife and severely wounded the Prosecutors.

2. The Sessions Judge acquitted the 1st prisoner but in reference to the weapon used (a Toddy drawers Billhook) sentenced the 2d prisoner to 4 years imprisonment with hard labor in irons under Clause Seventh Section II Regulation XV of 1803. The Sessions Judge it appears has no reason from the evidence to believe, that the 2d prisoner had more provocation offered to him than the 1st Prosecutors abuse of his father. The Native Doctor stated that when brought before him the 1st Prisoner had the marks of a blow of a

stick

F.H.

Saturday,
13th September, 1845. At a Court of the Fouzdaree Adalut.

Present,

Geo: J. Waters Esqre. ——— 1st Puisne Judge,
Malcolm Lewin Esq re. ——— 2d Puisne Judge,
J. & J. Boileau Esq re. ——— 3d Puisne Judge.

Read Calendar in Case No. 25 of 1845 submitted by the Sessions Judge of Tinnevelly under date the 27th Ultimo.

/Here enter F.H. No. 2540 of 1845/

In this Case two prisoners were charged with having cut with a Toddy drawers knife and severely wounded the Prosecutors.

2. The Sessions Judge acquitted the 1st prisoner but in reference to the weapon used / a Toddy drawers Billhook / sentenced the 2d prisoner to 4 years imprisonment with hard labor in irons under Clause Seventh Section II Regulation XV of 1803. The Sessions Judge it appears has no reason from the evidence to believe, that the 2d prisoner had more provocation offered to him than the 1st Prosecutors abuse of his father. The Shettoo Row stated that when brought before him the 1st Prisoner had the mark of a blow of a

Stick

Saturday,
13th September, 1845. At a Court of the Fouzdaree Udalut.

Present,

Geo: J. Waters Esqre. ——— 1st Puisne Judge,
Malcolm Leuvin Esq re. ——— 2d Puisne Judge,
J. E. J. Boileau Esq re. ——— 3d Puisne Judge,

Read Calendar in Case No. 35 of 1845 submitted by the Sessions Judge of Tirhoot under date the 27th Ultimo.

(Here enter F. Vo. No. 2540 of 1845)

1. In this Case two prisoners were charged with having cut with a Toddy drawers knife and severely wounded the Prosecutors.

2. The Sessions Judge acquitted the 1st prisoner but in reference to the weapon used (a Toddy drawers Billhook) sentenced the 2d prisoner to 4 years imprisonment with hard labor in irons, under Clause Seventh Section III Regulation XV of 1803. The Sessions Judge it appears had no reason from the evidence to believe, that the 2d prisoner had more provocation offered to him than the 1st Prosecutors abuse of his father. The Police Roy stated that when brought before him the 1st Prisoner had the mark of a blow of a stick

J. Ct.

Saturday,
13th September, 1845.

At a Court of the Fouzdaree Udalut.

Present,

Geo: J. Waters Esqre. ——— 1st Puisne Judge,

Malcolm Lewin Esq re. ——— 2d Puisne Judge,

J. & J. Boileau Esq re. ——— 3d Puisne Judge,

Read Calendar in Case No. 25 of 1845 submitted by the Sessions Judge of Tinnevelly under date the 27th Ultimo.

/Here enter J. Ct. No. 2540 of 1845/

1. In this Case two prisoners were charged with having cut with a Toddy drawers knife and severely wounded the Prosecutors.

2. The Sessions Judge acquitted the 1st prisoner but in reference to the weapon used / a Toddy drawers Billhook / sentenced the 2d prisoner to 4 years imprisonment with hard labor in irons, under Clause Seventh Section II Regulation XV of 1803. The Sessions Judge it appears saw no reason from the evidence to believe, that the 2d prisoner had more provocation offered to him than the 1st Prosecutors abuse of his father. The Station Ros stated that when brought before him the 1st Prisoner had the mark of a blow of a stick

F 86.

Saturday,
13th September 1845. At a Court of the Fouydaree Adalut.

Present,

Geo: I. Waters Esqre. ——— 1st Puisne Judge,
Malcolm Lewin Esqre. ——— 2d Puisne Judge,
J. & J. Boileau Esqre. ——— 3d Puisne Judge,

Read Calendar in Case No 25 of 1845 submitted by the Sessions Judge of Tinnevelly under date the 27th Ultimo.

/Here enter F. Dc. No 2540 of 1845/

In this Case two prisoners were charged with having cut with a Toddy drawers Knife and severely wounded the Prosecutors.

2. The Sessions Judge acquitted the 1st prisoner but in reference to the weapon used / a Toddy drawers Billhook / sentenced the 2d prisoner to 4 years imprisonment with hard labor in irons under Clause Seventh Section II Regulation XV of 1803. The Sessions Judge it appears saw no reason from the evidence to believe, that the 2d prisoner had more provocation offered to him than the 1st Prosecutors abuse of his father. The Hottoo Row stated that when brought before him the 1st Prisoner had the mark of a blow of a

Stick

Saturday,
13th September 1845.

At a Court of the Fouzdaree Udalut.

Present,

Geo: I. Waters Esqre. ——— 1st Puisne Judge,

Malcolm Lewis Esqre. ——— 2d Puisne Judge,

I. & I. Boileau Esqre. ——— 3d Puisne Judge,

Read Calendar in Case No 25 of 1845 submitted by the Sessions Judge of Tinnevelly under date the 27th Ultimo —

/Here enter F.C. No 2540 of 1845/

In this Case two prisoners were charged with having cut with a Toddy drawers knife and severely wounded the Prosecutors —

2. The Sessions Judge acquitted the 1st prisoner but in reference to the weapon used / a Toddy drawers Billhook / sentenced the 2d prisoner to 4 years imprisonment with hard labor in irons under Clause Seventh Section II Regulations XV of 1803 — the Sessions Judge it appears saw no reason from the evidence to believe, that the 2d prisoner had more provocation offered to him than the 1st Prosecutors abuse of his father — The Walloo Poss stated that when brought before him the 1st Prisoner had the mark of a blow of a

Stick

Saturday,
13th September, 1845.

At a Court of the Fongdaree Adalut.

Present,

Geo: J. Waters Esqre. ——— 1st Puisne Judge,
Malcolm Lewin Esqre. ——— 2d Puisne Judge,
J. & J. Boileau Esqre. ——— 3d Puisne Judge,

Read Calendar in Case No. 25 of 1845 submitted by the Sessions Judge of Tinnevelly under date the 27th Ultimo.—

/Here enter F. Ha. No. 2540 of 1845/

In this Case two prisoners were charged with having cut with a Toddy drawers knife and severely wounded the Prosecutors.—

2. The Sessions Judge acquitted the 1st prisoner but in reference to the weapon used / a Toddy drawers Billhook / sentenced the 2d prisoner to 4 years imprisonment with hard labor in irons, under Clause Seventh Section II Regulation XV of 1803.— the Sessions Judge it appears saw no reason from the evidence to believe, that the 2d prisoner had more provocation offered to him than the 1st Prosecutors abuse of his father.— The Police Peon stated that when brought before him the 1st Prisoner had the mark of a blow of a

stick

J. C.

Saturday.
13th. September, 1845. At a Court of the Foujdaree Adalut.

Present,

Geo: J. Waters Esqre. ——— 1st. Puisne Judge,
Malcolm Lewin Esqre. ——— 2d. Puisne Judge,
J. & S. Boileau Esqre. ——— 3d. Puisne Judge,

Read Calendar in Case No. 25 of 1845 submitted by the Sessions Judge of Tinnevelly under date the 27th. Ultimo.

/Here enter J. C. No. 2540 of 1845/

In this Case two prisoners were charged with having cut with a Toddy drawers knife and severely wounded the Prosecutors.

2. The Sessions Judge acquitted the 1st. prisoner but in reference to the weapon used / a Toddy drawers Billhook / sentenced the 2d. prisoner to 4 years imprisonment with hard labor in irons under Clause Seventh Section III Regulation XV of 1803. the Sessions Judge it appears has no reason from the evidence to believe, that the 2d. prisoner had more provocation offered to him than the 1st. Prosecutors abuse of the father. The Police Peon stated that when brought before him the 1st. Prisoner had the mark of a blow of a

stick

F. 86.

Saturday,
13th September 1845. At a Court of the Fouzdaree Adalut.

Present,

Geo: J. Waters Esqre. ——— 1st Puisne Judge,
Malcolm Lewin Esqre. ——— 2d Puisne Judge,
J. & J. Boileau Esqre. ——— 3d Puisne Judge,

Read Calendar in Case No. 25 of 1845 submitted by the Sessions Judge of Tinnevelly under date the 27th Ultimo.—

[Here enter F. No. No. 2540 of 1845]

In this Case two prisoners were charged with having cut with a Toddy drawers knife and severely wounded the Prosecutors.—

2. The Sessions Judge acquitted the 1st prisoner but in reference to the weapon used [a Toddy drawers Billhook] sentenced the 2d prisoner to 4 years imprisonment with hard labor in irons under Clause Seventh Section II Regulation XV of 1803.— the Sessions Judge it appears has given reason from the evidence to believe, that the 2d prisoner had more provocation offered to him than the 1st Prosecutors abuse of his father— the Native Doctor stated that when brought before him the 1st Prisoner had the marks of a blow of

F. 86.

13th September 1845

that over his eye - this blow the Sessions Judge considered was given to him by the 2d Prosecutor - when he came up to take the part of the blind man, his brother-in-law. The 1st witness states that the 2d Prosecutor brought a stick with him to the Tope and left it at the bottom of the Tree when he ascended it.

3 Adverting to all the circumstances of the case the Court of Sunjdaree Adalut see no reason to doubt the propriety of the punishment awarded in this case, and they resolve to call on the Sessions Judge to reconsider it and to state whether a milder sentence would not be consistent with justice.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Tinnevelly for his information by prompt return - able in 3 days from and after its receipt.

(Sent following precept &c.)

Read letter dated 15th July 1845 from the Sessions Judge of Mangalore, requesting further instructions with reference to the precept of the Sunjdaree Adalut conveying Extract from the proceedings held under date the 7th July on

13th September 1845

review of the Calendar No. 14 of 1845 and in which the Sessions Judge was directed to put a question to the Law Officer under the provisions of Clause third Section II Regulation XV of 1803 requiring him to declare to what specific punishment the prisoner would have been liable under the Mahomedan Law had he been convicted on full legal evidence and to pass a new Sentence under the provisions of Section XXI Regulation VIII of 1802, submitting a recommendation of mitigation under Section IV Regulation I of 1825.

(Here enter P. Cle. No. 2124 of 1845)

The Court of Sunjdaree Adalut having carefully considered this subject fully concur with the Sessions Judge in the opinion expressed by him regarding the manner of disposing of cases tried by Juries and they resolve to direct that in all such cases the orders of the Sunjdaree Adalut dated 5th May last be invariably followed.

2 In such cases the Mahomedan Law being inapplicable any reference to its technicalities is misplaced and inappropriate - it matters not therefore whether the amount of property stolen falls within or exceeds rupees and such scrupulous

scrupulous destinations which have been reprobated by the Law as "evidently repugnant to the principles of equal justice" should find no place in a sentence founded on a verdict of a Jury freed from Law's vain and absurd technicalities.

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

(Sent in No.)

Read Calendar of Case No. 61 of 1845 submitted by the Sessions Judge of Cuddalore under date the 2d Instant.

(Here enter F.R. No. 2539 of 1845)

1 The prisoners in this case were charged with having beaten and kicked the prosecutor and his companions, returned coolies from the Mauritius; whom they were laid up with fever, and robbed them of Rupees 122-6-

2 It appears that when the 2d prosecutor was apprehended he confessed, and with the first prisoner produced 95 Rupees alleging that the Village Moonsiff had detained 25 Rupees. Three witnesses were called by the prisoners to prove this fact, but they were not examined by the Sessions

F.R.
13th September 1845.

Judge in consequence of the decease of the Moonsiff.

3. Considering the manner in which the money possessed by the prosecutors had been earned the Court are of opinion that the Sessions Judge should have taken evidence regarding the abduction of 25 Rupees by the deceased Village Moonsiff and endeavoured in communication with the Magistrate to recover it for the Prosecutors.

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

(Sent in No.)

Read letter dated the 25th Ultimo from the Sessions Judge of Mangalore submitting the proceedings in Case No. 53 on the Mangalore Calendar for 1845.

(Here enter F.R. No. 2501 of 1845)

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

"Sowda Shetty,"

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

confession of the crime of Murder, do acquit him ...
thereof, but considering that strong Suspicion though
not amounting to conviction attaches to him, they do order
that he be required under Clause 6 of the Sections II
Regulation XV of 1803, to give two Securities in Rs 100/
one hundred Rupees each Security for his good behaviour
and appearance when required within three years or
in default thereof that he be detained for three years
in Confinement —

1 The prisoner in this case was charged
with having murdered the Prosecutor's brother —

2. On a matured and deliberate con-
sideration of the evidence the Court do not
concur with the Sessions Judge in his appreciation
of the evidence, and are therefore precluded from
passing upon the prisoner the sentence of trans-
portation for life proposed by that officer —

3 Adverting to the allegations of the
1st and 2d witnesses that "the prisoner pushed and
took off the deceased" which is considered by
the Sessions Judge not to be probable and to the
evidence of the 3d witness who deposed to having
recognized the deceased by his voice as well
as the prisoner whom he had never known
or seen, complied with the Sessions made by
the

third three individuals that it was dark when the
prisoner and deceased came to the house of
the 1st witness and with the fact that they were
all tenants of the Prosecutor's brother and that
the 4th witness, whose evidence is pronounced by
the Sessions Judge to be very exceptionable is indebted
to the Prisoner, the Court are of opinion that
the case for the prosecution though carrying with
it strong Suspicion is not sufficiently clear
to warrant the conviction of the Prisoner —

The Court consider the letter
4
which accompanied the record of this case
to be very irregular and unofficial —

The Court especially advert to
5
the omission to mention the name of the pris-
oner and to the want of a succinct state-
ment of the charge preferred against him
which would have materially assisted the
Judges in their perusal of the trial —

6. The Sessions Judge will be
pleased on all future occasions to supply
the deficiencies noted in the above observations,
on the subject of which it is the intention
of the Court to issue a Circular Order for
the

confession of the crime of Murder, do acquit him
thereof, but considering that strong Suspicion though
not amounting to conviction attaches to him, they do
that he be required under Clause Eighth, Section II.
Regulation XV of 1813, to give two Securities at 1/100/
one hundred Rupees each Security for his good behaviour
and appearance when required within three years, or
in default thereof that he be detained for three years
in Confinement.

1. The prisoner in this case was charged
with having murdered the Prosecutor's brother.

2. On a matured and deliberate con-
sideration of the entire record the Court do not
concur with the Sessions Judge in his appreciation
of the evidence, and are therefore precluded from
passing upon the prisoner the sentence of trans-
portation for life proposed by that officer.

3. Adverting to the allegations of the
1st and 2d witness that "the prisoner pushed and
took off the deceased" which is confirmed by
the Sessions Judge not to be forthcoming, and to the
evidence of the 5th witness who deposed to having
recognized the deceased by his voice as well
as the prisoner whom he had never known
or seen, complied with the requisition made by
the

three individuals that it was dark when the
prisoner and deceased came to the house of
the 1st witness and with the fact that they were
all tenants of the Prosecutor's brother and that
the 4th witness, whose evidence is pronounced by
the Sessions Judge to be very exceptionable is indebted
to the Prisoner, the Court are of opinion that
the case for the prosecution though carrying with
it strong Suspicion is not sufficiently clear
to warrant the conviction of the Prisoner.

4. The Court consider the letter
which accompanied the record of this case
to be very meagre and insufficient.

5. The Court especially advert to
the omission to mention the name of the prin-
cipal and to the want of a Succinct Statement
of the charge preferred against him
which would have materially assisted the
Judges in their perusal of the trial.

6. The Sessions Judge will be
pleased on all future occasions to supply
the deficiencies noted in the above observations,
on the Subject of which it is the instructions
of the Court to issue a Circular Order for

the

the 13th September 1845 the guidance of the Sessions Judges on this proceeding—

Ordered that Extract from this proceeding be sent to the Sessions Judge of Beem gulcore for his information and guidance.

(Sent following letter No.)

Ent

F. 86.

Monday 15th September 1845.

At a Court of the Foujdaree Adalut.

Present

G. S. Waters Esqre. ——— 1st Puisne Judge.

Malcolm Lewin Esqre. ——— 2nd Puisne Judge.

T. E. S. Boileau Esqre. ——— 3rd Puisne Judge.

Read again Miscellaneous Petition presented on the 8th April 1845 by Sumpraty Ramiah of the Zillah Chittoor—

(Here enter M. P. No. 77 of 1845)

Read again also returns under date the 1st July 1845 from the Sessions Judge of Chittoor to the precept of the Foujdaree Adalut dated the 23rd June 1845 directing that officer to enquire fully into the statement of the Petitioner that he was unjustly fined in the sum of Rupees 10 by the Magistrate of North Arcot for an alleged false complaint and to specify the nature and purport of the proceedings held by the Sudr Ameen Perudut (on the production of which the fine was levied, but) which it would appear to the Foujdaree Adalut were declared objectionable by the Acting Civil Judge—

(Here enter F. A. No. 1898 of 1845)

Read also return under date the 5th August

August 1845 from the Sessions Judge of Chittoor to the present Proceedings Board under date the 21st July 1845 directing that affirm to forward Copies of the declaration made by the Petitioner before the Principal Sudr Ameen of the proceedings held with reference to this case by the late Acting Civil Judge Mr Bell and of the Magistrates order of which the Petitioner complains and also requiring him to state whether the Magistrates order was based altogether upon the production of the declaration above referred to or whether the Affirm instituted any further enquiry into the matter in which case it was ordered that the Result of such enquiry should be submitted for the consideration of the Foujdaree Board.—

(Here ends Fol. No 3297)

1 The Sessions Judge in his return submits copies of the Documents referred to in the foregoing Proceedings, together with a return from the Magistrate of North Arcot from which it appears that the order of the late Magistrate of which the Petitioner complains was passed on the production of the declaration by the Petitioner before the Principal Sudr Ameen and on the facts admitted in the Petition and depositions before that Affirm and that no further enquiry was held into the matter.—

15th September 1845.

2 On a perusal of the documents submitted with this return it appears that the late Magistrate of North Arcot sentenced the Petitioner on the 5th February last to pay a fine of Rupees 10 or to be imprisoned in default of payment for a period of 15 days under Section XXXV Regulation IX of 1816 with this sentence the Sessions Judge to which authority an appeal was preferred, declined to interfere.—

The foregoing proceedings have their

3 origin in a Complaint preferred by the Petitioner to the Magistrate on the 18th January 1845 charging the Poligar of Bungary Pollem with having extorted certain Bonds and plundered his property upon which the Magistrate took a deposition from the Poligar and fined the Petitioner without examining his witnesses on the ground that in a declaration made by him in a suit filed by the said Poligar before the Sudr Ameen Pundit for the recovery of the balance due on the Bonds in question, he (the Petitioner) had admitted the validity of the demand which appear to be for the balance due on certain dealings carried on between the parties concerned in the suit.—

It is very possible with reference to

4 the dates of the Bonds and of the Complaint preferred by

15th September 1845.

August 1845 from the Sessions Judge of Chittoor
the precept of the Foujdaree Wardut under date
July 1845 directing that officer to forward
declaration made by the Petitioner before
Sudr Ameen of the proceedings held
the case by the late Acting
end of the Magistrate order of
Complainant
Magistrate when were based altogether upon
duction of the declaration above referred to on which
officer constituted any further enquiry into the
in which case it was ordered that the Result of such
enquiry should be submitted for the consideration of
the Foujdaree Wardut.

(Here ends Fl. No 3797)

1 The Sessions Judge in his return
submits copies of the Documents stamped as in the
foregoing Precept, together with a return from the
Magistrate of North Arcot from which it appears that
the order of the late Magistrate of which the Petitioner
Complains was passed on the presumption of the debt
proven by the Petitioner before the Sudr Ameen and
and on the facts admitted in the Petition and before
before that officer and that no further enquiry was held
into the matter.

15th September 1845.

2 On a perusal of the documents
submitted with this return it appears that the late
Magistrate of North Arcot sentenced the Petitioner on the
5th February last to pay a fine of Rupees 10 or to be
imprisoned in default of payment for a period of 15 days
under Section XXXV Regulation IX of 1816 with this
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certain Bonds and plundered his property upon which
the Magistrate took a deposition from the Poligar
and fined the Petitioner without examining his
witnesses on the ground that in a declaration made
by him in a suit filed by the said Poligar before
the Sudr Ameen Pundit for the recovery of the balance
due on the Bonds in question, he (the Petitioner)
had admitted the validity of the demand which
appear to be for the balance due on certain dealings
carried on between the parties concerned in the suit.

4 It is very possible with reference to
the dates of the Bonds and of the Complaint preferred
by

by the Petitioner before the Magistrate that the latter was altogether unfounded.—

5. This point however should have been ascertained by the Magistrate and by the Sessions Judge in appeal from the examination of witnesses and the case should not have been decided merely by a reference to a declaration made before the Pundit Sudr Ameen which (independently of the structures passed upon that officers proceedings by the Acting Civil Judge in the 5th February 1845) does not in the opinion of the Court involve the admission inferred by the late Magistrate.—

6 The suit No 29 of 1845 was instituted for the recovery of Rupees 55 the alleged balance due on a bond for Rupees 1308.—

7 The Defendant (Petitioner) merely admitted that Rupees 60 was due to the Poligar but not that that sum was in any way connected with the satisfaction of the Bonds in question. Nor is there any thing to that effect recorded in his declaration.—

8. It is true that the Pundit Sudr Ameen states in his return to a precept issued by the late Acting Civil Judge, that his [illegible]

had inadvertently omitted to insert this important admission but the Petitioner in his examination before the Magistrate positively denied having made any such admission and the Court have nothing before them to the contrary, except the assertion of the Pundit Sudr Ameens Goomastah who if he made any such omission must be unfit or unworthy to hold the situation he fills, as the omission of a whole sentence embracing several particulars could hardly have been made inadvertently.—

9. It by no means follows that the complaint of the Petitioner asserting that the Poligar and his dependents had plundered his property by night and extorted bonds to a larger amount, must be false, because he simply admitted a debt of Rupees 60 and the Court are of opinion that the erroneous inference drawn by the Magistrate must have been detected by the Sessions Judge had that officer carefully considered the whole record of the case.—

10. Under these circumstances and adverting to the fact that none of the witnesses named by the Petitioner were examined by the Magistrate, the Court resolve to direct that the fine of Rupees 60 be refunded to the Petitioner whose complaint

whether such formal or the reasons should have been more fully entered into.

11 With reference to the subsequent complaint dated 8th inst. in regard to the Board Court refusing from stopping any order, or the with which it is connected has been referred to the Substitute Judge of and the Court find upon read that the Board Proceedings be sent to the Superior Judge for his information and for communication Acting Magistrate of Madura that by proceedings herewith the X days from and after the (Send following proceedings)

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

Read the Criminal Reports dated the 12th Ultimo submitted by the Principal Sudr Ameen of Trichinopoly.—

(Here enter No. 2396)

Adverting to the headings affixed to the statement of the charge preferred against the prisoners in these cases the Court observe that the use of the term "Burglary" has repeatedly been denounced

Cases Nos. 86 and 90.

of Rupees 5 imposed upon the Petitioner by the Acting Sessions Judge of Madura during the trial of case No. 26 of 1845 on the file of the Session Court in which the Petitioner was Prosecutor.—

2. On a reference to the Calendar of the case in question which has already been brought under the consideration of the Foujdaree Adalut the Court see no reason to alter the opinion before expressed by them approving of the acquittal and release of the prisoners.

3. Under the circumstances of the case, the Petitioner should consider himself fortunate in having escaped with so light a punishment as the fine of which he now complains.—

4. The Court refuse to interfere and dismiss this Petition.—

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

15th September 1845

denounced as irregular in the proceedings of the Foujdaree Adawlut.—

Case No. 86. 2. With reference to the cause assigned for the delay which occurred in the transmission of this case to the Criminal Court, the Prisoner should have been committed for the offence of "escape" on a separate charge.—

3 The provisions of the Law cited as authority for the commitment of the prisoner are incorrectly Clause sixth Section II of the Regulation referred to should have been quoted.—

Cases Nos. 87, 88, 89 & 4 The Court infer that Section VII Regulation
and 92. X of 1816. has been inadvertently quoted as authority for the commitment of the prisoners in the cases noted in marginally instead of Section IX of the same Regulation.

5. Adverting to the rule laid down in

No. 171 the Circular Order noted marginally, the Court observe that the Regulation applicable to the offence charged against a prisoner should be quoted as the authority for his commitment instead of Section IX Regulation X of 1816. which it appears is frequently cited for that purpose.—

Ordered that Extract from these Proceedings be sent to the Principal Sudder Ameens of Tinnivelly for his information and future guidance.

(Sent on No. 1615)

F. C.

15th September 1845.

Read Criminal Reports under date the 1st Ultimo submitted by the Acting Subordinate Judge of Bangalore for the Month of July 1845.

(Here enter F. C. No. 3408)

Case No. 119. 1. The reference made in this case to the Magistrate evinces great ignorance on the part of the Head of District Police upon whom it was incumbent to decide to the best of his ability on the evidence before him.—

Case No. 132. 2. With reference to the commitment of the prisoners in this case who was charged with theft on the ground of his being a man of bad character and having been formerly punished the Court observe adverting to the rule laid down in the Circular Order noted marginally that the particulars of such former punishment should have been specified, the Acting Subordinate Judge will be pleased to supply this omission.—

Circular Order September 6th 1831.

Case No. 123. 3 The Court observe with reference to the
15th July 1839. Circular Order noted marginally that the offence charged against the prisoner in this case should have been distinctly punished and accordingly direct that the commitment be annulled and the charge of "Escape" be disposed of by the Acting Subordinate Judge.—

4 The Court have repeatedly interdicted the practice of quoting Circular Orders as authority

for

for the disposal of cases instead of the provisions of the Regulations applicable to the offences framed.

Case No 135. 5 The Court desires to be informed on what grounds the Sub Assistant considered himself justified in placing the prisoner in this case under a system of security, as it is stated in the Report that the Sub Assistant entertains no doubt that the Peons who brought the charge against the prisoner out of spite and direct that the demand of security be immediately cancelled.—

Case No 136. 6. The heading affixed to the statement of the charge in this case is correct, the entry in question having been ruled to constitute "Breaking".—

Case No 138. 7. The theft of the door of Peons house having been removed by the prisoner in this case the remark contained in the preceding para applicable to this case also.—

Case No 130. 8. See the report of this case referring to certain depositions given in a former case.

9. The purport of the depositions referred to should have been specified, the practice of referring to former reports having been repeatedly censured by the Court of Foujdaree Adawlut.—

Ordered that Extract from these Proceedings be sent to the Acting Sub Assistant Judge

for his information and for communication of para 1 to the Magistrate of Canara by precept returnable within XV days from and after its receipt.—

(Sent following Precept No 1617).

Read Report under date the 13th Ultimo of Cases tried by the Magistracy in the Zillah of Bellary under the provisions of Section LIV Act VII of 1843 during the Month of July 1845.—

(Here enter F. C. No 2475).

Case No 5. 1. In a remark appended to the statement of this case in which four Prisoners are concerned reference is made to a decision having been appealed against before the Sessions Judge to whom at his requisition the proceedings held in the Case have been forwarded and are still under the consideration of that officer.—

2. It does not appear from the statement of the Case as recorded in the Report that any complete and final decision had been passed thereon by the Acting Joint Magistrate before whom the trial was held when the proceedings were called up, the charge having been disposed of only as regards the 3d Prisoner.—

3. The Court accordingly desire that an explanation of the apparent contradiction may be submitted for their consideration by the Sessions Judge

of

15th September 1845.

if the necessary information be available in the record if not, by the Magistrate through that office.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Bellary for his information and communication to the Magistrate of that Division by precept returnable in XV days from and after its receipt

(Sent following Receipt No. 1605).

Read Calendar of Case No. 36 of 1845 before the Sessions Court at Calicut.—

(Here enter No. 3498).

1. The Foujdaree Court consider the Sessions Judge has properly drawn the attention of the Court to the meagre and insufficient abstract of the examination and grounds of commitment which have been entered in the appropriate Columns of the Calendar of this trial submitted to the Sessions Court by the Subordinate Judge.—

2. The general view of the case afforded in the brief remarks of the latter officer, are not only insufficient, with reference to the rules in force regarding the preparation of Calendars, but exhibit a departure from the system hitherto observed in the Subordinate Court at Calicut which in the opinion of the Foujdaree Court is very objectionable and must be discontinued.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Calicut

F. Ms.

15th September 1845.

for his information and communication to the Subordinate Judge at that station.—

(Sent in No. 1619)

Read Statement under date the 21st Ultimo of servants dismissed or suspended from Office in the Subordinate Court of Mangalore during the Quarter ending the 31st of March 1845.

(Here enter F. M. No. 3500)

It appears from this statement that

1. Devappa a Goomashtah attached to the Subordinate Court has been dismissed for having abstracted and erazed from the records of the Court and mutilated the same for fraudulent purposes.—

Adverting to the serious nature of

2. the offence which led to the dismissal of the individual in question, the Court resolve to direct that he be immediately placed on his trial under the provisions of Clauses first and second Section II Regulation XIII of 1829.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Mangalore for his information and for Communication to the Acting Subordinate Judge.—

(Sent in No. 1620)

Read Calendar of Case No. 29 of 1845 submitted under date the 26th Ultimo by the Sessions Judge

Judge of Madura.

(Here enter F: 16: No: 2540 of 1845)

1. This trial which commenced on the 4th August was not brought to a close till the 17th thereof or 15 days after and sentence was not recorded in it till the 23d or 6 days after its termination.

2. No grounds appearing in the proceedings for these delays the Acting Sessions Judge will be pleased to explain the causes of them.

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

(Sent following precept No: 1621)

Read return dated 27th August 1845 from the Agent to the Governor of Fort St. George at Ganjam to the precept of the Foujdaree Adalut of the 16th idem calling for a statement shewing the number &c. of trials referred to the Foujdaree Adalut by the Agent in the year 1844.—

(Here enter F: 16: No: 2563 of 1845)

The exigency of the above precept not having been complied with, the Agent will be pleased without further delay to submit the statement called for or explain the cause of his inability to do so for the information of Government.—

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Ganjam by precept returnable in 3 days from and after its receipt.—

(Sent following precept No: 1622)

Read report 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 July 1845.—

(Here enter F: 16: No: 2569)

The Magistrate having omitted to conform to the instructions conveyed in Circular Order No: 168 of affixing a heading to the charge in each case entered in the Monthly Criminal Reports. The Court of Foujdaree Adalut direct that his attention be recalled to the Circular Order in question and that he be enjoined to pay more regard to it in future.—

Ordered that Extract from these Proceedings be sent to the Magistrate of Tanjore for his information.—

(Sent in No: 1623)

Read Report of cases pending on the 31st August 1845 before the Sessions Judge of Salem for upwards of 35 days from the date of commitment and accounting for the delay.—

(Here enter F: 16: No: 2555 of 1845.)

Seven

15th September 1845.

Case No 38.

Sessions Judge Tanjore Law considered on the perfunctoriness of the Judicial enquiry submitted in this case the Court of Foujdaree Adawlut do not deem that the Law officer be called on to explain the cause of the extraordinary delay.

Ordered that Cadjan proceedings be sent to the Sessions Judge of Tanjore by first returnable in 3 days from and after its receipt.

(Sent following proceedings)

Read report of cases pending on the 31st July and committed for trial during the month of July 1845 before the Sessions Court of Combaconum and which have been pending for more than 30 days.

(Here enter F.R. 31st July 1845 para 1)

Also read a letter from the Sessions Judge of Combaconum submitting explanations called for from the Sessions Judge regarding the cases committed on the 8th July and the Sessions Judge's remarks on the Sessions Court Calendar of the 9th

2.

The Court of Foujdaree Adawlut do not deem it necessary to call for any explanation from the Sessions Judge regarding the cases committed on the 8th July and do not consider the delay in the disposal of the cases by the Sessions Court under the circumstances explained to be unreasonable.

Ordered that Cadjan proceedings be sent to the Sessions Judge of Combaconum by first returnable in 6 days from and after its receipt.

(Sent following proceedings)

Case No 44 of 1845

F.R.

No 39.

Thursday
18th September 1845.

Present

Hon'ble Court of the Foujdaree Adawlut.

H. J. Waters Esqre. — 1st Puisne Judge
Malcolm Lewin Esqre. — 2d Puisne Judge
T. E. J. Brikaw Esqre. — 3d Puisne Judge

Read returns dated the 7th current from the Principal Sudder Ameens of Combaconum & Cuddalore to the Precepts of the Foujdaree Adawlut dated the 30th July last calling for explanations of delays in Cases Nos 83 and 93 of 1845 on the file of the Principal Sudder Ameen's Court at Cuddalore and the statement of the reasons for the committals of Cases Nos 89 and 93 of 1845 of the said Court.

(Here enter No 231)

Read also letter dated the 7th instant from the same Officer submitting a separate Report of Criminal Case No 102 of 1845 on the file of his Court inadvertently omitted in the Criminal Report for the Month of June 1845 and requesting the latter may be returned for

for correction.—

[Here enter No. 2313]

1. The Principal Sudr Ameen shall submit with his return copies of the communications received from the Magistrate direct and through the Sessions Court supplying the explanations called for in the foregoing precept, which the Court consider satisfactory.—

2. The Judge has no necessity for the submission to this Court of copies of communications addressed by the Principal Sudr Ameen to the Sessions Court and to the Magistrate calling for explanations required by the Employers Abstract or Extract from the Proceedings of the Sessions Court below on such addresses no additional information being thereby afforded to the Court of Employers Abstract.

3. Adverting to the requisition contained in the 4th para. of the Court's

30th July 1845. proceedings of the date noted in the margin hereof the Court observe that it would have been sufficient had the heads of the explanations therein referred to been embodied in the return of the Principal Sudr Ameen, which would have rendered unnecessary the submission of entire transcripts of the communications containing those explanations.—

4. With reference to the request made by the Principal Sudr Ameen in his communication under review, the Court resolve to direct that the Criminal Reports for the Months of June last, be returned to that Officer in order to the insertion of one Case omitted from the Monthly Report and a report of which has been submitted separately.—

5. The Court desire that an explanation may be submitted of the circumstances which led to the omission to insert the report of the Case in question in the usual Criminal Reports, as they fail to comprehend how such an omission should have occurred solely through the oversight of a writer unless the Principal Sudr Ameen neglects to

for correction.—

[Here enter No. 2318]

1. The Principal Sudr Ameen shall submit with his return copies of the communications received from the Magistrate direct and through the Sessions Court stating the explanations called for in the foregoing precept, which the Court consider satisfactory.—

2. The Judges see no necessity for the submission to this Court of copies of communications addressed by the Principal Sudr Ameen to the Sessions Court and to the Magistrate calling for explanations required by the Sessions Circuit of Extract from the Proceedings of the Sessions Court taken on such occasions no additional information being thereby afforded to the Court of Sudder Dewanny Adawlut.

3. Adverting to the requisition contained in the 1st para of this Court's proceedings of the date noted in the margin the Court observe that it would have been sufficient had the purport of the

5th July 1865.

explanations therein referred to been embodied in the return of the Principal Sudr Ameen, which would have rendered unnecessary the submission of entire transcripts of the communications containing those explanations.—

4. With reference to the request made by the Principal Sudr Ameen in his communication under review, the Court resolve to direct that the Criminal Reports for the month of June last, be returned to that Officer in order to the insertion of one case omitted from the Monthly Report and a report of which has been submitted separately.—

5. The Court desire that an explanation may be submitted of the circumstances which led to the omission to insert the report of the case in question in the usual Criminal Reports, as they fail to comprehend how such an omission should have occurred solely through the oversight of a writer unless the Principal Sudr Ameen neglects to—

to conform to the practice generally observed by Criminal Judges, of thereby intimating continuously a notice of such cases submitted for trial before them, in a book appropriated for that purpose.—

Ordered, that Extract from these proceedings be sent to the Principal Sudr Ameen of Caddalore for his information and future guidance by prompt return of Post within 10 days from and after its receipt.—

Sent following prompt Ltr No 1827

2d Read letter dated the 6th Instant from the Sessions Judge of Caddalore transmitting the record of the trial in Case No 60 on the Calendar of the Sessions Court for 1845.—

/Here enter No 2605/

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

"Shenwapa alias Shenoy"

is sufficient to convict him of the crime

of Robbery and Rape, for which in the absence of the requisite conditions of the discretionary punishment is awardable under the Mahomedan Law, as declared in the Futwas of their Law Officers, do convict him thereof, and, under the provisions of Clause 3rd Section VII Regulation XV of 1803. Clause 3rd Section II Regulation I of 1825 and Regulation VIII of 1828, do sentence him, to receive one hundred and ninety five /195/ Lashes with a Cat of nine tails and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of /14/ fourteen Years.—

Sent following letter dt. 1828./

Read Calendars dated the 3rd and 6th Instant submitted by the Sessions Judge of Mangalore in Cases No 31, 37, 46 and 47 of 1845.—

/Here enter Nos 2595, 2610, 2611 and 2612/

Read Calendar dated the 28th Ultimo submitted by the Sessions Judge of

to conform to the practice generally observed by Criminal Judges, of themselves minuteing continuously a notice of each case committed for trial before them, in a book appropriated for that purpose.—

Ordered, that Extract from these proceedings be sent to the Principal Sudr Ameen of Cuddalore for his information and future guidance by prompt return to be made within 10 days from and after its receipt.—

/Sent following prompt stamp/

Read letter dated the 6th Instant from the Sessions Judge of Cuddalore transmitting the record of the trial in Case No 60 on the Calendar of the Sessions Court for 1845.—

/Here enter No 2605/

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

Veerawa alias Veeran

is insufficient to convict him of the crime of

of Robbery and Rape, for which in the absence of the requisite conditions of Hud discretionary punishment is awardable under the Mahomedan Law, as declared in the Futwas of their Law Officers, do convict him thereof, and, under the provisions of Clause 3rd Section VII Regulation XV of 1803. Clause 3rd Section II Regulation I of 1825 and Regulation VIII of 1828, do sentence him, to receive one hundred and ninety five /195/ lashes with a Cat of nine tails and to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of /14/ fourteen Years.—

/Sent following letter No 1628./

Read Calendars dated the 3rd and 6th Instant submitted by the Sessions Judge of Mangalore in Cases No 31, 37, 46 and 47 of 1845.—

/Here enter Nos 2595, 2610, 2611 and 2612/

Read Calendar dated the 28th Ultimo submitted by the Sessions Judge

of Vizagapatam in Case No. 8 of 1845.

(Here enter No. 2621)

Read report dated the 8th Instant submitted by the Sessions Judge of Vizagapatam pending on the 31st July and committed for trial during the month of August 1845.

(Here enter No. 2622)

Read letter dated the 8th Instant from the Sessions Judge of Cuddapah reporting the conviction of the Prisoner in Case No. 39 of the Calendar for 1845.

(Here enter No. 2623)

Read the Criminal Report dated the 10th Instant submitted by the Sessions Judge of Chingleput for the month of August 1845.

(Here enter No. 2624)

Read letter dated the 8th Instant from the Officiating Sessions Judge of Masulipatam transmitting copy of a return from the Magistrate of Ellore affording explanation on the points adverted to in the

Courts proceedings on the Calendars.

(Here enter No. 2624)

Read Convict labor report dated the 8th Instant submitted by the Officiating Sessions Judge of Masulipatam for the Month of August 1845.

(Here enter No. 2632)

Read report dated the 8th Instant submitted by the Magistrate of Madura of Cases tried by the Magistracy under Section I. IV Act VII of 1843 during the Month of August 1845.

(Here enter No. 2634)

Read Statement dated the 8th Instant submitted by the Officiating Sessions Judge of Masulipatam showing the instances in which the powers of punishment created by Regulation X of 1832 have been exercised.

(Here enter No. 2638)

Read return dated the 10th Instant from the Sessions Judge of Salem to the precept of the Sundaree Moonsiff under

under date the 4th Instant Directing him to accept the Security required from the 3rd Prisoner in Calendar No 38 of 1845 and to inform the Court of the delay in the delivery of the Law Officers fiat.

/Here Enter No 2642/

Read letter dated the 10th Instant from the Magistrate of Caimbah Store stating that the powers vested in the Magistracy under Section 6 IV Act VII of 1843 were not exercised in his District during the month of August 1845.

/Here Enter No 2651/

Read Calendar dated the 8th Instant Submitted by the Assistant Judge of Hobart in Case No 31 of 1845.

/Here Enter No 2653/

Read the Criminal Reports dated the 9th Instant submitted by the Assistant Judge of Spanton for the month of August 1845.

/Here Enter No 2666/

Wednesday 17th September 1845

At a Court of the Police Magistrate

Present

George T. Waters Esqre — 1st Puisne Judge
Malcolm Lewin Esqre — 2d Puisne Judge
T. & J. Boileau Esqres — 3d Puisne Judges

Read Calendar of Cases No 26 of 1845 submitted by the Superior Judge of Hobart under date the 20th Ultimo

/Here Enter No 2652/

The Prisoner in this case has been charged with having committed an intricating Theft called Manjuming viz with Jaggery to the Prosecutor and stolen Sum of Articles and Ready money to the value and amount of Rupees 29-12-6 and has been sentenced by the Superior Judge under the provisions of Clause Seventh Section II Regulation XV of 1808 to four years imprisonment with hard labor in irons

2 Before dispersing of this Court the Court of Magistrates ordered to

17th September 1845

be distinctly informed of the offence with which
against the Peace in the perpetration of which
Officer such and how the Officer shall
apply the provisions of the Law granted
to the offence established.

Ordered, that Extract of these
these proceedings be sent to the Officers in charge
of Collectorates for their information by first
returnable in their charge from and after
this receipt.

(Read letter date 20th Ult from
from the Acting Magistrate of Cuttack submitting
further information relative to certain disputed
property ordered to be kept in possession
of the Collector under the directions contained
in para 32 of the proceedings of the Board
(Revenue) dated 23rd March last

(Then Letter No 3499 of 1845)

It appears that certain valuable
valuable property belonging to the Raja of Kujang
which is disputed was by the orders of
the Court above referred

17th September 1845

to Settlement of the dispute placed under the
custody of the Collector subject to the further
orders of the Foujdaree Adawlut and that
the contending parties were in para
to be referred to a Civil Suit.-

2 The Collector were further directed
(para 33.) to accept measures to prevent
the destruction or injury of the property
and required whenever he examined the
to do so in the presence of such Agents
of the respective claimants (who were to receive
due notice) as might attend.-

3 The building in which the
property was secured having been re-
ported to the Collector to be in a leaky
state and unfit for the preservation
of the property he immediately dispatched
the Head Assistant Collector to proceed to
the spot and in the presence of the parties
interested, to examine the contents of the
different boxes

4 From the inventory furnished
by the Head Assistant Collector it would
seem that a part of the Clothes &c have
been

from the Proceedings of the Session Court
which accompanies this address, and
adverting to the distant period of time
at which the robbery is said to have
been committed, it is to be expected
that the remarks of the Petitioner tending to
show that she had ever since been demanding
justice in vain, should have escaped the
attention of the Session Judge

5. The Court accordingly resolved
to direct that Officers to call upon the Magistrates
of the Talluk to make a full and patient
enquiry into the subject of Petitioners
complaint and to examine every witness
she may name or bring forward any documents
she may produce and to take especial care
that her efforts to trace the case throughout
its various steps are not neutralized by the
intrigues of those around him who (if the
Petitioners assertions be correct) have but
too abundantly the strongest reasons for endeavouring to hinder a full enquiry into the
matter.

6. The Court of Zillah Malabar
do not wish to prejudge the conduct of the
native

[illegible] ordered by the Court

5 That steps having been taken
by the deputy Collector to bring the case
to an issue before the Court Constituted
the Collector having failed to move the Court
with the sale of the property and it appearing
to the Court that he should be relieved
of the responsibility involved in the charge
of it he requests to be furnished with
the further instructions of the Sudder
Adawlut upon the subject

6 The Court in lieu upon receiving
through the Provincial Court of Circuit in
the Northern Division a Report from the
Collector of Canara, that there were no
in danger of being injured by rats
perused the opinion that considering
the perishable nature of the property, it will be
for the interest of all concerned that it should
be sold by auction, and the proceeds
in Government Securities for the benefit
of the party who may eventually be found
to be entitled to it, and at the same time
directed that the Rules of the respective
Courts

22nd September 1845

22nd September 1845.

relative servants accused of the Settlement and
therefore humbly submit that if the enquiries
and reports thereof by the Petitioner should be
established in the course of the enquiry now
about to be instituted regarding the robbery
of her property all persons so convicted
of corrupt and irregular practices, must
be dealt with according to Law

7 The Assistant Judge upon
receiving the record of the enquiry from the
Magistrate, will be pleased to inspect the
same and after ordering any further evi-
dence that may seem to him to be
necessary will finally submit the entire
record of the case with his opinion for the
consideration of the Surveyor General which

8 As the allegations of the Petition
reflect in a most serious manner upon
the efficiency of the Magistrate (Superintendent
the Court of Requests Chittoor are fully assured
that whether the Petitioner be founded in
fact or utterly groundless the Acting Magis-
trate will enter upon the proceedings
invested with the determination to sift the matter
to the bottom, and that he will be found

time nor repetition in order that justice may
be fully done to all parties

9 The Acting Magistrate will
observe that the Petitioner has expressed a
wish that Mr Phillips should investigate
the cases, a course of proceeding to which
the Court see no objection provided it meets
the approval of that Officer

Ordered that Extract from
these Proceedings be sent to the Session
Judge of Chittoor for his information and
guidance by precept returnable within
30 days from and after its receipt

Ordered also that Extract from
these Proceedings be furnished to the Petitioner
on her application

Sent the
Work
by

22nd September 1865.

relative servants accused of the Offences and
therefore merely remark that of the enquiries
must upon them if the Petitioner should be
established in the course of the enquiry now
about to be instituted regarding the robbery
of her property all persons so convicted
of corrupt and irregular practices must
be dealt with according to Law

7 The Crown Judge upon
receiving the record of the enquiry from the
Magistrate, will be pleased to suspend the
same and after ordering any further steps
in relation that may seem to him to be
necessary will finally sanction the entire
record of the case with his opinion for the
consideration of the Lieutenant Governor

8 As the allegations of the Petitioner
reflect in a most serious manner upon
the efficiency of the Magistrate (Mr Justice)
the Court of Enquiry should be fully assured
that whether his functions be founded in
fact or utterly groundless the Acting Magis-
trate will enter upon the ground
vacated with the determination to sift the matter
to the bottom, and that he will be found neither

22nd September 1865.

time nor exertion in order that justice may
be fully done to all parties

9 The Acting Magistrate (Mr Wells)
observes that the Petitioner has expressed a
wish that Mr Phillips should investigate
the cases, a course of proceeding to which
the Court see no objection provided it meets
the approval of that Officer

Ordered that Extract from
these Proceedings be sent to the Session
Judge of Chittoor for his information and
guidance by precept returnable within
30 days from and after its receipt

Sent following precept No 1650

Ordered also that Extract from
these Proceedings be furnished to the Petitioner
on her application

F. M.

Tuesday,
23rd September, 1845.

At a Court of the Fouzdaree Adalut

Present,

The G. J. Waters, Esqr. 1st Puisne Judge,
M. Lewin, Esqr. 2d Puisne Judge,
Mr. Dir. T. C. J. Boileau, Esqr. 3d Puisne Judge,

Read Calendar under
date the 4th Instant of Case No. 203
of 1845 on the file of the Sessions
Court of Tinnevelly.-

Vide enter F. M. No. 2602/-

The 1st, 2d and 3d Prisoners
1. in this case were charged with having
broken into a Pagoda by opening the
locks of the doors with false Keys
and Stolen therefrom gold and Silver
ear Jewels valued at Rupees 2857-6-6;
and the 4th Prisoner with having
been in Possession of a portion of
the property in question knowing it
to have been Stolen.—

The evidence adduced
2. against the prisoners being sufficient
to

to this conviction the 1st, 2nd and 3rd prisoners were sentenced to 7 years rigorous imprisonment with hard labor in irons, the authority quoted for such sentence being Columns second and fifth, Section II Regulation VII of 1822 and Columns first Section V Regulation XV of 1803.—

3. An additional sentence of stripes was passed upon the 1st prisoner.

4. A similar sentence of Imprisonment was awarded to the 4th prisoner under the provisions of Clause second Section IV Regulation VII of 1822.—

5. On a consideration of the circumstances of the case as represented in the Calendar the Court observe that the provisions of Regulation XV of 1803, and VII of 1822, are inapplicable to the cases of the 1st, 2nd and 3rd prisoners.—

6. The two last objections made by the Law Officer

should have been removed by a second question, and sentence passed under Section XXI Regulation VIII of 1802.—

7. The Sessions Judge will now be pleased to adopt this course, and will in future be more careful in his application of the Regulations.

8. Ordered, that Extracts from these proceedings be sent to the Sessions Judge of Tinnevelly for his information and future guidance by precept, returnable within X days from and after its receipt.—

Sent following precept No 1652

F. 116.

Wednesday, 24th September 1845.

At a Court of the Foujdaree Adalut

Present,

G. J. Waters, Esqr. — 1st Puisne Judge,

M. Lewin, Esqr. — 2d Puisne Judge,

T. C. J. Boileau, Esqr. 3d Puisne Judge,

Read return dated the 3rd Instant from the Session Judge of Tellicherry to the precept of the Foujdaree Adalut dated the 23rd Ultimo calling for translations of the depositions of the prisoners and witnesses in Case No. 15 of 1845 on the Calendar of the Session Court in order to enable the Court of Foujdaree Adalut to judge of the propriety of adopting the suggestion of the Session Judge to admit as an approver the 2nd prisoner in the case in question. —

Here Enter No. 2599/-

1. The Session Judge with his return, submits the depositions called

24th September 1845

called for and stated that the 2d prisoner now withdraws her confession of the murder which he made on her arraignment before the Supreme Court and which he alleges was made in consequence of Lieutenant Tennant's threats & promises.

2. Under these circumstances the Court are of opinion that no advantage could be attached to any statement which might be made by the 2d prisoner in the event of her ceasing to become an approver, and on perusal of the depositions which have been taken in the case the Court entertain no doubt that any homicide has been committed.

3. The Court accordingly refuse to sanction the admission of the 2d prisoner as an approver in the case.

Ordered, that Colonel Jones transmit these proceedings to the Supreme Judge of Tobago for his information

F. W.

Thursday,
25th September, 1845. At a Court of the Fouzdaree Adalut

Present,

G. J. Waters Esqre. ——— 1st Puisne Judge,
Malcolm Lewin Esqre. —— 2d Puisne Judge,
T. R. I. Boileau Esqre. — 3d Puisne Judge,

Read return under date the
6th Instant from the Agent to the Governo
of Fort St. George at Kurnool to the prece
of the Fouzdaree Adalut dated the 23d
Ultimo calling for explanation on
certain cases in the Criminal Reports
submitted for the Month of July last.

(Here enter F. W. No. 2618)

1. The Agent states in his retur
that the date of the last proved offence
involved in the sentences in the case
No. 23 noted marginally cannot be ascertained
with precision; and explains that the
reopening the evidence for the prosecution
in Case No. 28 consisted merely in asking
the Prosecutor what he had to say to an
allegation made by the 5th Prisoner that

enmity

F. W.

Thursday,
25th September, 1845. At a Court of the Foujdaree Udalut

Present,

G. I. Waters Esqr. ——— 1st Puisne Judge
Malcolm Lewin Esqr. ——— 2d Puisne Judge
T. E. I. Boileau Esqr. ——— 3d Puisne Judge

Read return under Date the 6th Instant from the Agent to the Governor of Fort St. George at Kurnool to the precept of the Foujdaree Udalut dated the 23d Ultimo calling for explanation on certain Cases in the Criminal Reports submitted for the month of July last.

(Here enter F. W. No 2618)

No 23

1. The Agent states in his return that the date of the last proved offence involved in the Sentence in the Case noted marginally cannot be ascertained with precision; and explains that the postponing the evidence for the prosecution in Case No 28 consisted merely in asking the Prosecutor what he had to say to an allegation made by the 1st Prisoner that the country

F. W.

Thursday,
25th September, 1845. At a Court of the Foujdaree Udalut.

Present,

G. J. Waters Esqre. ——— 1st Puisne Judge.
Malcolm Lewin Esqre. — 2d Puisne Judge.
T. R. L. Boileau Esqre. — 3d Puisne Judge.

Read return under Date the 6th Instant from the Agent to the Governor of Fort St. George at Kurnool to the proceedings of the Foujdaree Udalut dated the 23d Ultimo calling for explanation on certain cases in the Criminal Reports submitted for the Month of July last.

(Here enter F. W. No. 2618)

No. 23. 1. The Agent states in his letter that the date of the last proved offence involved in the Sentences in the Cases noted marginally cannot be ascertained with precision; and explains that the postponing the evidence for the prosecution in Case No. 28 consisted merely in asking the Prosecutor what he had to say to an allegation made by the 1st Prisoner that he

enmity

25th September 1845

25th September 1845

and after the receipt

(Sent following precept No 1660)

Read Calendar under date the

9th Instant of Case No 33 of 1845 on the

file of the Session Court of Madura

(Here enter T.U. No 2633)

The Prisoners in this Case

were charged with having in company

with 7 other individuals not yet appre-

hended, attempted to steal heaped corn

and with having assaulted and robbed

of their Clothes the Prosecutor and the 1st

who were keeping watch over

the corn in question.

The evidence adduced against

2d the Prisoners being sufficient for their

conviction they were sentenced by the

Acting Session Judge to 14 years im-

prisonment with hard labour in iron

the authority quoted for such sentence

being Clauses third and fifth Section XV

Regulation XV of 1803.

The Court observe that Clause

3 fifth of the Section cited is inapplicable

to the jurisdiction of the Sessions Judge

and

3d Septr 1845

Read Calendar under date the 9th Instant of Case No 33 of 1845 on the file of the Session Court of Madura

(Here enter T.U. No 2633)

The Prisoners in this Case were charged with having in company with 7 other individuals not yet apprehended, attempted to steal heaped corn and with having assaulted and robbed of their Clothes the Prosecutor and the 1st who were keeping watch over the corn in question.

The evidence adduced against the Prisoners being sufficient for their conviction they were sentenced by the Acting Session Judge to 14 years imprisonment with hard labour in iron the authority quoted for such sentence being Clauses third and fifth Section XV Regulation XV of 1803.

The Court observe that Clause fifth of the Section cited is inapplicable to the jurisdiction of the Sessions Judge and

25th September 1845

and that he had instigated the 1st Prisoner to commit that Offence

2 The Agent to the State has stated that the 3d and 4th Prisoners must on the conviction of the 1st Prisoner of the first Charge the Sentence of the Session Judge if passed

3 With reference to the Sentence of the Cases adverted to in the Agent's letter the Court direct that the Prisoners be sent forthwith, unless the Agent can shew that the Sentence passed against them was committed subsequently to the Establishment of the Agency

By Order to the Application offered for the Confirmation of the Sentence for the prosecution in Case 28 after the defence had been taken the Court direct that no circumstances can justify the adoption of such a measure

Ordered that 8 Copies of these Proceedings be sent to the Agent to the Governor of Fort St George and that for his information and future guidance

5th September 1845.

and should not these facts have been
quoted in support of the sentence passed
in this Case?

The Acting Session Judge
will be pleased to correct this error.

Ordered that a Extract from
these Proceedings be sent to the Acting
Session Judge of Madura for his infor-
mation and guidance by first opportunity
within 5 days from and after the receipt
(Sent following) from fol. No 1661

Read Calendar on Case No 53
of 1845 submitted by the Session Judge of
Cuddapah

(Here enter No 2620)

The above Calendar not having
any remark from the Court of Sudder Adawlut

Ordered that a Extract from
these Proceedings be sent to the Session
Judge of Cuddapah for Re-information

(Sent in No 1662)

W.H.
W.

F. N.

Friday,
26th September 1845.

At a Court of the Foujdaree Adalut

Present.

G. J. Waters, Esqre — 1st Puisne Judge.
M. Lewin, Esqre — 2nd Puisne Judge.
T. C. J. Boileau, Esqre — 3rd Puisne Judge.

Read Report under date
the 9th Instant of cases tried by the
Magistracy of South Arcot under
the provisions of Section LIV Act VIII of
1843 during the month of August 1845.

(Here enter F. N. No 2620)

Report No V.
Case No 22.

1. The prisoner in this case
was charged with having entered the
Prosecutor's house by getting over the
roof with the intention of committing
theft, and was sentenced to three
months imprisonment with hard
labour without irons under Section VII.
Regulation X of 1816.—

2. The manner in which
the prisoner in this case effected
his entry into the house of the

Prosecutor

26th September 1845.

Prosecutor has been unable to constitute 'Breaking', the case therefore would be beyond the jurisdiction of the Magistrate not being punishable under the provisions of the Regulation so quoted.—

3. The Court accordingly resolve to cancel the sentence awarded by the Acting Magistrate in charge who will be pleased to commit the case for trial before the Criminal Court.—

Ordered, that Extract from these proceedings be sent to the Acting Joint Magistrate in charge of South Sylhet for his information and guidance by prompt return thereof within x days from and after the receipt.—

Sent following prompt. No. 1845

Read Commt's Report under date the 1st Instant submitted by the Subordinate Judge of Chittagong for the month of August 1845

Where Entd. Vol. No. Page

26th September 1845.

Case No. 128. 1 In order to judge of the propriety of the disposal of this case the Court desire to be informed in what manner the prisoner effected his entry into the Prosecutor's house.

2 The Court observe that this case in which the prisoner was charged with having stolen a purse valued at 6 piece which formed the sealed envelope of the padlock of a room, should have been disposed of by the Police there being no proof that the prisoner had any ulterior object in view beyond the possession of the article stolen.—

132

135 3. Adverting to the remarks recorded by the Subordinate Judge with reference to the commitment of the 1st and 2nd prisoners in this case the Court desire that the explanation therein referred to may be submitted by the Magistrate direct for the consideration of the Foujdaree Adalut.—

The

26th September 1845.

Prosecutor has been unable to constitute "Breaking", the case therefore was beyond the jurisdiction of the Magistrate not being punishable under the provisions of the Regulation cited.—

3. The Court accordingly resolve to cancel the sentence awarded by the Acting Magistrate in charge who will be pleased to commit the case for trial before the Criminal Court.—

Ordered, that Extract from these proceedings be sent to the Acting Joint Magistrate in charge of South Arcot for his information and guidance by prompt return of the within X days from and after date of receipt.

Sent following prompt. No. 1845

Read Criminal Report under date the 1st instant submitted by the Subordinate Judge of Chittoor for the month of August 1845

(Three Cases)

26th September 1845.

Case No. 128. 1 In order to judge of the propriety of the disposal of this case the Court desire to be informed in what manner the prisoner effected his entry into the Prosecutor's house.

132 2 The Court observe that this case in which the prisoner was charged with having stolen a purse valued at 6 pice which formed the sealed envelope of the padlock of a room, should have been disposed of by the Police there being no proof that the prisoner had any ulterior object in view beyond the possession of the article stolen.

135 3. Adverting to the remarks recorded by the Subordinate Judge with reference to the commitment of the 1st and 2nd prisoners in this case the Court desire that the explanation therein referred to may be submitted by the Magistrate direct for the consideration of the Foujdaree Adalut.—

The

26th September 1845.

145. 4. The Court considers the explanation offered for the delay which has occurred in the transmission of this case to the Criminal Court to be unsatisfactory.—

5. The Acting Magistrate will be pleased to adopt measures with a view of the prevention of similar delay in future.

146. 6. On a perusal of the remarks recorded on this case by the Moofty Sudr Ameen the Court see reason to doubt the propriety of the conviction of the 1st prisoner and accordingly resolve to direct the Sessions Judge to review the case and to pass such order thereon as may seem to him to be proper, reporting the same for the information of the Foujdaree Adalut.

1147 7. Adverting to the rule laid down in the Circular Order noted marginally the Court observe that the nature of the reference made in this case by the Police to the

Circular Order 30th Dec. 1829.

26th September 1845.

Acting Joint Magistrate should have been stated.—

8. The Acting Magistrate will be pleased to supply the required information by a direct communication to the Foujdaree Adalut.

149. 9. With reference to the commitment of this case the Subordinate Judge remarks that "the Acting "Joint Magistrate stated no grounds "for committing the Prisoner and merely "quoted the Circular Order of the "Foujdaree Adalut No 152 which "in the opinion of the Subordinate "Judge does not apply in any way to "the case."—

10. The Acting Joint Magistrate is therefore enjoined to be more careful when committing prisoners for trial in ascertaining that there are good and sufficient grounds for their commitment.—

Ordered, that Extract from these Proceedings be forwarded to

6th Letter Inward

26th September 1845

to the Subordinate Judge of Chittur
for his information and for communi-
cation of paras 3, 4, 5, 7, 8, 9 and 10 to
the Acting Magistrate of North
Arcot by prompt returnable on this
XV days from and after its receipt
Sent following prompt No 1866

Ordered also, that Extract
of para 6 of these Proceedings be
forwarded to the Sessions Judge of Chittur
for his information and guidance by
prompt returnable within XV days
from and after its receipt
Sent following prompt No 1867

End 4th

F. U.

Saturday,
27th September, 1845. At a Court of the Foujdaree Udalut

Present,

The George I. Waters Esqre 1st Puisne Judge
Mr Malcolm Levin Esqre 2d Puisne Judge
Mr T. E. J. Boileau Esqre 3d Puisne Judge

Read return dated 9th
September 1845 from the Subordinate Judge
of Calicut to the precept of the Foujdaree
Udalut of the 3d idem, conveying their
remarks and orders on the Calicut
Criminal Reports for the month of July
last-

(Here enter F. U. No 2669 of 1845)

The Court of Foujdaree Udalut
being unable to understand from the
proceedings forwarded with this return
the nature of the evidence on which the
punishment of 60 stripes was inflicted
on the convicts therein alluded to, resolve
to direct the Subordinate Judge to submit
an English translation of the evidence
taken before the punishment was awarded

(and

27th September 1845

and also to explain the nature of the proceedings held by him in the Cases—

Ordered that Extract—

from these Proceedings be sent to the Subordinate Judge of Chittoor for his information by first conveyance & returnable in 6 days from and after its receipt.—

Sent following Precepts Nos 169

Read Calendar of Cases No 32 of 1845 submitted by the Acting Sessions Judge of Madura under date the 6th instant (Vide Letter No 266)

1. The 6 prisoners in this case are charged with having in company with the Prisoner in Calendar No 28 of 1845 of the Sessions Court and others not yet apprehended, forcibly robbed the Possession of the Sheep valued at Rupees 12

2. The Acting Sessions Judge concurring in the Verdict of the Law Officer sentenced the whole of the Prisoners to fourteen years imprisonment with hard labour in irons under Clauses 1st and V Section IX Regulation

27th September 1845

and observes that there are no mitigating circumstances regarding these Prisoners as they were armed with sticks

3. It does not appear that the prisoners in this case attempted to use their sticks and if hardened offenders it is hardly to be supposed that they would have abandoned the sheep as they are shewn to have done.—

4. The Court are therefore unable to discover any circumstances of aggravation in this case which would warrant the infliction of a severer punishment than that passed in Case No 28 and accordingly revolve under the power vested in them by the provision of Section XXXV Act VII of 1843 to direct the Acting Sessions Judge to reduce it to the extent awarded in that case viz to 8 years.—

Ordered that Extract from these Proceedings be forwarded to the Acting J

27th September 1845

Acting Sessions Judge of Madura for his information and guidance.—

(Sent in № 1670)

Read again Sessions Court Report for July 1845 submitted on the 1st Instant by the Sessions Judge of Nellore.—

(Here enter № 2730 of 1845)

The Court of Foujdaree Udalut desire to be informed under what circumstances the transmission has been delayed, of the record of the trial noted marginally, which, it is observed, was set down for reference to this Court on the 25th July 1845, since which a period of two months has elapsed.—

Case No 13 of 1845.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Nellore by precept returnable within X days from and after its receipt.—

(Sent following Precepte №)

Read Calendar of Cases № 31 of 1845 submitted under date the

27th September 1845 last by the Acting Sessions Judge of Madura.—

(Here enter F. U № 2423 of 1845)

The Court of Foujdaree Udalut seeing reason to question the propriety of the manner in which this case has been disposed of, resolve to direct the Acting Sessions Judge to submit an English translation of the record of it with the least practicable delay.—

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Madura by precept returnable in XXX days from and after its receipt.—

(Sent following precepte №)

Read Criminal Reports under date the 12th Instant submitted by the Principal Sudr Ameen of Trichinopoly for the month of August 1845 (Here enter F. U № 2678 of 1845)

Case No 95

The prisoners in this case were charged with assault and were sentenced to three months imprisonment with

27th September 1845 with hard labor in irons.

2 Subsequently however under orders received from the Acting Sessions Judge the period of imprisonment awarded was reduced to one month on the ground that the pain inflicted on the prosecutrix was caused accidentally

3. The Acting Sessions Judge will be pleased to state under what construction of the Law he has considered himself authorized to visit with punishment an act proved to have been purely accidental, which punishment the Court would immediately order to be remitted did they not observe that the period of imprisonment awarded, has already expired.—

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Chittoor for his information by Peon's post within X days from and after the receipt

(Sent following Peon's post

Monday

27th September 1845

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

(Sent in No. 1674)

No return having been received from the Subordinate Judge of Chittoor to the precept of the Tonjaore Vakeel under date the 2nd Ultimo conveying their observations and orders on the Criminal Reports of this Court for the month of June 1845.—

Ordered that the Subordinate Judge of Chittoor be required to make a return to the precept aforesaid within five days.—

(Sent in No. 1675)

Read letter dated 16th Instant from the Sessions Judge of Mangalore submitting for the final sentence of the Tonjaore Vakeel, the proceedings in Case No. 75 on the Calendar for 1845.—

(Have entered F. C. No. 2729.)

The Court of Tonjaore Vakeel

Messrs Goodwin Masters and Mr Lewin

97th September 1845

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

Purdeby

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.

(As the following letter No 1576)

Monday
29th September 1845

F. R.

At a Court of the Foujdaree Adalut

Present

Seen G.S.W. G. F. Waters Esqr. 1st Puisne Judge

Seen G.P.L. M. Lewin Esqr. 2nd Puisne Judge

Seen Bell T. E. J. Boileau Esqr. 3rd Puisne Judge

Read Calendar of Case No 39 of 1845 on the file of the Session Court of Salem under date the 3rd Instant.—

(Here enter F. R. No 2579)

The prisoners in this case were charged with having stolen two sheep from the Prosecutor's cattle fold and with having wounded the Prosecutor by striking him with a stick.—

2. Two technical objections raised by the Law Officer, the 1st having reference to the nature of the evidence and 2nd declaring that "Ged" was barred in consequence of the value of the property stolen not amounting to the Rupee having been removed by questions put by the Session Judge the prisoners were sentenced to 14 years imprisonment with hard labor in irons under the provisions of Section XXI Regulation VII of 1802.—

Adverting

29th September 1845.

laid to the charge of the prisoner in this case, which consisted in defrauding the Prosecutor of gold of 8 fanam weight, on the occasion of his melting and weighing for the Prosecutor certain gold ear rings.—

Case No. 85

2. The charges preferred against the prisoner in this case having reference to offences committed

C.C. 25th July 1829.

on different dates, should have been entered as two separate cases.—

3. The remarks recorded by the Principal Sudr Ameen in this case are unnecessarily detailed, and the insertion of copy of the sentence passed by the assistant Magistrate was irregular.—

4. The attention of the Principal Sudr Ameen is directed to the rule laid down in the Circular

C.C. 16th Nov.r 1831.

Order noted marginally, in which Criminal Judges are required in framing their Reports to make a concise but distinct note of their sentence upon each case.—

Ordered, that Extract from these Proceedings be sent to the Principal Sudr Ameen of Coimbatore for his information and future guidance.—

(Sent in Wr.

Read Calender of Case No. 20 of 1845, submitted under date the 13th Instant by the Sessions Judge of

3. According to the provisions of Second Section II Regulation XV of 1803 the Court [illegible] that the prisoners in this case who were convicted of robbery and declared by the Law Officer to be liable to Corporal punishment should have been sentenced under Clause 2 Section IV Regulation XV of 1803 which specifically provide for the punishment of that offence. The question first by the Sessions Judge on order to avoid the bar to Flogging ordered by the Law Officers was therefore unnecessary.—

4. The Sessions Judge will be pleased to amend the sentence recording the same as ordered under the provisions of the Law above quoted.—

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Salem for his information and guidance by Straight returnable within 7 days from the date of its receipt.—

(Sent following Straight Pkt

Read Criminal Report under date the 31st Ultimo, submitted by the Principal Sudr Ameen of Coimbatore for the month of August 1845.

(Receipt No. 2629)

Case No. 84

The term "Servant" should be applied to offenders not in subjection to the [illegible]

29th September 1845.

of Nellore.—

(Here enter F. D. No. 2655 of 1845)

1. The Sessions Judge having deferred from the opinion of the Law Officer as to the guilt of the 6th prisoner in this case, it becomes necessary under the provisions of Section XXII Regulation VII of 1802, that the record of the trial should be laid before the Court of Foujdaree Udalut.—

2. The Sessions Judge will accordingly be pleased to transmit an English translation of the case with the least practicable delay.—

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

(Sent following Precept No.)

Read the Criminal Reports dated the 31st Ultimo, submitted by the Sessions Judge of Chicacole for the month of August 1845.

Case No. 12

1. The prisoner in the case (Here enter No. 2657) having effected his entry into the Prosecutor's room by means of a false Key, which is technically known by the latter term should have been affixed as a heading to the statement of the charge preferred against him.—

F. D.
29th September 1845.

Case No. 13.

No. 139

2. Adverting to the rule laid down in the Circular Order noted marginally, the Court observe that the sentence of imprisonment passed upon the prisoner in this case should have been in excess of Six Months.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Chicacole for his information and future guidance.—

(Sent in No.)

Read Criminal Reports under date the 8th Instant, submitted by the Principal Sudder Ameen of Masulipatam for the month of August 1845.

(Here enter F. D. No. 2630)

1. From the column appropriated to the "dates of the apprehension of prisoners" it would appear that the prisoners in this case had been apprehended on the 7th of July, whereas in the abstract of the charge it is stated that the offence was committed on the 17th idem.—

2. In addition however to this apparent discrepancy, which may have been merely the result of a clerical error, the Court with reference to the abstract of the evidence see reason to question the propriety of the disposal of the case, and resolve

29th September 1825.

of Nellore.—

(Here enter F. D. No. 2655 of 1825)

1. The Sessions Judge having deputed from the opinion of the Law officer as to the guilt of the 6th prisoner in this case, it becomes necessary under the provisions of Section XXII Regulation VII of 1802, that the record of the trial should be laid before the Court of Foujdaree Udalut.—

2. The Sessions Judge will accordingly be pleased to transmit an English translation of the case with the least practicable delay.—

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

(Sent following Enclosure &c.)

Read the Criminal Reports dated the 31st Instant, submitted by the Sessions Judge of Chittoor for the month of August 1825.—

Case No. 12

1. (Here enter No. 2657) The prisoner in this case having effected his entry into the Prosecutor's room by means of a false key, which is technically known by the latter term should have been affixed as a heading to the statement of the charge preferred against him.—

29th September 1825.

Case No. 13.

No. 139

F. D.

2. Adverting to the rule laid down in the Circular Order noted marginally, the Court observe that the sentence of imprisonment passed upon the prisoner in this case should have been in excess of Six Months.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Chicacole for his information and future guidance.—

(Sent in &c.)

Read Criminal Reports under date the 8th Instant, submitted by the Principal Sudr Ameen of Masulipatam for the Month of August 1825.

(Here enter F. D. No. 2630)

From the column appropriated to the "dates of the apprehension of prisoners" it would appear that the prisoners in this case had been apprehended on the 7th of July, whereas in the abstract of the charge it is stated that the offence was committed on the 17th idem.—

2. In addition however to this apparent discrepancy, which may have been merely the result of a clerical error, the Court with reference to the abstract of the evidence see reason to question the propriety of the disposal of the case, and resolve

resolve to direct the Acting Sessions Judge to call up the record, and to pass such orders as may seem to him to be proper, reporting the same for the information of the Tanjaure Udalut.

Ordered, that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Masulipatam for his information and guidance by precept returnable within XX days from and after its receipt.

(Sent following precept No.

Ordered also, that Extract from these Proceedings be forwarded to the Principal Sadr Amin of Masulipatam for his information.

Sent in No.

Read again Miscellaneous Petition presented on the 15th August last by Nooney Narien father of Mootoosammy Narien, complaining of the sentence of 2 Years imprisonment with hard labor in irons passed on Case No 9 of the Prohibitory Calendar of 1845, by the Officiating Sessions Judge, on his son in consequence of an false charge of Coining at the instigation of Comar ... prefered

against him, and praying the Court to annul the sentence, and order the restoration of his son to the situation of Duffadar in the Jail-

(Here enter J.R. M.P. No. 143 of 1845)

Read also return dated 19th September 1845 from the Officiating Sessions Judge of Trichinopoly, to precept of the Tanjaure Udalut of 8th idem, forwarding Copy of the above petition to the Officiating Sessions Judge, and directing him to state whether any of its contents lead him to doubt the correctness of the sentence passed on the prisoner Mootoosammy Narien.

(Here enter J.R. No. 2785)

The acting Sessions Judge reports that the statements contained in the above Petition are directly opposed to the evidence given before the Sessions Court, and that nothing advanced therein in any way leads him to doubt the correctness of the sentence passed on the prisoner.

The Court of Tanjaure Udalut having

29th September 1855.

having perused the allegation contained in the Petition, and duly weighed the return of the Acting Sessions Judge, and the abstract of the case given in the Calendar, see no reason for doubting the propriety of the sentence complained against.

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

From communication made) date the 20th ulto from the Sessions Judge of Mangalore, submitting the record in case No 37 of 1855 on the file of the Sessions Court & the final sentence of the Court of Sunjdaree Udalut.

(Here enter F.H. No 3 of 55)

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

W.G.J. Waters
W.T.B. Liddon

F. H.

29th September 1855

prisoner

Haryja.

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

Adverting to the very meagre and insufficient information afforded in the letter of the Sessions Judge, which accompanied the Record of this case, the Court observe that communications of this nature should be complete in themselves, stating the names of the Prosecutor and Prisoner, the manner in which the Offence charged, was committed, together with a short summary of the evidence generally, and a detail of that part on which the opinion of the Sessions Judge in respect of the guilt or innocence of the accused party, rests, so as to give the Judges of the Sunjdaree Udalut a general

C.O. No 108.

insight

insight into the circumstances of the case; before entering upon the consideration of the Record, which may be materially facilitated by the perusal of the Sessions Judge's letter, it is prayed in accordance with the above observations.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Manzalore for his information and future guidance.

(Sent following letter No)

Read Miscellaneous Petition presented on the 26th August 1846 by Abdool Kareem of the Zillah of Coimbatore.

(Here enter S.M.P. No 159 of 1846)

The Petitioner recapitulates his former services, and the rewards bestowed on him at different times, when fully into the circumstances which led to his suspension from the office of Peishar of Tachanary, holds by him, complains of the great injustice of the punishment, states that he had appealed without effect to the Sessions Court, and prays the Court of Sudder to call for certain documents

Order his immediate restoration to his situation.

The Court having fully considered the circumstances stated in the Petition and the papers which accompanied it, see no reason for their interference in behalf of the Petitioner.

Ordered, that the prayer of the Petition be rejected, and that copy of these proceedings be furnished to the Petitioner on his application.

Read Miscellaneous Petition presented by Sooba Row late Tahsildar of Ranor in the Zillah of Coimbatore.

(Here enter S.M.P. No 159 of 1845)

The Petitioner merely repeats the prayer of his Petition No 86 of 1845, which was rejected by this Court's proceedings of the 23d June last.

The Court see no reason for modifying their order above quoted, to which the Petitioner is referred and informed that it is final.

Ordered, that Extract be

granted

9th September 1845

[illegible] to the Petitioner on his application

Read Miscellaneous Petition presented on the 26th August last by Madura of the zillah of Madura.

(Here enter P.C. M.P. No 186 of 1845)

The Petitioner complains of the sentence passed on his son in Criminal Case No 65 of 1845 on the file of the Subordinate Court of Madura, wherein the prisoner was charged with housebreaking, and was on conviction sentenced by the acting Sub Ameen Arunachella Pillay to five years imprisonment with labor in irons, and to receive 150 lashes.

He declares that the acting Sub Ameen was convinced of the innocence of his son, yet that under the influence of a bribe of 200 Rs he adjudged the above punishment against his better judgement, and after dwelling much on the misfeasance of the said acting Sub Ameen, he prays the Court to cancel the sentence and dismiss Arunachella Pillay from the public service.

P.C.

29th September 1845

The Court of Foujdaree Udalut see no reason to question the justice of the conviction of the prisoner, or the propriety of the sentence passed upon him. They decline therefore interfering in the Case.

They would however warn the Petitioner against indulging in unfounded aspersions of the Character of public officers.

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

Read Miscellaneous Petition presented on the 28th July 1845, by Chenna pellay of the zillah of Salem.

(Here enter P.C. M.P. No 139 of 1845)

The Petitioner, who represents herself to be the daughter and sister in law of the two prisoners in Case No 90 of 1845, on the Salem Calendar for the current year, complains of the sentence passed in

29th September 1845.

we that case, and prays the Court to call for the records and annul the sentence.

The record of the case has been under the consideration of the Sessions Udalut, and they see no reason for disturbing the sentence passed in it.

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

Read Calendar of Case No 1925 of 1845 submitted by the Sessions Judge of Bellow, under date the 18th Instant.

(Here enter No 2697)

1. Three Persons in this case are charged on the 1st Count, with having robbed the Prosecutor by open violence of a purse containing gold and silver ornaments valued at Rupees 42-2-, which he had tied to his waist, and wounded the Prosecutor with a knife on the upper part of his right wrist holding his weekend mark and

29th September 1845

the 2d Count with having stolen from his waist a purse containing gold and silver ornaments valued at Rupees 42-2-, and then wounded him on the hands.

2. The 1st prisoner was convicted of receiving stolen property acquired by robbery knowing it to be stolen, and the 2d and 3d were convicted of the crime of robbery.

3. The Sessions Judge accordingly sentenced the 1st Prisoner to imprisonment and hard labour for (14) fourteen years, under Clause second Section II Regulation VI of 1822, and the 2d and 3d Prisoners each to imprisonment and hard labour for fourteen (14) years under clause third Section II Regulation XV of 1803, and Clause first Section II Regulation VI of 1829.

4. Adverting to the circumstances of the Case, the Court of Sudder Udalut are prepared to take into their favorable consideration, any recommendation for mitigation

we that case, and prays the Court to call for the record and annul the sentence.

The record of the case has been under the consideration of the Sudder Udalut, and they see no reason for disturbing the sentence so passed on it.

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

Heard Calendar of Cases No. 22 of 1845 submitted by the Sessions Judge of Nellore, under date the 15th Instant.

(True extract No. 2657)

1. Three Prisoners in this case are charged on the 1st Count, with having robbed the Prosecutor by open violence of a purse containing gold and silver ornaments valued at Rupees 42-2-, which he had tied to his waist, and wounded the Prosecutor with a knife on the upper part of his right wrist holding his weapon in his left hand

the 2d Count with having stolen from his waist a purse containing gold and silver ornaments &c. valued at Rupees 42-2-, and then wounded him on the hand.

2. The 1st prisoner was convicted of receiving stolen property acquired by robbery knowing it to be stolen, and the 2d and 3d were convicted of the crime of robbery.

3. The Sessions Judge accordingly sentenced the 1st Prisoner to imprisonment and hard labour for (14) fourteen years, under Clause second Section IV Regulation VI of 1822, and the 2d and 3d Prisoners each to imprisonment and hard labour for fourteen (14) years under clause third Section IV Regulation XV of 1803, and Clause first Section IV Regulation VI of 1829.

4. Adverting to the circumstances of the Case, the Court of Sudder Udalut are prepared to take into their favorable consideration, any recommendation for mitigation

9th September 1845

of punishment which the Sessions Judge may upon a reperusal of the case, see grounds to offer in behalf of the 1st Prisoner, provided it does not appear that he knew of the Petty aggravation, which attended the robbery.

5 The Court further observe that the reasons count entered in this Calendar was unnecessary, and they consider the Practice of adopting the mere technicalities of the English Law observed in some of the Courts, to be at variance with the intention of the Legislature, and likely to be brought into contempt.

6. It is observed that the trial of this case closed on the 3d September the Sessions Judge will accordingly be desired to explain, why sentence was not passed on it till the 13th idem.

Ordered, that a Extract from the Proceedings be sent to the Sessions Judge of Nellore by precept returnable in VII Days

F. C.

9th September 1845

from and after its receipt.

(Sent following precept No.)

Read Calendar of Case No 10 of 1845, submitted by the Sessions Judge of Chicacole under date the 3d Ultimo.

(Here enter F. C. No. 2720)

The prisoners in this case were

1. charged with having broken into the Prosecutors House, and stolen therefrom Gold and Silver Ornaments valued at Rupees 370 — 4 —, and were sentenced by the Sessions Judge to imprisonment with hard labor in irons for the respective periods of 5 and 4 years, under the provisions Clause fourth Section II Regulation VII of 1822.

2. An additional sentence of 150 Stripes was passed upon the 1st prisoner on the grounds of his being an old offender.

3. It has recently been ruled by the Court of Sudder Adalut that the provisions of the enactment above quoted are inapplicable to cases of Breaking and Theft unless attended with wounding or Corporal injury.

The

of punishment which the Sessions Judge may upon a reperusal of the case, see grounds to offer in behalf of the 1st Prisoner, provided it does not appear that he knew of the Petty aggravation, which attended the robbery.

5 The Court further observe that the reasons contained in this Calendar was unnecessary, and they consider the Practice of adopting the mere technicalities of the English Law observed in some of the Courts to be at variance with the intention of the Legislature, and likely to be fraught with much evil.

6 It is observed that the trial of this case closed on the 5th September the Sessions Judge will accordingly be pleased to explain, why sentence was not passed on it till the 12th idem.

Ordered, that a Copy of the Proceedings be sent to the Sessions Judge of Nellore by precept returnable in Days

F. W.
9th September 1845

from and after its receipt.

(Sent following precept No)

Read Calendar of Case No 10 of 1845, submitted by the Sessions Judge of Chicacole under date the 13th Ultimo.

(Here enter F. W. No. 2720)

The prisoners in this case were

1. charged with having broken into the Proceeutors dwelling house, and stolen therefrom Gold and Silver Ornaments valued at Rupees 370 -4-, and were sentenced by the Sessions Judge to imprisonment with hard labor in irons for the respective periods of 5 and 4 years, under the provisions Clause fourth Section II Regulation VII of 1822.

2. An additional sentence of 150 Stripes was passed upon the 1st prisoner on the ground of his being an old offender.

3. It has recently been ruled by the Court of Sudder Adalut that the provisions of the enactment above quoted are inapplicable to cases of Breaking and Theft unless attended with wounding or Corporal injury.

The

4. The Sessions Judge should therefore by a second question have ascertained the bar to Hubs which exists in a conviction by Jum-i-Ghatb, and should have proceeded upon the prisoners sentences of 7 years imprisonment with hard labor in irons, under section XXV Regulation VII of 1862.

5. The Sessions Judge will now be pleased to adopt this course, reporting the same for the information of the Tonjdaree Adalut.

Ordered that Extract from the Proceedings be sent to the Sessions Judge of Dinagepore for his information, by precept returnable within X days from and after its receipt.

(Sent following precept No.)

Read Criminal Reports under date the 12th Instant, submitted by the Principal Sudr Ameen of Goalpara for the Month of August last.

(Here enter D.O. No 2695)

Case No. 59

The remarks recorded by the Principal Sudr Ameen in this Case contain

no explanation of the delay of 6 days which occurred in its transmission to the Criminal Court.

2. The Acting Magistrate will be pleased to submit an explanation of the delay adverted to by a direct communication to the Court of Tonjdaree Adalut.

3. With reference to the Circumstances represented in the Statement of the Charge preferred against the prisoner in this case, the Court of Tonjdaree Adalut direct that Romicide be substituted as a heading, the term "assault" being in the opinion of the Court an insufficient designation of the charge.

Ordered, that Extract from these Proceedings be forwarded to the Principal Sudr Ameen of Goalpara for his information, and for communication of paras 1 and 2 to the Acting Magistrate by precept returnable within X days from and after its receipt.

(Sent following precept No.)

Read Return under date the

1st

29th September 1845.

1st Instant, of Criminal and Magisterial cases decided by the Acting Principal Assistant to the Agent to the Governor of Fort St. George in Ganjam, during the Month of August 1845, submitted by the Acting Agent.

(Here enter P.C. No. 2414)

Case No. 6.

1. The Prisoners in this case were charged with Forestalling Rice, in inducing certain Khonds proceeding to Jeypore & Boodah to deal with them, with intent to acquire fraudulent profits and to cause detriment to the Boodah Khond Fairs.

2. Adverting to certain orders regarding the Regulation of the Soodah Khonds Fairs passed by the Principal Assistant Agent, the Acting Principal Assistant Agent finds the Prisoners on various times, and places them severally under Recognizances of personal Security. The Authority quoted for such sentences being Section XXXII Regulation IX of 1816, and 6 Clause first Section 7 Regulation VII of 1827.

3. The Court fail to comprehend under what construction of the Law the Acting Principal

29th September 1845.

Assistant Agent has considered himself authorized under the regulations of the Madras Code, to treat the Act charged against the Prisoners as a Criminal Offence.

4. In directing the immediate annulment of the Sentences passed in this case, the Court desire that the Acting Principal Assistant Agent may be required to explain the grounds of his proceedings.

Ordered, that Extract from these Proceedings be sent to the Acting Agent to the Governor of Fort St. George in Ganjam, for his information, and for communication to the acting Principal Assistant Agent by precept returnable within XX days.

(Sent in No.)

The Vakeel T. Ramachendriah on behalf of Narrainu Chetty and Tondava Chetty moves the Court to return the Enclosures in Miscellaneous Petitions No. 103 and 104 of 1845.

Ordered accordingly

F.U.

Tuesday-

30th September, 1845. At a Court of the Foujdarree Adalut

Present

G. T. Waters Esquire — 1st Princl Judge

Malcolm Lewin Esquire — 2d Princl Judge.

T. C. T. Boileau Esquire — 3d Princl Judge.

Read Criminal Reports under date the 6th Instant submitted by the Princ-
-cipal Sud Ameen of Vizagapatam for
the month of August 1845.

/ Here Enter F.U. No. 2662 /

Case No 29. 1 The Prisoner in this case was
charged with escape when confined under
a requisition of Security for a period of
Six Months and was sentenced to one
years imprisonment with hard labor in
irons to commence at the expiration of
the orginal Sentence.-

Adverting to the circumstance
2 of the Prisoner having been orginally trans-
mitted to the Criminal Court merely on
default of giving security the Court co-
-sider the sentence severe and accordingly
directs

30th September 1845

Instant from the Sessions Judge of Bangalore submitting the record of the trial in Case No 60 on the Calendar for 1845.

/Dew Enter No 2720/

1 Nothing appears in the record to shew what has become of the 2d and 3d Prisoners, in regard to whom this Court have been put to the trouble of referring back to the Criminal Reports of the Subordinate Court by whom it is ascertained they were released.

2 The 1st Column of the report by the Police Officer shows that four Prisoners were originally on trial; as three only were sent to the Criminal Court, the absence of the fourth required explanation.

3 The record of the Police and Subordinate Courts Proceedings are made to differ from one packet in disregard of the injunctions contained in Circular Order dated 9th December 1819.

4 It would seem that before the

30th September 1845

directed that the period of imprisonment awarded for the "escape" be reduced to 6 months.

Case No 81

3 The grounds assigned by the Principal Sudr Ameen for the enhancement of sentence passed on the prisoner in this case do not in the opinion of the Sessions Judge, justify that officer in transgressing the rule laid down in the Circular Order noted in the margin, in which it is expressly declared that the period of imprisonment awarded in cases of House Breaking should be in excess of six months.

C. O. No 187

4 The Principal Sudr. Ameen will therefore be pleased to amend the sentence in this case in conformity with the existing rules.

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Bangalore for his information and guidance by prompt return mail within 8 days from and after its receipt.

/Sent Extract & Receipt No 1855/

Read letter dated the 16th

Police Officers a simple & precautionary Rule has been taken from the six members of the Inquest who sat on the body of the deceased.

Nos 4, 5, 11, 19, 22, 5
21, 24, 26, 25, 26, 27, 28
29, 31, 32, 33, and 36.

The purport mentioned as in margin, appertaining to the first report by the Police Officers have not been submitted to the Foujdaree Adalut; some also belonging to the 2d Report have been omitted to

Nos 2, 4, 5, 6, 7, 8, 9, 10, 11 and 12

The Bombay Circular Order dated 10th January 1840 Requiring that a Census of trials for Murder referred to this Court, all the proceedings should be laid before it, has not been observed.

7 In view to the Prevention of these irregularities, which the Superintendent will be careful henceforward to avoid, the Record remains with his letter under observation as ordered for Resubmission in a proper and complete form.—

8. The Superintendent will also specify in a Great letter now to be prefixed the name of the prisoner charged, the nature

nature of the offence imputed to him and that of the crime of which the Law Officers has convicted him.—

Ordered that Extract from these Proceedings be sent to the Superintendent Judge of Mangalore by precept returnable in Ten days from and after its receipt.—

(Sent following precept No 1685)

Read Criminal Reports submitted under date the 8th Instant submitted by the Principal Sudr Ameen of Sholapore for the Month of August 1845.

(Here enter F.C. No 2689)

The Principal Sudr Ameen

Con No 7

1 will be pleased to discontinue the practice of inserting native dates in the Criminal Reports which has been recommended by the Court of Foujdaree Adalut.

The use of the term "Burglary"

Nos 8 and 9

2 which is affixed as a heading to the statement of the charge preferred against the prisoners in these cases has repeatedly been denounced in the proceedings of the Foujdaree Adalut.

advertising

30th September 1845.

C.C. No 89

Adverting to the Sub Land Asst.
in the Circular Order noted marginally
the Court observe that the sentences of imprison-
ment passed upon the prisoners Thin and
which were awarded under the provisions of
Section II Regulation II of 1832 should have
been in excess of six Months.

Ordered that Extract from
these Proceedings be forwarded to the Pri-
cipal Sudr Ameen of Chittagong for his infor-
tion and future guidance.

/Sent in No 1696/

Read Criminal Reports under
date the 1st Instant submitted by the Subordinate
Judge of Rajahmundry for the Month of August
1845.

/Vide Cutcherry No 2635/

Con. No 46

The Subordinate Judge will be
pleased to amend the heading affixed to
the statement of the charge preferred against
the prisoner in this case by substituting
"House breaking" for "Burglary" the use of which
has been repeatedly unauthorized by this Court
of Foujdaree Adalut.

30th September 1845

Ordered that Extract from
these Proceedings be sent to the Subordi-
nate Judge of Rajahmundry for his information.

/Sent in No 1697/

Read Criminal Reports
under date the 31st Ultimo submitted by
the Principal Sudr Ameen of Cuttack
for the Month of August 1845

/Vide Cutcherry No 2708/

Con. No 46

C.C. No 62

1 Adverting to the rule laid
down in the Circular Order noted marginally
the Court desire to be informed of the
date in this case, which is assigned
as a cause of the delay in its transmission
to the Criminal Court

2 The Magistrate will be
pleased to furnish this information
by a direct communication to the
Court of Foujdaree Adalat.

Court No 62

3 The Court of Foujdaree Adalat
perceive reason to question the propriety
of the sentence passed in this case

resolves

pearles to direct the Superintendent to make up the Record, and to forward such orders as may appear to him to be proper upon receiving the same for the information of the Foujdaree Adawlut.

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Cuddalore for his information and for Communication of paras 1 & 2 to the Magistrate by peruns to be within XL days from and after the receipt following perwunnah No 1878/

Ordered also that Extract from these Proceedings (para 3) be sent to the Superintendent of Cuddalore by perwunnah to be returnable within XX days from and after its receipt.

(Sent following perwunnah No 1879/

Read Triennial Report under date the 9th Instant submitted by the Agent to the Governor of Fort St George at Vizagapatam for the Month of August 1845.

(True Extract Vide No 2059)

Case No 29.

C.O. 25th February 1829.

Adverting to the rule laid down in the Circular order noted marginally the Court observe that the charges preferred against the Prisoners in this case having reference to offences committed on different dates should have been entered as separate cases

Cases Nos 30. & 31.

2 The charges of "Theft" and "Escape" proved against the Prisoners in these cases should — with reference to the Circular order noted in the margin, have been separately disposed of, the sentences passed on his conviction of the latter being in addition to that awarded for the former offences.

C.O. 15th July 1829.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort Saint George at Vizagapatam for his information

to

30th September 1865

Case No 62.

That the prisoner be unconditionally released.

From the Columns appropriated to the dates of the apprehension of prisoners it would appear that the prisoner in this case had been apprehended on the 11th August, whereas he is stated in another Column to have appeared before the Police on the 3d idem.

The Court require an explanation of this apparent discrepancy and also with reference to the rule laid down in Circular Order noted in X Regulations the Court desire to be informed of the nature of the respective offences and the time and date by the Police to the assistant Magistrate which a copy of letter No 1702 to the transmission

C. O. No 62.

30th September 1865.

Case No 62.

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Case No 66.

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Case No 2100.

Case No 2101.

Case No 2102.

Case No 2103.

Case No 2104.

Case No 2105.

Case No 2106.

Case No 2107.

Case No 2108.

Case No 2109.

Case No 2110.

Case No 2111.

Case No 2112.

Case No 2113.

Case No 2114.

Case No 2115.

Case No 2116.

Case No 2117.

Case No 2118.

Case No 2119.

Case No 2120.

Case No 2121.

Case No 2122.

Case No 2123.

Case No 2124.

Case No 2125.

Case No 2126.

Case No 2127.

Case No 2128.

Case No 2129.

Case No 2130.

Case No 2131.

Case No 2132.

Case No 2133.

Case No 2134.

Case No 2135.

Case No 2136.

Case No 2137.

Case No 2138.

Case No 2139.

Case No 2140.

Case No 2141.

Case No 2142.

Case No 2143.

Case No 2144.

Case No 2145.

Case No 2146.

Case No 2147.

Case No 2148.

Case No 2149.

Case No 2150.

Case No 2151.

Case No 2152.

30th September 1845.

Cont.d from

5— The heading of "fraudulently" affixed to the statement of the charge in this case is an insufficient designation of the offence charged against the Prisoner which involves an accusation of murder—

6 The Court therefore direct that the heading of the charge may be amended as "Murder accompanied with fraud"—

7 The Court further direct that the second charge preferred against the Prisoner of having "fraudulently carried away property" may be more distinctly explained, the specific offence involved in this charge not being sufficiently apparent to the Court of Sudder Adalut

Cont.d No 66

as Ordered that the proceedings be sent to the Agent for alteration of charge & for examination by Panel, after which has been fully done and after the same shall that it be sent to the Sudder Adalut following paragraph No 8 of

30th September 1845.

Read letter dated the 15th Instant from the Agent to the Governor at Vizagapatam submitting the record of trial in Case No 17 of 1845 on the file of the Vizagapatam Agent's Court for the final sentence of the Foujdaree Adalut.

/ Here Enter FR No 2731 /

Mob. J. Waterfield
Mc 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,

"Thinchalandah Narsimharazu"

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, being hanged at the usual time and place of execution.

/ Sent following letter No 102 to the

crime /

30th September 1845.

Case No 70

5th The heading of "Grand" affixed to the statement of the charge in this case is an insufficient designation of the offence charged against the Prisoner which involves an accusation of Murder.

6 The Court therefore direct that the heading of the charge may be amended as "Murder accompanied with fraud".

The Court further direct that the second charge preferred against the Prisoner of having "fraudulently carried away property" may be more distinctly explained, the specific offence involved in this charge not being sufficiently apparent to the Court of Zeyd'aree Adalut.

Case No 66

ad Ordered that the Proceedings be sent to the Assistant for Amended Statement of Charge and for examination by Precept returnable

[illegible] has been fixed from and after the receipt that it be sent following precept No 402

Fe
30th September 1845.

Read letter dated the 15th Instant from the Agent to the Governor at Vizagapatam submitting the record of trial in Case No 17 of 1845 on the file of the Vizagapatam Agent's Court for the final sentence of the Zeyd'aree Adalut.

/ Here Enter Fe No 2781/

Mr. J. Walker and Mr. M. Lewin

The Court of Zeyd'aree 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,

"Chinchalandah Narsimharaw"

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, being hanged at the usual time and place of execution.

/ Sent following letter No 1702 to the Superintendent

crime

F.R.
30th September 1845.

Read letter dated the 15th Instant from the Agent to the Governor at Vizagapatam submitting the record of trial in Case No 17 of 1845 on the file of the Vizagapatam Agent's Court for the final sentence of the Foujdaree Adalat.

(Here Enter F.R. No 2731)

Mr G. S. Walters and Mr M. Lewin

The Court of Foujdaree 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,

The Court of Foujdaree Adalat being further of opinion that the Prisoners

3d Perla Cotiah,

4th Dasaree Unkiah,

and

5th Gosa Pothadoo,

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of having been accessaries to the crime

Read 30th September 1845.

Read letter from the Agent to the Governor at Vizagapatam submitting the proceedings of the Court of Foujdaree Adalat in the trial of Case No 17 of 1845 on the file of the Vizagapatam Agent's Court.

(Here Enter F.R. No 2730)

The Court of Foujdaree 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 Perla Cotiah,

2d Dasaree Unkiah,

and

3d Gosa Pothadoo,

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of having been accessaries to the crime

Charge

Sir

The heading of Grand Jury to the statement of the charge in this case is an insufficient designation of the offence charged against the Prisoners which involves an accusation of Murder.

6 The Court therefore direct that the heading of the charge may be amended as "Murder accompanied with fraud".

The Court further deem that the [illegible] adduced before the Grand Jury against the [illegible] sufficient to commit them for trial on a charge of clandestinely taking away from her child and getting her murdered against the consent of her parents, for which [illegible] according to the Mahomedan Law is declared to be forfeiture of the Life of the offender, or [illegible] punishment is awarded by the Regulations for the offence which has been proved against them, namely that of [illegible]

30th September 1845.

Read letter dated the 15th Instant from the Agent to the Governor at Vizagapatam submitting the record of trial in Case No. 17 of 1845 on the file of the Vizagapatam Agent's Court for the final sentence of the Foujdaree Adalut.

(Here Enter F.R. No. 2781)

Mr. G. J. Walters and 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

The Court of Foujdaree Adalut being further of opinion that the Prisoners

3d Perula Cobiah,

4th Dasaree Unkiah,

and

5th Gosa Pothadoo,

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of having been accessories to the crime

Case No. 70

30th September 1845.

5 The heading of the Fouzdaree Office to the statement of the charge in this case is an insufficient designation of the offence charged against the Prisoners which involves an accusation of Murder.

6 The Court therefore direct that the heading of the charge may be amended as "Murder accompanied with Fouzdaree."

7 The Court [illegible] that the [illegible] charged against the Prisoners [illegible] sufficient to convict them of the [illegible] of clandestinely taking away [illegible] child and getting her murdered by the consent of her parents, for which according to the Mahomedan Law [illegible] declared in future of the Law officers of [illegible] has been fit for [illegible] that it be [illegible]

30th September 1845

Read letter dated the 20th instant from the Superintendent of Police submitting the record of trial in case No 18 of 1845 on the file of the Superintendent Court of Police for the final sentence of the Foujdaree Adalut.

(Vide Cutcherry File No 2750)

The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances of the case as recorded before them, being of opinion that the proof against the Prisoners,

1st Rama Dengee

2d Rama Naraidoo

6th Rama Sa

is sufficient to convict them, of clandestinely taking away a female child and getting her married against the consent of her parents, for which according to the Mahomedan Law, as declared in futwa of the Law Officers, death or discretionary punishment is awarded, has been convicted them severally thereof and that it be

30th September 1845

with reference to the provisions of Clause Third Section III Regulation XV of 1803, sentence the prisoner,

1st Rama Dengee,

to be imprisoned and kept to labor — suitable to her sex, for, and, during the period of (2) two years, and the prisoners,

2d Rama Naraidoo,

and

6th Rama Sashoo,

to be imprisoned and kept to hard labor in irons on the public roads, or other public works, for, and, during the period of (1) one year. The Court of Foujdaree Adalut being further of opinion that the Prisoners,

3d Perula Cotial,

4th Dasaree Unkial,

and

5th Gooro Pitchadoo,

are not convicted on presumptive proof, or on the evidence of credible witnessed, or on their own confession of having been accessories to the crime

30th September 1845.

crime above mentioned, do request them
& thereof, and, direct that they be imm-
diately released.

/Sent following letter No 98/

Read letter dated the
22d Ultimo from the Sessions Judge of
Nellore submitting the half yearly State-
ments of crimes and misdemeanors brought
before the Police and Magistracy the
Subordinate ... and Sessions Courts
of that Zillah for the 1st Half of 1845

/Item Entered No 2475/

1 According to certain suggestions,
foreign to the matter of the statements forwarded
with the above letter, the Court of Sudr Adawlut
Conducted in proceeding to dispose of them, re-
solved to desire the Sessions Judge on the Gahna
occasions, to make suggestions of the nature
in question, subject for a separate com-
munication, in order to this being at
once considered instead of lying over
until the statements of the entire
Presidency are brought under review

J.H.
30th September 1845

para 1 2 The Court are in the habit
of receiving in the form of a note or index
appended to the statements, the information
which the Sessions Judge proposes to
afford by opening new headings and thus
enlarging the form of Statements now in
use. They consider the adoption in the
Sessions Court at Nellore, of that plan of
furnishing the required information, to
be preferable to the mode suggested
by the Sessions Judge.

para 5 3 As regards the Sub-division
into two columns for cases and persons
of the Columns Nos 2. 3. and 4 of the present
form of the Statement No 4, the Court observe
that such subdivisions has been in contem-
plation in the office of their Register
and that it will be carried into effect
when the next supply of Forms may be
struck off at the Government press.

4 But, it is not deemed ad-
visable to encumber the Statement
with

30th September 1845.

with the increased number of Columns
the Sessions Surjs suggested to show the
number of cases returned to the Collectr
each Court and that of cases in which
Persons are discharged from the Gaols
&c. an annual abstract of cases not
returned by the Sessions Surjs respectively
which are not usual, but which ought
should, and differ from the subjects
of notes appended to the statement Surjs
Such notes are only to the Zillah Courts
the information necessary and do not
necessarily add to the cost of the
statement, and whereas the payment of
the expenses noted in the annual
statement submitted to the Government
by the Zillah Courts include the Court
staff Surjs of the expenses of stamps
for that purpose and contingent Ch
charges as may be found to be requisite

para 6. 5

The Court are aware of
the objection to a separate

30th September 1845.

forms being furnished to the Sessions
Surjs, sufficient to enable his Establishment to retain in the office
of the Sessions Court a printed, instead
of a manuscript, copy of the statements forwarded to the Zillah
Adalat. The requisite application
will be made by the Sessions Surjs
when necessity arises.

Ordered that Extract from
these Proceedings be sent to the Sessions
Surjs of Nellore for his information and
guidance.

(Sent in No. 1704)

Read communication under
date the 19th August last from the Sessions
Surjs of Tinnevelly submitting the records
of case No. 15 of 1845 on the file of the
Sessions Court for the final sentence of
the Court of Zillah Adalat

(Here enter Ft. No. 2538.)

The Court of Zillah Adalat
on a deliberate consideration of all the circumstances

circumstances of the case as known before them, being of opinion that the prisoners

1st Palaraison,
2d Soobramoyan,
3d Medaanaro,
4th Syapparattiadpiky,
&
5th Seevoyagadalingam,

are not convicted on presumption proof, or on the evidence of credible witnesses or on their own confession of the crime of murder as regards them, but considering that strong suspicion, tho' not amounting to conviction attaches to them, they direct that they be registered in the class 2nd Section III Regulation XI of 1809, to furnish Security in an amount to be determined at the discretion of the Sessions Judge for their good behaviour and appearance when required, within a period what that officer will deem sufficient thereof that they be detained for a similar period of confinement.

(Sent following letter No 405)

to the age of the 2d prisoner, and as the Sessions Judge is always glad to adopt the view of a case most favorable to the prisoner he proposes that the sentence be reduced to 3 years imprisonment with hard labor in irons.

3. In consideration of the arguments used by the Sessions Judge in the four first paras of his return the Court do not think it would be advisable to reduce the punishment adjudged the prisoner in question. The original sentence passed by the Sessions Judge will accordingly be allowed to take its course.

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

(Sent in No 775)

Read communication under date the 15th Ultimo from the Sessions Judge of Rajahmundry.

(Here Enter Fl No 2750 of 1825)

The point involved in this communication is, whether a person who has been reduced from a Peons situation but is continued in employ as such was entitled

30th September 1825

circumstances of the case as proved before them, being of opinion that the prisoners

1st Palaraison,
2d Soobramanyan,
3d Madasamy,
4th Iyapparottiadpiky,
(and)
5th Seerovangadabiengar,

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confession of the crime of murder (them) is acquitted thereof, but considering that strong suspicions, the not sustaining the conviction attaches to them, they cannot that they be required under clause 3rd Section III Regulation XII of 1808, to furnish security in an amount to be determined at the discretion of the Sessions Court for their good behaviour and appearance when required, within a period which that officer will define or in default thereof that they be detained for a similar period in confinement.—

(Sent following letter No 403)

7th October 1825.

to the age of the 2d prisoner, and as the Sessions Judge is always glad to adopt the view of a case most favorable to the prisoner he proposes that the sentence be reduced to 3 years imprisonment with hard labor in irons

3 On consideration of the arguments used by the Sessions Judge in the four first paras of his return the Court do not think it would be advisable to reduce the punishment adjudged the prisoner in question. The original sentence passed by the Sessions Judge will accordingly be allowed to take its course.—

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

(Sent in No 775)

Read communication under date the 15th Ultimo from the Sessions Judge of Rajahmundry.—

(Here Enter Fl No 2750 of 1845)

5 The point involved in this communication is, whether a person who has been reduced from a Peon's situation but is continued in employment such as

the Act & and Assessors that receiving half pay only from the private funds of persons attached to Offices, can be considered as Persons subject to civil duty, and can be sentenced for fine under the clause of a previous, under Section XI of Regulation XIII of 1832.

2. The Court observe that as persons in enumerated Cannot be punished as Persons in the service of Government, and are therefore amenable to the provisions of Regulation quoted -

3. The Court consider the power of employing prisoners to remain in the public custody during pleasure and awarding it as that of the Court

Ordered that Extract of these proceedings be sent to the Sessions Judge of Rajahmundry for his information and communication to the Subordinate Judge

(Sent in Ro 1776)

Read return dated 15th Ultimo from the Sessions Judge of Rajahmundry to the [illegible] under date the [illegible] forwarding the [illegible] to be returned [illegible]

connected with the proceedings of the Sessions Court held on the 25th June last in a case of Gang Robbery said to have been committed by the Kilbehey of Iruddunghy -

(Here Enter F & C No 2751 of 1845)

Adverting to the probable delay which the Sessions Judge reports must unavoidably occur in the preparation of translations of the papers called for in the foregoing proceedings the Court resolve to direct that the original papers may be submitted for their consideration -

Ordered that Extract of these Proceedings be sent to the Sessions Judge of Rajahmundry for his information and guidance by receipt returnable without delay

(Sent following Receipt No 1777)

Read return dated 19th Ultimo from the Subordinate Judge of Combaconum to the Receipt of the 5th ultimo and dated under date the 11th September 1845 communicating the orders of that Court upon the Criminal Reports of the Subordinate Courts for the month of July 1845 -

(Here Enter F & C No 2734 of 1845)

Read letter dated 16th Ultimo from

Acting

F: W:

Thursday 2d. October 1845

At a Court of the Foujdaree Udalut

Present

G: S: Waters Esqre. — 1st. Puisne Judge.

Malcolm Lewin Esqre. — 2d. Puisne Judge.

T: E: S: Boileau Esqre. — 3d. Puisne Judge.

Read again Calendar of Case No. 20. of 1845 submitted by the Session Judge of Chittoor under date the 20th. August 1845.

(Here enter F: W: No. 2452.)

Read also return under date the 20th. Ultimo from the Session Judge of Chittoor, to precept of the Foujdaree Udalut dated the 17th. Ultimo, requiring that officer to state distinctly what offence was in his judgment established against the prisoner in the above case.—

(Here enter F: W: No. 2732.)

The Session Judge states in his return that the prisoner in this case was convicted of Fraud and theft, the former offence punishable by the Mahommedan Law and under the provisions of the Regulation quoted by him, as stated in the appendix to Campbell's revised Code of Regulations, and that it did not appear necessary to mark the robbery distinct from the fraud which the Law Officer considered to deserve

deserve the punishment of Fagoo from the aggravating circumstances attending it.-

2. The Court consider that the case of this Case taken by the Sessions Judge is strictly wrong.

3. The prisoner should have been sentenced for Theft attended with aggravating circumstances under the provisions of Section XXI Regulation VII of 1803, premising of course that any existing law to that should have been removed in the usual manner.

4. The sentence must always go to the greater crime, two offences of a different character not being punishable under one and the same trial.

5. The Sessions Judge will therefore be pleased to amend the sentence passed in this case in conformity with the foregoing observations.-

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Chittoor for his information by Receipt returnable in X days.-

(Sent following Receipt No. 1720)

Read Calendar of Cases No. 16 of 1843, submitted by the Sessions Judge of Salem under date the 30th September 1843.

(Here enter No. 2743)

1. The Prisoner convicted in this case of gang robbery by open violence was sentenced by the Sessions Judge each to be imprisoned with

hard labor for (14) fourteen years, under Clause 2nd Section II and Clause 3rd Section IV Regulation XV of 1803.-

2. The Court of Foujdaree Adaulut deem it proper to observe, for the future guidance of the Sessions Judge, that the former Section, being merely declaratory, should not have been quoted.-

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

(Sent in No. 1721)

Read Calendar in Case No. 40 of 1843, submitted by the Sessions Judge of Salem under date the 16th Ultimo.-

(Here enter F. C. No. 2768).

1. The Court of Foujdaree Adaulut seeing reason to call for the record of the trial in this Case, resolve to direct the Sessions Judge to submit an English Translation of it with the least practicable delay.-

2. The Sessions Judge will at the same time submit an explanation of the authority under which the Karkoon was competent to take the Prisoners confession.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Salem by

7th October 1845.

by precept returnable in XXV days from out of the receipt.—

(Sent following Receipt No 972)

Rend Calendar in Case No 36 of 1845.—
submitted by the Acting Sessions Judge of Madura under
date the 17th Ultimo.—

(Here enter F.H. No 2770)

The Court of Foujdaree Adalut seeing
reason to question the propriety of the conviction of the
prisoners in this case, resolve to direct the Acting
Session Judge to submit with the least practicable
delay an English translation of the records of the trial
of it.—

Ordered that Extract from these
Proceedings be sent to the Acting Sessions Judge of
Madura by precept returnable in XXV days from out
after its receipt.—

(Sent following Rect No 973)

Friday,
3d October, 1845.

F.H.

At a Court of the Foujdaree Adalut

Present:-

G. J. Waters Esqre ——— 1st Puisne Judge,
Malcolm Lewin Esqre ——— 2d Puisne Judge,
T. E. J. Boileau Esqre ——— 3d Puisne Judge,

Read statement of batta paid to Prosecutors and witnesses attending before the Session Court of Honore for the half year ending 30th June 1845 submitted under date the 31st July 1845 by the Session Judge of Honore.-

(Here enter F.H. No 2327 of 1845)

The Court regret to observe that much unnecessary delay has been allowed in several of the cases entered in this statement and they consider that the practice which obtains in the Honore Court of closing proceedings in Session Cases on alternate days and even of allowing the disposal of criminal cases to give place to the examination of witnesses in Civil Causes to be irregular and objectionable in the highest degree. The Court are also of opinion that with proper attention no delay need be experienced on most Native Holidays since arrangements might be made

to

to allow of the requisite number of accused being in attendance for the despatch of any important or urgent business - such as Criminal trials. The Court further observes that the delay on account of the preparation of the Calendars is at variance with the instructions conveyed in the Circular letter of the 16th October 1844 wherein the Court declared that no trial should be delayed on the Court of the committing Officer on account that the record of the proceedings might be laid before the Sessions Judge simultaneously with the Calendar & that a Calendar is not wanted for the Sessions Judges &c. —

2 With these general remarks on the extraordinary delay in the cases under review the Court proceeds to make more particular observations on each case and to call for further explanations. —

3 In Case No 22 9 witnesses have been detained 13 days and the prosecutor 24 days in consequence of one day having been taken up in the preparation of the Calendar, 6 days in the trial of the case, 10 days in procuring the attendance of the witnesses for the defence, 6 days being Civil Court days, 3 Sundays, 1 New years day, and one Native Holiday.

4 On a reference to the Calendar of this case the Court finds only 7 witnesses

of two Pleas entered; it is also observed that the trial commenced on Tuesday the 31st of December - Allowing therefore, for new years day - the Native Holiday and Civil Court days. The examination for the prosecution should have closed on the 9th the Court are, therefore, unable to understand why the witnesses for the prosecution were detained 13 days instead of 10. Neither does there appear any necessity for the detention of the Prosecutor for 24 days - even allowing 10 days for the arrival of the witnesses for the defence. If the statement in the margin be correct they would have reached the Court on Sunday the 19th January and Monday being Civil Court day - the trial would have closed on the 21st January - having occupied 22 days inclusive of the one day the 30th December for the preparation of the

Monday Dec. 30th Preparation of Calendar
Tuesday Dec. 31st Trial
Wednesday January 1st New years day
Thursday Jany 2d Native Holiday
Friday January 3d Civil Court day
Saturday January 4th Trial
Sunday Jany 5th
Monday Jany 6th Civil Court day
Tuesday Jany 7th Trial
Wednesday Jany 8th Civil Court day — 10 days
Thursday Jany 9th Trial
Friday January 10th
Sunday January 12th
Monday January 13th Civil Court day
Tuesday Jany 14th Trial — 28 days —
Calendar.

5 The Sessions Judge will, therefore, be pleased to explain in regard to this Case 1st why 8 witnesses received batta, 2dly why the witnesses were detained for 13 days instead of 10, 3dly why 24 instead of 23 days batta was paid to the Prosecutor and 4th what caused the delay in the arrival of the witnesses for the defence who ought to have been sent for when the

3d October 1845

the trial began and not when the prosecution was closed. On each of these points the Sessions Judge will be pleased to offer as brief, but explicit, an explanation as the circumstances of the case will allow of.

6 In case No 1 the Court find on reference to the record of the case that the trial of it occupied the Sessions Judge from the 22 January to 11th March. On the 22d the Cutcherry charges the evidence of the 3d, 4th, 7th witnesses, whose translated depositions cover but 10 pages of foolscap paper, are taken, the 3d appears to have been a Civil Court day, on the 4th the examination of the 3d witness was resumed and that of the 6th, 9th 10th and 11th witnesses (Covering 9 pages of translation) was received. Sunday 5th Monday 6th Civil Court Tuesday 7th the 7th witness was further examined, and the 8th and 9th witnesses were also examined. The translated depositions of these witnesses occupy 10 pages. 8th was a Civil Court day and on the 9th the defence of the prisoner was taken. 11th Civil Court day. 12th the evidence of Lieutenant Sutherland witness for the prisoner was taken. The whole trial so only occupies 32 pages of foolscap paper. The Sessions Judge will explain what prevented the despatch of this case in less than 9 days.

F. W.
3d October 1845

7 Case No 2 On an examination of the Calendar it appears that only one witness was examined in it and two attesting witnesses to the confession were examined upon the trial of it occupied the Sessions Judge from the 14th January to the 11th February or 28 days - it would seem, however, from this statement that the witness was only detained 2 days before the Court.

8 The Sessions Judge will be pleased to explain this discrepancy.

9 In Case No 4 8 witnesses have been detained for 12 days - 2 for 14 days - 1 for 10 - and 1 for 9 days - this embraces all the witnesses and the Prosecutrix examined in the Case.

10 The detention of the 12 witnesses from 9 to 14 days, is explained to have been owing to one day having been taken up in the preparation of the Calendar - 4 days in the trial of the Case, 5 days being Civil Court days - 2 Sundays and 2 Session Court days being adjourned in consequence of the Mahomedan Law Officer having obtained permission to examine the numerous witnesses in attendance in this Court in Civil Cases.

11 On reference to the Calendar of this Case it appears that the trial commenced on the

27th

27th January and closed on the 6th February having
and allowing one day for the preparation of the Cal
and an intervening Sunday - the Court are unable
understand how 11 days have been charged for the
further cause to know on what principle the
witnesses were discharged and why it was not
that more should have been examined from
earlier than on the close of the proceedings on the
The Court also require the Sessions Judge to
the dates on which the examinations were conducted
the number of witnesses examined by the Sessions
Prosecutor on those days

12 In case No. 3 witnesses are stated
for 10 and 1 for 6 days. The explanation offered
that the detention was owing to one day having
taken up in the preparation of the Calendar
in the trial of the Case 3 being Civil Court days
2 Sundays. The Court find that the trial
this Case commenced on Saturday the 8th January
owing to the explanation given above the proceed
in the Case could have closed on the 15th of the
The Court desire therefore to know why a
Sunday was charged for

13 The Court Judge will further
plain the entry in the Calendar

Thursday 7th Preparation of Calendar
Saturday 9th Trial (1)
Sunday 10th
Monday 11th Civil Court day (1)
Tuesday 12th Trial (2)
Wednesday 13th Civil Court (2)
Thursday 15th Trial (3)
Friday 16th Civil Court (3)
Saturday 17th Trial (4)
Sunday 18th

the trial closed on the 18th March.

14 Case No. 6. The detention of 3 witnesses
in this case for 5 days was, it is explained owing to one
day having been taken up in the preparation of the
Calendar - 2 days in the trial of the Case and 2 days
being Civil Court days.

15 This is the only case of delay in which
the Court by the record are enabled to trace the
daily Proceedings of the Sessions Judge.

16 They find that the trial commenced
on the 18th March. This day was consumed in recording
the defence of the 8 prisoners which in the translation
occupies only 8 pages of widely written foolscap
paper.

17 The 19th appears to have been devoted
to Civil work, on the 20th the trial was resumed, and
all that appears to have been done on this day
was to record the evidence of the prosecutor which in
translation occupies not more than 6 pages. The
21st was a Civil Court day. on the 22nd, the evidence
for the prosecution was closed by the recad of the
evidence of 3 witnesses whose translated testimony
covers 13½ pages of the record.

18 It would appear therefore that the
Session Judge took 8 days in examining 1 Prosecutor,
3 witnesses

27th January and closed on the 6th February being
and allowing one day for the preparation of the Cal
and on intervening Sunday. the Court are unable
understand how 16 days have been charged for the
further desire to know on what principle the
witnesses were discharged and why it was not
that more should have been examined from
earlier than on the close of the proceedings on
The Court also require the Sessions Judge to
the date on which the examinations were conclud
the number of witnesses examined by the Pros
therefor on those days

12 In Case No 2 3 witnesses
for 10 and 1 for 6 days. The explanation offer
that the detention was owing to one day having
taken up in the preparation of the Calendar
in the trial of the Case 3 being Civil Court day
2 Sundays. The Court found that the trial
this Case commenced on Saturday the 8th March
owing to the explanation given owing the pros
in the Case could have closed on the 15th
The Court desire therefore to know why
Sunday was charged for

13 The Court Inspector will further
how the entry on the Calendar

Thursday 7th Preparation of Calendar
Saturday 9th Trial (1)
Sunday 10th
Monday 11th Civil Court Day (1)
Tuesday 12th Trial (2)
Wednesday 13th Civil Court (2)
Thursday 14th Trial (3)
Friday 15th Civil Court (3)
Saturday 16th Trial (4)
Sunday 17th

the trial closed on the 18th March.

14 Case No 6. The detention of 3 witnesses
in this case for 5 days was, it is explained owing to one
day having been taken up in the preparation of the
Calendar - 2 days in the trial of the Case and 2 days
being Civil Court days.

15 This is the only case of delay in which
the Court by the record are enabled to trace the
daily Proceedings of the Sessions Judge.

16 They find that the trial commences
on the 18th March. This day was consumed in recording
the defence of the 8 prisoners which in the translation
occupies only 8 pages of widely written foolscap
paper.

17 The 19th appears to have been devoted
to Civil work, on the 20th the trial was resumed, and
all that appears to have been done on this day
was to record the evidence of the prosecutor which in
translation occupies not more than 6 pages. The
21st was a Civil Court day. on the 22nd, the evidence
for the prosecution was closed by the recad of the
evidence of 3 witnesses whose translated testimony
covers 13½ pages of the record.

18 It would appear therefore that the
Sessions Judge took 3 days in examining 1 Prosecutor,
3 witnesses

3 witnesses, and 8 prisoners the Sefsion means a full & protracted examination occupying in all, including the usual headings and signatures &c, 39 pages of foolscap paper. Under such circumstances the Fouzdaree Adalut desire he will offer a full explanation of the cause which prevented the disposal of this case Nº 6 in one day -

19 It would appear to be the practice in the Honble Court not to charge batta on the last day of attendance as batta for attendance but to place it under the head of 'returning' -

20 In Case Nº 9 The detention of the Prosecutor for 20 days is ascribed to 3 days having been taken up in the trial of the Case and 17 days in procuring the attendance of additional witnesses for the prosecution, and three for the defence -

21 It would appear from the Calendar to the Sefsion Court together with the Police Papers - and 3 days batta for attending is charged for them, exclusive of batta for returning, 2 witnesses were subsequently summoned by the Sefsion Judge and 2 days batta for attending, exclusive of 2 days batta for returning is charged for them - It would therefore appear that 3 days, not three, were

in the trial of this Case -

22 The Sefsion Judge will be pleased to explain this discrepancy -

23 As the distance to the homes of the witnesses is only computed at 2 days Journey the Court of Fouzdaree Adalut desire the Sefsion Judge will call on the Magistrate to explain why their attendance could not be procured earlier than 17 days. The explanation of the Magistrate will be forwarded direct to the Fouzdaree Adalut and the Sefsion Judge will be pleased to offer any explanation on the subject which the records of this office may enable him to do -

24 Case Nº 10. In this case it appears that there were two prosecutors and 4 witnesses exclusive of the 2 Peons the attesting witnesses examined on behalf of the Prosecutor - 2 witnesses were also examined on behalf of the Prisoner -

25 The trial, however, was not closed for 8 days - The examination on behalf of the Prosecution occupying 4 days - and that for the defence 2 days -

26 The Sefsion Judge will be pleased to explain fully the cause of 4 days being required to examine 6 persons - and 2 days to examine 2 witnesses for the defence. He will state fully how many witnesses were examined

on

3 witnesses, and 8 prisoners and the by no means a full or protracted examination occupying in all, including the usual headings and signatures 4½ 29 pages of foolscap paper. Under such circumstances the Fonjdaree Court desire he will offer a full explanation of the causes which prevented the disposal of this case in one day.

19 It would appear to be the practice in the Honora Court not to charge batta on the last day of attendance as batta for attendance but to place it under the head of "returning".

20 In Case No 8 by the selection of the Prosecutor for 20 days is ascribed to 3 days having been taken up on the trial of the Case and 17 days in procuring the attendance of additional witnesses for the prosecution, and three for the defence.

21 It would appear from the Calendar that 3 witnesses were originally summoned in this case to the Sessions Court together with two Police Peons and 3 days batta for attending was charged for them; exclusive of batta for returning, 2 witnesses were subsequently summoned by the Sessions Judge and 2 days batta for attending, exclusive of 2 days batta for returning is charged for them. It would therefore appear that 3 days, not three, were employed

in the trial of this Case.

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19 It would appear to be the practice in the Honble Court not to charge batta on the last day of attendance as batta for attendance but to place it under the head of "returning" -

20 In Case No 9 The detention of the Prosecutor for 20 days is ascribed to 3 days having been taken up on the trial of the Case and 17 days in procuring the attendance of additional witnesses for the prosecution, and those for the defence -

21 It would appear from the Calendar that 3 witnesses were regularly summoned in this Case to the Sessions Court together with two Police Peons - and 3 days batta for attending were charged for them; exclusive of batta for returning, 2 witnesses were subsequently summoned by the Sessions Judge and 2 days batta for attending, exclusive of 2 days batta for returning is charged for them - It would therefore appear that 3 days, not three, were employed

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last day of attendance as batta for attendance but
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been taken up in the trial of the case and 17 days
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that 3 witnesses were originally forwarded in this case
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witnesses is only computed at 2 days journey the Court
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He will state fully how many witnesses were examined

3d October 1845

3d October 1845

Udalvar by the Magistrate on the subject of the Sessions Judge's proceedings of the 22d July last, respecting the two Cases above referred to.-

(Here enter No. 2498)

Read also letter dated the 25th August last, from the same Officer, submitting a Memorandum from the Magistrate shewing the particular information which it was conceived the Sessions Judge availed himself of, from other sources than the record, when disposing of Case No. 13 of the Sessions Calendar.-

(Here enter No. 2516.)

Read also letter dated the 30th August last, from the same Officer submitting a further communication from the Magistrate on the subject of the Sessions Judge's proceedings of the 21st August in respect to Cases No. 13 and 46 of the Criminal file of 1845.-

(Here enter No. 2559)

The circumstances under which the correspondence referred to in the above communications originated, appear to be these.-

1

2 In Criminal Case No. 45 of 1845 on the file of the Principal Sudr Ameen of Tinnevelly, an individual was transmitted to the

Poe Varagoondan alias Veerapoondan

Principal

3d October 1845

on each day and how long the examination of each was spun, and how many pages of minutes it consisted

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Tinnevelly by Despatch to reach in 5 days from and after the receipt.

(Sent following Despatch No. 29)

Read your Cabinet dated the 8th May 1845 submitted by the Sessions Judge of Tinnevelly in Case No. 13 of 1845.-

(Here enter No. 1867 of 1845)

Read also letter dated the 22d July last from the same Officer submitting an original address from the Magistrate of Tinnevelly and a vindication of the conduct of the Sessions Judge in dismissing Case No. 13 of his own Calendar without trial, and in discharging the prisoner in Case No. 46 of 1845, of the Principal Sudr Ameen's file, both of which proceedings the Magistrate has objected.-

(Here enter No. 2191)

Read also letter dated the 2d August last, from the same Officer submitting with such observations as it appears to call for the original of an Letter addressed to the Court of Sessions

30th October 1845

Principal Sudr Ameen's Court charged by the Magistrate of Timnevelly with wilful and deliberate perjury in having declared under solemn affirmation in the Magistrate's Court, that he was not present when the house of one Soondaram was searched in order to the discovery therein of a Mannium Deed which Soondaram was accused of having illegally abstracted.

3 In Case No 46 of the same file four persons were forwarded to the Principal Sudr Ameen's Court by the Magistrate of Timnevelly on a charge of having been found in possession of 20 Canth Stamp papers of an old date procured with fraudulent intent

26th May 1845.

4 The Principal Sudr Ameen committed the Prisoner in Case No 46 to the Sessions Court for trial and himself sentenced the parties accused in

26th May 1845 No 46, whom he convicted of a misdemeanor, to imprisonment with hard labor for six months and a fine, and in default of the payment, to further imprisonment for a similar period.

5 The committed case came before the Sessions Judge on the 13 of the

28th May 1845. month of 1845, but was not gone into, the Sessions Judge having called the Prisoner to the Bar and discharged him without trial for reasons stated at length in the Calendar and reported on the course to the Foujdaree Adawlut by whom

30th October 1845

they were considered to be unobjectionable and proper.

6 In regard to the disposal by the Principal Sudr Ameen of Case No 46, an appeal was preferred to the Court of the Sessions Judge, who, on a

29th May 1845 perusal of the proceedings, reversed the sentence of the Principal Sudr Ameen and directed the release of the Prisoners, a statement of his grounds for so doing being laid before the Foujdaree Adalut as an appendix to the usual Monthly Criminal Reports submitted by the Principal Sudr Ameen for the month of May 1845.

7 On the 11th June following, the Magistrate of Timnevelly addressed the Foujdaree Adalut on the subject of the results of the trials held in the two Cases in question, but his communication was returned in order to its submission through the prescribed channel the Sessions Court by which it was subsequently again transmitted to the Foujdaree Adalut

Dated 23d July 1845 together with an Extract of the Proceedings held thereon by the Sessions Judge containing, in the opinion of this Court a sufficient and satisfactory explanation of the propriety of the mode adopted by the Sessions Judge Mr Douglas in disposing of the two Cases against which the Magistrate's address to the Foujdaree Adalut was a distinct appeal.

A copy

30 October 1845

Principal Sudr Ameen's Court charged by the Magistrate of Timnevelly with wilful and deliberate perjury in having declared under solemn affirmation in the Magistrate's Court, that he was not present when the house of one Soondrarien was searched in order to the discovery therein of a Maunium Book which Soodrarien was accused of having illegally abstracted.

3 In Case No 46 of the same file four persons were forwarded to the Principal Sudr Ameen's Court by the Magistrate of Timnevelly on a charge of having been found in possession of 20 blank Stamp papers of an old plate procured with fraudulent intent.

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A copy

30th October 1845

Principal Sudr Ameen's Court charged by the Magistrate of Tinnevelly with wilful and deliberate perjury in having declared under solemn affirmation in the Magistrates Court, that he was not present when the house of one Soondramien was searched in order to the discovery therein of a Mannium Deed which Soodramien was accused of having illegally abstracted.

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29th May 1845 perusal of the proceedings, reversed the sentence of the Principal Sudr Ameen and directed the release of the Prisoners, a statement of his grounds for so doing being laid before the Foujdaree Adalut as an appendix to the usual Monthly Criminal Reports submitted by the Principal Sudr Ameen for the month of May 1845.

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A Copy

30 October 1845

Principal Sudr Ameen's Court charged by the Magistrate of Timnevelly with wilful and deliberate perjury in having declared under solemn affirmation in the Magistrate's Court, that he was not present when the house of one Soondraman was searched in order to the discovery therein of a Maunuum Deed which Soodraman was accused of having illegally abstracted.

3 In Case No 46 of the same file four persons were forwarded to the Principal Sudr Ameen's Court by the Magistrate of Timnevelly on a charge of having been found in possession of 20 blank stamped papers of an old date procured with fraudulent intent.

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Folio

30 October 1845 they were considered to be unobjectionable and proper.—

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29th May 1845 perusal of the proceedings, reversed the sentence of the Principal Sudr Ameen and directed the release of the Prisoners, a statement of his grounds for so doing being laid before the Foujdaree Adalut as an appendix to the usual Monthly Criminal Reports submitted by the Principal Sudr Ameen for the Month of May 1845.—

7 On the 11th June following, the Magistrate of Timnevelly addressed the Foujdaree Adalut on the subject of the results of the trials held in the two Cases in question, but his communication was returned in order to its submission through the prescribed channel the Sessions Court by which it was subsequently again transmitted to the Foujdaree Adalut

Dated 23d July 1845 together with an Extract of the Proceedings held thereon by the Session Judge containing, in the opinion of this Court a sufficient and satisfactory explanation of the propriety of the mode adopted by the Session Judge Mr Douglas in disposing of the two Cases against which the Magistrates address to the Foujdaree Adalut was a distinct appeal.—

A copy

33 October 1845.

Ordered that Extract from these Proceedings together with Copies of Correspondence be forwarded to the Secretary to Government in the Judicial Department for submission to the Most Noble the Governor in Council.

(Sent in No. 1727)

Read Calendar in Case No. 3041, 42, 43 and 44 of 1845 submitted by the Sessions Judge of Combaconum

(Here enter F. W. No. 2583 of 1845)

The above Calendar not requiring any remark from the Court of Sessions Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Combaconum for his information.

(Sent in No. 1728)

Read communication under date the 10th Ultimo from the Sessions Judge of Mangalore

(Here enter F. W. No. 2771)

The Sessions Judge submits the warrant issued by him to the Acting Subordinate Judge for the execution of the sentence of death passed by the Court of Sessions Acted on Prisoner in Case No. 56 of 1845 on the file of the Sessions Court together with the endorsement

33 October 1845.

of that Officer and Copy of a report with reference to the circumstances of the execution.-

2 The Court observes that the Acting Subordinate Judge has omitted to state in his report whether any confession of his Crime was made by the Prisoner or not.-

3 The Court desires that this omission may be supplied.-

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

(Sent following Precept No. 1729)

Read Report dated the 11th Ultimo submitted by the Sessions Judge of Trichinopoly of Casualities and of Prisoners released by him during the month of August 1845.-

(Here enter F. W. No. 2672 of 1845)

32 October 1845.

Ordered that Extract from these Proceedings together with Copies of Correspondence be forwarded to the Secretary to Government in the Judicial Department for submission to the Right Noble the Governor in Council.

(Sent in No 1727)

Read Calendar in Cases No 3041, 42, 43 and 44 of 1845 submitted by the Sessions Judge of Combaconum

(Here enter F.R. No 3382 of 1845)

The above Calendar not requiring any remark from the Court of Sessions Resolved

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

(Sent in No 1728)

Read communication under date the 9th Ultimo from the Sessions Judge of Mangalore

(Here enter F.R. No 3771)

1 The Sessions Judge submits the warrant issued by him to the Acting Subordinate Judge for the execution of the sentence of death passed by the Court of Sessions Canara on Doma prisoner in case No 26 of 1845 on the file of the Sessions Court together with the endorsement

32 October 1845.

of that Officer and Copy of a report with reference to the circumstances of the execution.

The Court observe that the Acting Subordinate Judge has omitted to state in his report whether any confession of his crime was made by the Prisoner or not.

3 The Court desire that this omission may be supplied.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Mangalore for his information by Receipt returnable within X days from and after its receipt.

(Sent following Receipt No 1729)

Read Report dated the 11th Ultimo submitted by the Sessions Judge of Trichinopoly of Casualities and of Prisoners released by him during the month of August 1845.

(Here enter F.R. No 2672 of 1845)

Fº 116.

Saturday
4th October 1845 } At a Court of the Foujdaree Udalut

Present

G. J. Waters Esquire — 1st Assist Judge
Malcolm Lewin Esquire — 2nd Assist Judge
J E J Bailiau Esquire — 3rd Assist Judge

Read letter dated the 29th Sept.
tember 1845 from the Session Judge of
Cuddapah forwarding the record of trial
in case No 54 on the Calendar of the
Sessions Court for 1845.
(November No 2842)

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

Pultem Ramoodoo

is sufficient to convict him of stabbing
and wounding with intent to kill, for
which, according to the Mahomedan Law,
as declared in fulwahs of their Law Officer
discretionary punishment is awardable,

do

6th October 1845.

to convict him thereof, and with reference to the provisions of Clause third Section VII Regulation XX of 1803 do sentence him to be transported to such place or place beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, on the public Roads or other public works for and during the period of his natural life.

Sent following letter No 730

Work
M

Monday,
6th October 1845.

J. V.

At a Court of the Foujdaree Udalut.

Present,

Gr. J. Waters Esquire 1st Puisne Judge.
Malcolm Lewin Esquire 2nd Puisne Judge.
J. E. J. Boileau Esquire 3rd Puisne Judge.

Read communication under date the 6th June last from the Sessions Judge of Tinnevelly, submitting the record of case No 12 of 1845 on the file of the Session Court for the final sentence of the Foujdaree Udalut.

(Here enter J. V. No 1716.)

Mr. Mc Lewin and Mr. J. E. J. Boileau.

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,

"Savomy,"

is not convicted on presumptive proof, or on

6th October 1845.

on the evidence of credible witnesses or on his own confession of the crime of House breaking, do acquit him thereof; but considering that strong suspicions, tho' not amounting to conviction attaches to him, they direct that he be required under Clause sixth: Section II Regulation XV of 1803, to find security in such amount as the Sessions Judge may deem proper in reference to the means and condition in life of the prisoner.

(Sent following letters [illegible])

1 The prisoner in this case was charged with "Breaking in having in company with others entered the House of 1st Prosecutor by unbolting the door, and stolen therefrom property valued at Rs 60 and secondly in having entered the Bungalow of the 2nd and 3rd Prosecutors viz and Mrs Shaffler by opening the window and in having stolen therefrom property valued at Rupees 75.

2 After a mature and deliberate consideration of the record of this case the Court cannot convict the pri-

F 11a

6th October 1845.

taken by the Sessions Judge, being of opinion that the evidence for the prosecution tho' involving circumstances of a very suspicious character which warrant a requisition of security, is however insufficient for the full conviction of the prisoner. Though strongly impressed with the belief that the prisoner was really identified by Mrs Shaffler, still adverting to the circumstances under which that identification was made the Court do not feel themselves justified in founding a conviction on such testimony unsupported by other sufficient evidence.

3 The Court feel satisfied that the prisoner was grossly maltreated by his Captors and cannot therefore lay any stress on the confession which was made by him, immediately after his apprehension.

4 After having deliberately weighed all the circumstances connected with this case, the Court fail to discover any sufficient grounds for the severe structures passed

6th October 1845

passed by Mr Douglas in the proceedings
of the Sessions Court of the dates noted
marginally upon the conduct of the Prin-
cipal Sudr Ameen in the trial which
was held before the Criminal Court.

Court 6th March 1845

5 Adverting to para: 26 of the
Extract from the proceedings of the Sessions
Court under date the 6th March last in
which the Sessions Judge states that
"the charge as laid involving a crime
"cognizable by the Sessions Judge, it seems
"patent to him to correct the mistake
"release of the 1st and 2nd Prisoners by the
"Criminal Court and to order them to
"be re-apprehended and brought to trial
"before himself; and with this view a
"Communication will be addressed to the
"Joint Magistrate in charge of the Dis-
"trict" the Court desire to be informed
whether they are to understand that
the case was re-committed by the
Magistracy direct to the Sessions Court
or through the Criminal Court which
the Court observe, is the only authority
legally

F. 06.

6th October 1845.

legally competent to commit cases for
trial before the Sessions Court.

Ordered that Extract from
these Proceedings be sent to the Sessions
Judge of Tinnevelly for his information
and guidance, and for communication
to the Principal Sudr Ameen, by precept
returnable within X days, from and
after its receipt.

(Sent following precept No. 1731)

Read the Criminal Reports
for the month of June last submitted
by the Agent to the Governor in Vizaga-
patam under date the 19th July fol-
lowing.-

(Here enter No. 2154 of 1845.)

Supplemental Report
Case No. 25.

The words "forcibly entered"
which are used in this case in the
column of charge, are considered by
the Foujdaree Adalut to be insufficiently
definite, and as the terms "burglary" and
"burglariously" have frequently been ruled
by the Court to be inapplicable to the
charges of house breaking disposed of
under

6th October 1845.

under the provisions of the Madras Code, they think that the mode of entry should have been more clearly explained.—

2. Adverting to the reception of the testimony given by the witnesses Poli-gaudoo and Chinnegaudoo, who are stated to have been convicted of the robbery for which the Prisoner & Dantigadoo were brought to trial in this case, the Judges resolve to convey to the Agent of the Governor, their opinion, that, under the provisions of Act XV of 1843, it is not competent to Prisoners whilst actually undergoing their sentence, to give evidence in regard to the charge which induced their conviction.—

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort Saint George at Vizagapatam for his information and guidance.—

Sent in No. 732/5

Ex. 7th Oct.

F. C.

Tuesday 7th October 1845.

At a Court of the Foujdaree Adalut.

Present

The Honorable H. Dickinson Esqre.—Chief Judge
G. S. Waters Esqre.—1st Puisne Judge
Malcolm Lewin Esqre.—2d Puisne Judge.
T. E. S. Boileau Esqre.—3d Puisne Judge.
S. F. Thomas Esqre.—Additional Judge

Read letter dated 20th May 1845. from the Sessions Judge of Chittoor, submitting for the consideration and final sentence of the Foujdaree Adalut an English translation of the Record of the trial in Case No. 8 of 1845.

(Here enter No. 1502 of 1845.)

Read also return dated 5th June 1845. from the Sessions Judge of Chittoor, to the precept of the Foujdaree Adalut of the 2d idem, returning under Circular Order 14th March 1834 the record of the above trial, in Order that he should specify his opinion as to the particular crime proved against the prisoners, and the amount of punishment which should be awarded them.

(Here enter F. C. No. 1623)

Read also letter dated 16th July 1845. from the Sessions Judge of Chittoor, stating that no final sentence has yet been received against the

Prisoners

7th October 1845.

14th October 1845.

Prisoners in Rec. Dy 1845 on the file of the

Court of Oyer, and Calling attention to his remarks

letter of the 8th June 1845

(Recorded No 3051 of 1845)

Ramsahoy Dickinson
Mr. G. S. Wakes
Mr. S. F. Thomas

The Court of Session Kandy 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 Mootyal Dond

and

3d Boodoo

is sufficient to convict them of some wounding, for

which according to the Mahometan Law, as declared

in futwas of their Law officers sanctioning punishment

is awardable, do convict them thereof, and with reference

to the provisions of clause third, Section VII Regulation

XV of 1803, do sentence them to be imprisoned and

kept to hard labor in irons on the public roads or other

public works for, and during the period of (14) fourteen

Years. The Court of Session Kandy being further

of opinion that the prisoners

2d Babya Ramasoo

and

4th Coffoo

are not convicted on presumptive proof, or on the evidence

of credible witnesses, or on their own confession of the

above mentioned crimes, do acquit them of the

last 7th

7th October 1845.

considering that strong suspicion though not amounting

to conviction, attaches to them, they direct that they

be required under Clause sixth, Section II Regulation

XV of 1803 to find 2 sureties each, at 100 Rupees each

surety, for their good behaviour and appearance when

required within 3 Years, or in default thereof, that they

be detained for the same period in confinement.-

In this case the prisoners were

indicted for in aggravated assault which took place

on the 12th April 1845. They appeared before

Mr. Lavie on the 17th April, and were put on their

trial for the assault only. at this time the prosecutor

is described by Mr. Lavie to be "suffering severely

"from loss of Blood, and from the pain caused by

"the blows he had received which had occasioned

"many bruises on his person and knocked out several

"of his teeth."

The trial proceeded with the

Prosecutor referred to until the 20th when he died.-

Among the witnesses examined at

the time was Dr. Simpson, whose evidence clearly

shows that the prosecutor was in a state of great

danger when he entered the hospital.-

The 14th witness the dresser of the

Hospital where the prosecutor died, gave testimony

leading to the same conclusion. Mr. Lavie continued

the

the trial, and hears the whole evidence for the defence.

8. On the 2nd and 23d Mr Lavie, with a fresh prosecutor tried one 1st the prisoners on a 3d indictment for homicide, but without either for murder or manslaughter can only be gathered therefrom his letter, in which he speaks (8 para) of culpable Homicide, and recommends the 3d prisoner "the actual parent principal to be imprisoned and kept to hard labour in irons during his natural life, and the 1st 2d and 4th prisoners to seven years imprisonment." It is obvious that a fresh or additional charge cannot be preferred in any case after the evidence for the prosecution and the defence has been heard, and the charge of homicide therefore falls to the ground.

6. But the the charge for the grave crime of Manslaughter is wholly initiated by the extraordinary proceedings of the Session Judge in the case, the Court do not consider that the irregularity of the subsequent proceedings should be allowed to affect the clear conviction of the 1st and 3d prisoners for the minor offence of wounding, and they have accordingly sentenced these Prisoners each to 4th years imprisonment.

7. The Court may much question whether the testimony of the Eye witnesses, the 1st 2d and 3d witnesses, is to be relied on, and as the 3d prisoner has not crimminated himself, and there is nothing in evidence against either him or the 4th Prisoner except

the dubious evidence of the 3 first witnesses, the Court have directed their release on security.-

8. It was the obvious duty of the Session Judge to have postponed the trial until the issue of the severe maltreatment the deceased Prosecutor had received, was known, and the Court are surprised that so simple and plain a course should have escaped a judicial officer of the long experience and they believe indefatigable Zeal of Mr Lavie.-

9. This is not, however, the first serious error Mr Lavie has been betrayed into- not long ago he dispensed with the attendance of the law officer in a trial, which, as a consequence, fell to the ground and justice lost an example, and previous to that, he passed a sentence which called for severe reprehension from the Foujdaree Adalut.-

Cases Nos 9 & 10 Chittoor Calendar 3d Quarterly Sessions of 1842.

10. The misconduct of Mr Lavie on this occasion has been confined to irregularity and defectiveness of Proceedings - it may perhaps therefore be sufficient for the Court to admonish him of his error. The zeal and labor evidenced in Mr Lavies proceedings render the Court extremely unwilling to make his proceedings the subject of a representation to Government, but unless his decisions and future opinions indicate a more sound judgment

a

7th October 1845.

the trial, and hears the 8 witnesses for the defence.

5. On thursday 23d, Mr Lawie, with a fresh prosecutor tried 18, the prisoners on a 2d indictment for homicide, but which like for murder or manslaughter can only be gathered from his letter, in which he speaks (8 years) of cruel public Homicide, and recommends the 3d prisoner "the actual present principal to be imprisoned and kept to hard labour in irons during his natural life, and the 1st 2d and 4th prisoners to seven years imprisonment." It is obvious that a fresh or additional charge cannot be preferred in a Case after the evidence for the prosecution and the defence has been heard, and the charge of homicide therefore falls to the ground.

6. But the the charge for the grave crime of Culpable Homicide is utterly vitiated by the extraordinary proceedings of the Sessions Judge in the case, the Court do not consider that the irregularity of the subsequent proceedings should be allowed to affect the clear conviction of the 1st and 3d prisoners for the minor offence of wounding, and they have accordingly sentenced these Prisoners each to the years imprisonment.

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7th October 1845.

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the trial, and heard the 2d evidence for the defence.

5. On that 23d, Mr Lavie, with a fresh prosecutor tried 18, the prisoners on a 2d indictment for Homicide, but which like for murder or manslaughter can only be gathered from his letter, in which he speaks (8 years) of ever liable Homicide, and recommends the 3d prisoner "the actual present principal, to be imprisoned and kept to hard labour in irons during his natural life, and the 1st 2d and 4th prisoners to seven years imprisonment." It is obvious that a fresh or additional charge cannot be preferred in a Case after the evidence for the prosecution and for the defence has been heard, and the charge of homicide therefore falls to the ground.

6. But the the charge for the grave crime of Manslaughter is wholly untainted by the extraordinary proceedings of the Session Judge in the case, the Court do not consider that the irregularity of the subsequent proceedings should be allowed to affect the clear conviction of the 1st and 3d prisoners for the minor offence of wounding, and they have accordingly sentenced these Prisoners each to the years imprisonment.

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F. C.
7th October 1845.

the dubious evidence of the 3 first witnesses, the Court have directed their release on security.-

8. It was the obvious duty of the Session Judge to have postponed the trial until the issue of the severe maltreatment the deceased Prosecutor had received, was known, and the Court are surprised that so simple and plain a course should have escaped a judicial officer of the long experience and they believe indefatigable Zeal of Mr Lavie.-

9. This is not, however, the first serious error Mr Lavie has been betrayed into- not long ago he dispensed with the attendance of the law officer in a trial, which, as a consequence fell to the ground, and justice lost an example, and previous to that, he passed a sentence which called for severe reprehension from the Foujdaree Adalut.

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10. The misconduct of Mr Lavie on this occasion has been confined to irregularity and defectiveness of Proceedings- it may perhaps therefore be sufficient for the Court to admonish him of his error. The zeal and labor evidenced in Mr Lavie's proceedings render the Court extremely unwilling to make his proceedings the subject of a representation to Government, but unless his decisions and future opinions indicate a more sound judgment

as

of 1843, during the Month of August 1845.-

(Here enter F: C: No. 2784 of 1845.)

Read letter dated 20th 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 Months of August
1845.-

(Here enter F: C: No. 2791 of 1845)

Read Supplemental Report dated 20th
Ultimo from 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 finial orders had been passed at the
date of the Report ending 31st July 1845.-

(Here enter F: C: No. 2795 of 1845)

Read Statement dated 1st Ultimo submitted
by the Sessions Judge of Cuddalore, of Extra Hours You
employed in the Jail during the Month of August 1845.

(Here enter F: C: No. 2800 of 1845).

Read return dated 25th Ultimo from
the Sessions Judge of Bellary, to the precept of the
Foujdaree Adalut under date the 15th Ultimo, calling for
an explanation relative to an entry made in regard
to No. 5, in the Report of Cases tried by the Magistracy
under the provisions of Section LIV Act VII of 1843,
during the Month of July 1845.-

(Here enter F: C: No. 2805 of 1845)

Read return dated 25th Ultimo from
the

7th October 1845.

the Sessions Judge of Salem, to the purport of the Report under date the 17th Ultimo, directing him to substitute clause 3rd Section IV Reg: 1 of 1832 for clause 7th Section II Reg: IV of 1829 the authority for the sentence passed on the 23rd Prisoner in Case No 30 of the Calendar for 1845.

(Here enter F. R. No 2661 of 1845)

Read return called for by the Principal Sudr Ameen of Coimbatore, to the Fourth Circuit Court under date the 18th ultimo, relative to Criminal Reports for June last, to wit the Case No 102 of 1845, and calling for further explanation from the omission of that case in the said Return

(Here enter F. R. No 2662 of 1845)

Read Calendar in Case No 103 of 1845 submitted by the Sessions Judge of Bellary under date the 25th Ultimo.

(Here enter F. R. No 2663 of 1845)

Read Calendar in Case No 104 of 1845 submitted by the Bellary Sessions Judge under date the 23rd Ultimo.

(Here enter F. R. No 2664 of 1845)

Read letter dated 23rd October 1845 from the Judge of Cuddapah, submitting copy of a letter from the Judge and of his recommitment, having returned the Tongdanee Court Proceedings of the 15th Instant Calendar No 26 of 1845

(Here enter F. R. No 2665 of 1845)

F. R.

Wednesday
8th October 1845. At a Court of the Foujdaree Udalut

Present

G. I. Waters Esqre ——— 1st Puisne Judge
Malcolm Lewin Esqre — 2d Puisne Judge
T. E. J. Boileau Esqre — 3d Puisne Judge

Read Criminal Reports under date the 10th Ultimo submitted by the Subordinate Judge of Bellary for the month of August 1845.

(Here enter F. R. No 2661)

Case No 102 1. It has been ruled that an "entry" through a tatty door which is not fastened does not constitute "breaking."

2. The term "house breaking" should therefore have been omitted in the heading affixed to the Statement of the charge in this case, and the prisoner should have been sentenced under the provisions of Clause fourth Section III of the Regulation quoted.

Case No 103. 3. The Court seeing reason to question the propriety of the sentence passed in this case, resolve to direct the Sessions Judge to call up the proceedings, and to

for such orders thereon as may seem to him to be proper, reporting the same for the information of the Supreme Court.—

Circ. No. 104 4. Adverting to the gross ill-treatment which appears to have been experienced by the prisoner in this case, the Court desire that the Magistrate will report by a direct communication to the Secretary, what measures may have been adopted by him in consequence of the representations made on the subject by the Subordinate Court.—

5. The Magistrate will also be pleased to submit an explanation of the delay which occurred in the transmission of the prisoner to the Criminal Court.—

Circ. No. 106 6. The Court direct that to the attention of the Prosecutor and of the Officers of District Police who commit their cases to the Criminal Court may be brought to the notice of the Magistrate.—

Circ. No. 107 7. The words of the term "Abetting" have frequently been misunderstood by the Courts of the Supreme Charter.—

8. The heading affixed to the Statement of the charge preferred against the prisoner in this case is therefore pro- correct and should be amended.—

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Bellary for his information, and for communication of paras. 4, 5 and 6 to the Magistrate, by precept returnable within 20 days from and after its receipt.—

(Sent following precept No. 1738)

Ordered also, that Extract from these proceedings para. 3 be sent to the Acting Judge of Bellary for his information by precept returnable within 15 days from and after its receipt.—

(Sent following precept No. 1739)

Read Criminal Reports sent from under date the 1st Ultimo, submitted by the Subordinate Judge of Combaconum for the month of August 1845.—

(Here enter F.H. No. 26771)

Circ. No. 152 The Court observe that the sentences passed in this case by the Acting Subordinate Judge of Combaconum are severally

October 1845.

Such Answer was based upon a confession made by the prisoner before the Police, which was subsequently retracted when put upon her trial before the Criminal Court.—

2. The conviction of the prisoner would therefore appear to be founded on insufficient evidence, and accordingly the Court petitions to direct the Sessions Judge to review the case, and to pass such orders as may seem to him to be proper, reporting the same for the information of this Tribunal.

Vide Let.—

Cust. No. 135 / Pol. No. 62.

3. Adverting to the rule laid down in the Circular Order noted marginally, the Court desires to be informed of the nature of the offence made in this case by the Head of District Police to the Joint Magistrate, which is assigned as a cause for the delay, which occurred in the transmission to the Criminal Court.—

4. The Magistrate will be pleased to dispose of this information by extract communication to the Tangiers Vide Let.—

As the Circular Order noted in the margin distinctly requires that the period of imprisonment awarded to a prisoner convicted of "Escape," should commence on the expiration of the sentence passed for the original offence which led to his detention in custody, the Court see no necessity for the opinion recorded to that effect by the Moorish Judge who tried this case.—

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Combaconum for his information and for communication of paras. 3 and 4 to the Magistrate of Tanjore by precept returnable within 15 days from and after its receipt.—

Sent following precept No. 1749

Ordered also, that Extract from these proceedings paras. 1 and 2 be sent to the Sessions Judge of Combaconum for his information by precept returnable in 20 days from and after its receipt.—

Sent following precept No. 1750

Read communication under date the 23d Ultimo from the Sessions Judge of

Tanjore [illegible]

5

No. 16.

8th October 1845.

Circular Order 13th July 1829.—

1st October 1845.

Finnerally, submitting the record of Case No. 629 of 1845 on the file of the Sessions Court for the final sentence of the Superior Court.

(Here enter Fll. No. 2086)

Mr Lewis

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

1st Lobemmanypilly

is not convicted on presumptive proof of the evidence of credible witnesses, or on his own confession of the crime of Robbery, as charged against him thereof, and doubt that he has been unintentionally related.—

1 The prisoners in this case were charged with having in company with the others not apprehended robbed the Native Chetty Hindu by means of a false key, and stolen therefrom funds and other property valued at Rupees 23,584 — —

2. The Sessions Judge is therefore to be recommended in the event of acquittal pronounced by the Law Officers regarding the 2nd 3rd and 4th prisoners

8th October 1845.

reference to the 1st prisoner against whom they consider the charge to be proved, to note the case of that individual for the consideration of the Foujdaree Udalutsed and proposes that a sentence of 2 or 3 years imprisonment with hard labor in irons be awarded to him.—

On a deliberate consideration of the record of this case the Court cannot concur with the Sessions Judge either regarding the conviction of the 1st prisoner as insufficient, or as to the propriety of the sentence recommended by him, which they observe would be far too light a punishment for the crime charged against the prisoner, if the proof against him were sufficient to his conviction.—

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

(Sent in No. 1742)

Read again letter dated 23d July 1845 from—

2d October 1845.

from the Sessions Judge of Tinnevelly sub-
-mitting at the request of the Magistrate
an appeal from the proceedings of the
Sessions Judge held on review of certain cases
disposed of by the Magistracy.—

/Vera Cater. No. 1962/

Read also returns dated 27th
August 1845 from the Tinnevelly Cutcherry to the
precept of the Tinnevelly Circuit of 8th ultimo
requiring a report as to the times when the
above Temples reported to have a Car Festival
Mr Webbe annual and location in the
Village.—

/Vera Cater. No. 2536/

The reference of the Sessions
Judge originated out of two Petitions preferred
by one Mylary Nadan to the Sessions Court
complaining against the Revd. Webbe
and certain Christians of Veeranallendalle
for breaking down a wall of a Pariah Cyprus
and making a road thereon and also com-
-plaining against the proceedings of the
Magistrate in fining Mylary Nadan

S.C.
8th October 1845.

opening a road thro' the enclosure of their
Temples.—

2. The Sessions Judge having called
for the proceedings in the case, directed
the refund of the fines in consequence of
the explanation of the Magistrate having
shewn that the rules of procedure laid
down in the Regulations had not been
observed.—

3. It would appear that the
Police Ameen of Podoor Kyputtoor having re-
-presented that Mylary Nadan a quarrel-
-some and litigious character had obstructed
a public thoroughfare giving unprovoked
annoyance to the Missionaries and other
peaceable inhabitants an order was sent
to him by the Magistrate to investigate
and report on the case fully and that
a fine of 5 Rupees was imposed on
this Report of the Police Ameen who made
no Examination of any witnesses but sub-
-mitted his report supported by the at-
-tachees of the Curnum and Veerapoodaro
and that a further sum of 5 Rupees was

adjudged

8th October 1865.—

adjudged by the Magistrate on the ground that the party had refused payment of the fine forfeit imposed and had protested the re-opening of the public roads—

4. The Acting Judge observing that the reference of the case was made to the Magistrate under Section IV Regulation IV of 1821 as extended by Act XXXIII of 1837 observed that the reference should have been made only after an examination of the parties and their witnesses and that the fine therefore being illegal should be remitted but he was of opinion that this enactment was not applicable to the case which should have been disposed of under Act XXI of 1861.

5. The Magistrate in his reply showed that the Police Amin who had examined the matter was a particularly intelligent and efficient officer and that he made a full and lengthened inquiry into the case examining numerous witnesses on the spot the their depositions were not taken but the main point for inquiry being a local inspection of the spot by the Police

8th October 1865.—

Amin himself. The offence alleged was throwing up a wall and obstructing the public way, as well as building a new and punctual devil temple close to the Revd Mr Hobbs' gate; purely as an annoyance, and where Defendant had no right, and no land whatever. the building was admitted by Defendant. Witnesses were therefore unnecessary. The written attachees of the Merasidars and Curnums were however forwarded.—

The Magistrate further observes that the reference did not appear to have been made to him under any Enact Regulation but that he considers "all" references "to the Magistrate from a Police Officer "in doubt or difficulty, would be proper "and advisable, though the Native Police "Officer may often be unable to quote the "Section under which he made it." he is of opinion the case might "have been taken "cognizance of under Act XXI of 1861, "but other general Regulations seemed "equally to apply to it." He submits "whether

8th October 1845.-

"whether Proceedings and precepts from the
"Court at some length, with their answers
"and explanations by the Magistracy, do
"not, in such petty cases as the present,
"unprofitably occupy the valuable times of
"both - if a Magistrate is not to be trusted
"to impose a fine of 5 Rupees, or if such
"fine is to be remitted and his judgment
"and necessary authority frequently set aside
"in very petty cases, for some slight informality
"or wrong Section, what is he to be trusted
"with? certainly not the responsibilities
"of a large District."-

7 Maintains that "the fine was
"quite inadequate - most lenient". And believes
that "the offender Mylary Nadan is a
"notoriously quarrelsome and troublesome
"character" - and remarks that "any Magis-
"trate who does his duty ought to be, &
"must be, better acquainted with the chara-
"cters of a District in which he is constantly
"moving, hearing, and inquiring, than the
"Judge who remains fixed in one place, &
"only acts upon what is put before him."-

J.M.
8th October 1845.-

8. In the present case the Magis-
trate expresses his confidence that the Sessions
Judge had he known the real character
of the Defendant and the whole circum-
stances of the case, would have advocated a
heavier fine; and the Magistrate submits
for the Court's consideration whether it would
not be sufficient in all such trifling cases,
to set the Magistrate or Police Officers right
where essentially wrong, (by pointing out
the correct Sections and Regulations,) with-
out unnecessarily weakening their hands by
overthrowing their judgments, or occasioning the
often groundless appeals of every rogue in
the District, from whom the most plausible
and strongest appeals usually come.-

The Magistrate was led to
9.
submit these observations for the considera-
tion of the Sessions Judge with reference to
the notorious prevalence of false complaint
and Appeal in Tinnevelly, and several
judgments in petty cases reversed by the
Session Court as technically informal or
illegal. Enquire the present 5th May 1846

(Palmira

8th October 1845.

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8th October 1845.

(Received them) 5 Papers each. The Ca
13th November 1846 (Ally after Wa
matter) 1 Paper each by the Ca
Assistant Magistrate. Do. Ex
13th November 1846 (containing and
Proceedings) one Paper each by the said
View Extract dated 5th April 1845
said) Say Months imprisonment by
Head Assistant Magistrate. Mo
though mainly for My order has
subject of much correspondence
10.
there the Court found not to
first substantial injustice
in the entering the justices and
the judgments are admissible
on the grounds of their Magistrates
or wrong quoting of the Circular Or
Regulations; a thing certainly to be
where clearly wrong, but hardly
to disturb an award of certainly
in a petty case
11
The Sessions Judge's
himself making by any of the Regul

8th October 1845.

remarks and in submitting the case at the
request of the Magistrate for the orders of the
Foujdaree Adalut forwards also the proceed-
ings connected with four out of the 5 Cases
alluded by the Magistrate, which he sub-
mits do not in any way bear out the
assertion of the Magistrate that Sentences
have been set aside by the Sessions Court
for some slight informality or wrong quoting
of Circular Orders and Regulations - and he
is of opinion that the appeal now made
from his judgments in some of the cases
referred to in the correspondence comes
at a very late period.—

12. The Court of Foujdaree Adalut
concur with the Magistrate in opinion
that this was a case falling under the
general powers vested in the Magistrate
by the Regulations and not to be dealt
with by Act XXI of 1841 - They are at
a loss however to perceive the justification
of pulling down a building or a wall or
sanctioning such a measure on a mere police
Report - a written record was necessary and

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the Court consider that the proceed-
ings with regard to the prisoner
have been made in the case by the Sessions
The proceedings in the case have been
regular. All should have been present
regular proceedings of the Sessions Court
either the prisoner or his counsel
or with before the Magistrate.
of the proceedings under the first
and require their return.
also consider that the proceed-
ed by the Magistrate is
of their instructions of the 4th
to be very unsatisfactory.
and Thirdly as marked by the
Judge in the 5th paragraph
have required the Court's
make the necessary
rather than
information from the party
not. Referring
to the Sessions Court
13. Attaching
statements made in the

5th October 1845.

said Mr Babbs letter, the Court see no
advantage in pressing the matter further.
It would be impossible to pass judgment
in the case without the further inquiry
proposed by the Session Court. but as
the parties are on amicable terms such
inquiry appears now needless.—

14. With reference to the other
cases submitted with the letter of the
Session Judge of the 3rd July. the Court
of Tanjore Vakeel entirely approve of
his proceedings, but they would advert
to the remark contained in para. 4th of
his letter remind him that Act XVII
of 1840 empowers Magistrates to deal
with petty offences against the Salt
laws.—

15. The Court regret the very
inconvenient practice which obtains in
Timevelly of making one reference the
vehicle of the submissions to the Tanj-
-ore Vakeel of numerous other proceed-
-ings connected either with cases disposed
of or at the time under consideration each
case

case must rest on its merits and must be complete in itself and any further communications of the nature above, will be returned for correction.—

16. Again the Court would observe that all the work which comes before the Timoroby Court is much less than that which comprises the attention of other Courts, yet the records of the Tunapuna Court are much burdened with lengthy communications connected with subjects of a trivial nature from Time to Time. The Court in no way desires to restrict the active supervision of the Sessions Court, but they trust that the discretion and judgment of the Sessions Judge, will prevent its degenerating into an undue interference in indifferent matters, a result which could only impair his efficiency and that of the Officers subordinate to him.—

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

for communication to the Magistrate.—

/Sent in at No. 1743/

Read again communication under date the 21st July last from the Acting Session Judge of Tichinopoly forwarding the report required under Sections XI and XII Act VII of 1843 together with copies of a correspondence which has taken place regarding the conduct of a Police Ameen therein alluded to.—

/Here Enter F.M. No. 2158/

Read also return under date the 20th Ultimo from the Acting Session Judge of Tichinopoly to the precept of the Tunjdaree Adalut dated the 9th August last, directing that Officer to call for and peruse all the proceedings connected with the case of the Police Ameen of Turiore, and to pass such orders as might seem to him to be proper, reporting the same for the information of the Tunjdaree Adalut.—

/Here Enter F.M. No. 2764/

The Acting Session Judge

Submits

5th October 1845.

Submits with his return an Extract from the Proceedings of the Sessions Court in which after recapitulating the circumstances of the case referred to in the foregoing Report, and the various statements made by the different parties concerned, he expresses his concurrence in the opinion recorded by the Principal Sudr Ameen with reference to the misconduct of the Police Ameen.—

2. The Acting Sessions Judge particularly adverts to the delay which occurred in the investigation of the complaint preferred by the Woman Periammaul, and to the length of time she was detained in custody by a Peon; which proceeding though according to the Statement of the Ameen, unauthorized by him, could not in the opinion of the Acting Sessions Judge have probably been unknown to him.—

3. The Acting Sessions Judge states that he has refrained from passing any orders on the original complaint preferred by Periammaul, being of opinion that

8th October 1845.

from the length of time which has elapsed and the hostile and party feeling that has been excited, any further investigation of the matter would be unattended by beneficial results.—

4. In this opinion the Court of Fujdaree Udalut concur, but consider that the gross misconduct of the Peon Permaul Razoo who was entrusted by the Police Ameen with a summons for the attendance of the Woman Periammaul and is shown to have detained her in custody from the 28th of March to the 18th April, without as it would appear, having received any order to that effect, should be brought to the notice of the Magistrate of Trichinopoly.—

Paras 12 and 13.

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

(Sent in Sr. 1744)

Read Calendar dated the 1st Ultimo submitted by the Acting Agent to

8th October 1845.

to the Governor of Fort St George in Council of Persons committed by the Magistrates by the Court of Circuit Also a List of Cases tried before the Court—

(Here enter No 2718)

Case No 8. 1. The prisoner in this case was charged with having murdered a child aged 5 years by strangling him with a cord and with having afterwards stripped the person of Gold and other Ornaments which at Rupees 29—10—0—

2. A statement of the manner in which this case has been disposed of by the Acting Sessions Judge refers to a former Report

3. The Court consider that the information furnished in reference to a former Report, makes the present Report a nullity of that Report be at the same time given in order to facilitate the revision of the Calendar by the Judges of the Sudder Court

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

(Sent in at No 1761)

Read Calendar of Cases No 11th of 1845, submitted by the Sessions Judge of Rajahmundry, under date the 17th Ultimo

(Here enter No 2752)

In this case 3 Prisoners were

1.

charged with attempt to break into the Prosecutors House, and the case was committed

under

8th October 1845.

Read a Report dated the 27th Ultimo submitted by the Magistrate of Tanjore, in the Case tried by the Sessions Judge under the provisions of Section XIV Act VII of 1843 during the Month of August 1845—

(Here enter No 2727)

Case No 1.

The Court observe that the charge in this and in all similar cases should show the manner in which the theft is committed without such information the Court are unable to judge of the propriety of the Sentence awarded in the case—

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

(Sent in at No 1761)

Read Calendar of Case No 11th of 1845, submitted by the Sessions Judge of Rajahmundry, under date the 17th Ultimo

(Here enter No 2752)

In this case 3 Prisoners were

1.

charged with attempt to break into the Prosecutors House, and the case was committed

under

8th October 1845.

under Clause 2d Section II Regulation VI of 1822, as the 3d Prisoner had been before convicted of a similar attempt.—

2. The 3 prisoners were committed by the Law Officer of the attempt to break into the Pensioners houses, and were declared liable to Ostracism, and being barred because the offence had not been completed.—

3. The Sessions Judge accordingly put a 2d question requiring the Law Officer to declare to what punishment the Prisoners would be liable if they were found to have dug a hole and stolen property amounting to a Rixdr and on a finding of that amount sentenced them to 7 Years imprisonment with hard labor in irons, under the provisions of Section XXI Regulation VII of 1803. but "being that the 1st and 2d Prisoners would "but for the previous character of the 3d "have been punishable by the Criminal "Court, and as nothing was said, he recommended that the sentence be mitigated from "7 Years to 18 Months, under the provisions "of Section IV Regulation I of 1825. and

No. 116.

8th October 1845.—

"in the case of the 3d Prisoner he having "been already punished in No. 30 of 1841 under "Clause 6th Section II Regulation VI of 1822. "the Sessions Judge recommended that he "be sentenced to the mitigated punish- "ment of 4 Years imprisonment with labor "in irons on the grounds above stated."—

4. The Court observe that the 2d question propounded by the Sessions Judge goes to alter the facts of the case, and assumes an offence to have been committed, which was not charged, and which the evidence shews was not perpetrated.—

5. The offence charged being an attempt to commit a crime, is punishable as a misdemeanor under Clause Seventh Section II Regulation XV of 1803. and it is competent to the Sessions Judge under this provision, to adjudge what punishment he may deem proper.—

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

/Sent in No. 1747/

Read

1 1

under Clause 2d Section II Regulation VI of 1822, as the 3d Prisoner had been before convicted of a similar attempt.—

2. The 3 prisoners were convicted by the Law Officer of the attempt to break into the Prosecutors house, and were declared liable to Ootkoobut, Hud being barred because the offence had not been completed.—

3. The Session Judge accordingly put a 2d question requiring the Law Officer to declare to what punishment the Prisoner would be liable if they were proved to have dug a hole and stolen property amounting to a Nisab th and on a finding of Hud, sentenced them to 7 Years imprisonment with hard labor in irons, under the provisions of Section XXI Regulation VII of 1802 but "being that the 1st and 2d Prisoners would "but for the previous character of the 3d "have been punishable by the Criminal "Court, and as nothing was lost, has recommended that the sentence be mitigated from "7 Years to 18 Months, under the provisions "of Section IV Regulation I of 1825 and in

"in the case of the 3d Prisoner he having "been already punished in No. 30 of 1841 under "Clause 6th Section II Regulation VI of 1822. "the Sessions Judge recommended that he "be sentenced to the mitigated punish- "ment of 4 Years imprisonment with labor "in irons on the grounds above stated."—

4. The Court observe that the 2d question propounded by the Sessions Judge goes to alter the facts of the case, and assumes an offence to have been committed which was not charged, and which the evidence shows was not perpetrated.—

5. The offence charged being an attempt to commit a crime, is punishable as a misdemeanor under Clause Seventh Section II Regulation XV of 1803. and it is competent to the Sessions Judge under the provisions, to adjudge what punishments he may deem proper.—

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

Sd/ H. Ricketts
Sd/ [illegible]

Pleas

8th October 1845.-

under Clause 2d Section II Regulation I of 1822, as the 3d Prisoner had been before convicted of a similar attempt.-

2. The 3 prisoners were convicted by the Law Officer of the attempt to break into the Prosecutors House, and were declared liable to Ootkoobut, Hud being barred because the offence had not been completed.-

3. The Sessions Judge accordingly put a 2d question requiring the Law Officer to declare to what punishment the Prisoners would be liable if they were proved to have dug a hole and stolen property amounting to "Nisab" and on a finding of Hud sentenced them to 7 Years imprisonment with hard labor in irons, under the provisions of Section XXI Regulation VII of 1802. but "seeing that the 1st and 2d Prisoners would "but for the previous character of the 3d "have been punishable by the Criminal "Court, and as nothing was said, he recommended that the sentences be mitigated from "7 Years to 18 Months, under the provisions "of Section IV Regulation I of 1825. and

in

8th October 1845.-

"in the case of the 3d Prisoner he having "been already punished in No. 30 of 1841 under "Clause 6th Section II Regulation VI of 1822. "the Sessions Judge recommended that he "be sentenced to the mitigated punish-"ment of 4 Years imprisonment with labor "in irons on the grounds above stated."-

4. The Court observe that the 2d question propounded by the Sessions Judge goes to alter the facts of the case, and assumes an offence to have been committed which was not charged, and which the evidence shows was not perpetrated.-

5. The offence charged being an attempt to commit a crime, is punishable as a misdemeanor under Clause 4th Section II Regulation XV of 1803. and it is competent to the Sessions Judge under this provision, to adjudge what punishment he may deem proper.-

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

Sent in No. 1747

Read return dated 24th Ultimo from the Acting Magistrate of Cuddalore, to the precept of the Tanjore Court of the 17th idem, directing him in reference to the property in dispute under his charge late at Amaravathy, to give due notice to the Vakeels of the respective claimants, of the intended sale of the said property, and to make all due enquiries, and take all necessary precautions for bringing the property to sale at the best market that can be found.—

(Here enter F.C. No. 2792 of 1845)

1. The Acting Magistrate forwards with the return an English copy of the notice issued to each of the respective claimants, announcing, that if on or before the 30th Instant neither one or other of them does not institute a suit in the Civil Court at the station to decide the claim in question, immediate steps will be adopted for the sale of the property and the investment of the proceeds in Government Securities.—

2. The Acting Magistrate is of opinion that it will be the most profitable course to dispose of the property in the vicinity of Madras, and suggests that the Collector of Chingleput be instructed to dispose of it at a convenient place for purchasers within the limits of his District. but he expresses a wish to be favored with the opinion of the Court, and their further instructions on this subject before the expiration of the notice issued to the disputing parties, in order that he may adopt speedy measures for finally carrying out their orders.—

3. The Court of Tanjore Vakeel do not feel disposed to issue any further instructions than those already recorded in their proceedings of 17th Ultimo. The Magistrate should exercise his discretion, in making such arrangements as may appear best suited to the interests of the parties concerned.—

Ordered, that an Extract from these proceedings be forwarded to the Acting Magistrate

Read petition dated 26th Ultimo from the Acting Magistrate of Guntoor, to the precept of the Sudder Court of the 17th idem, directing him in reference to the property in dispute under his charge title late at Amaravathy, to give due notice to the Vakeels of the respective claimants, of the intended sale of the said property, and to make all due enquiries, and take all necessary precautions for bringing the property to sale at the best market that can be found.—

Here enter Ltr. No. 2792 of 1845.

1. The Acting Magistrate forwards with the petition, an English copy of the notice issued to each of the respective claimants, announcing, that if on or before the 30th Inst. she or they or either of them does not institute a suit in the Civil Court at the station to decide the claims in question, immediate steps will be adopted for the sale of the property and the investment of the proceeds in Government Securities.—

2. The Acting Magistrate is of opinion that it will be the most profitable course to dispose of the property in the vicinity of Madras, and suggests that the Collector of Chingleput be instructed to dispose of it at a convenient place for purchasers within the limits of his District. but he expresses a wish to be favored with the opinion of the Court, and their further instructions on this subject before the expiration of the notice issued to the disputing parties, in order that he may adopt speedy measures for finally carrying out their orders.—

3. The Court of Sudder Adawlut do not feel disposed to issue any further instructions than those already recorded in their proceedings of 17th Ultimo. The Magistrate should exercise his discretion in making such arrangements as may appear best suited to the interests of the parties concerned.—

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

8th October 1845.-

Magistrate of Guntoor for his information.-

/Station No. 1748/

Read Report dated the 26th Ultimo submitted by the Acting Magistrate of Cuddapah, of Cases tried by the Magistracy under the provisions of Section 6 & IV Act VII of 1843, during the Month of August 1845.-

/Here Enter - No. 2811/

1. It does not appear on what date Sentence was passed in the only case entered in the above Report.-

2. On future occasions the Acting Magistrate will avoid a similar omission.-

3. The Court observe further that the Report should have reached the Office of their Register within the 15th Ultimo.-

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

/Station No. 1749/

Fujdaree Court's proceedings dated 21st August 1845.-

711.

Thursday, 9th October, 1845. At a Court of the Fouzdaree Adawlut

Present;

The G. J. Waters, Esqr. — Sr. Puisne Judge;

M. Lewin, Esqr. — 2d. Puisne Judge;

J. C. J. Boileau, Esqr. 3d. Puisne Judge;

Read Extract from the Minutes of Consultation dated 15th July last, No. 543, conveying the observations of Government on the Report submitted by the Sessions Judge of Calicut for the year 1844, under the provisions of Section XXXVII Regulation VII of 1802.-

/Here Enter. No. 2126 of 1845/

Read also Letter dated 17th Ultimo from the Sessions Judge of Calicut enclosing Copy of the Calendar No. XXXIII of 1845 on the File of the Sessions Court at that Station.-

/Here Enter. No. 2577 of 1845/

The transmission of the case disposed of in the above Calendar.

9th October, 1845

to the Criminal Court at Calcutta, was required in the proceedings of this Court dated 21st June last and the order then issued by the Foujdaree Udalut was approved by the Government, who, in the Minutes of Consultation of the subsequent 18th July, desired that the result of the trial might be communicated for their information.—

2. It is observed from the Enclosures to the Sessions Judge's forwarding Copy of the Calendar, that Venkumma Row, Head Police Officer of the Nedoungaud Talook was not brought before the Sessions Court, the Subordinate Judge, Mr. C. R. Pigou

28th July, 1845 having declared this opinion that in support of the charge against him, there did not appear to be any evidence whatever; but that on the contrary the testimony of the injured parties expressly implicated him.

3. Admitting, however, to be doubts which have been entertained

9th October, 1845

by the Magistrate of Malabar, Mr. H. Connolly, in respect of committing the Head of Police in question to the Criminal authorities, the Judges of the Foujdaree Udalut would point out for that officer's information and future guidance, that it is the instructions of this Court, as conveyed to him through the Sessions Judge, expressly required the commitment of every person supposed to be implicated in any way, directly or indirectly, in the fabrication of the charge of murder of which two innocent individuals were compelled to admit themselves guilty, although the female said to have been murdered was at the time of their confessions alive and well. Such having been the real intention of the Court, distinctly expressed, the Judges fail to appreciate the motives which have been assigned by the Magistrate for not having at once directing the transmission to the Subordinate Court of the

1822

Head Police Officer in respect of whom it became the duty of the Sessions Judge to issue more than one Precept to ensure the complete execution of the Court's orders.—

4. On a review of the Calendar laid before them, the Judges see reason to consider that the result of the trial of the Sheristadar of Talook Nedoongnaad, Proombayil Govinda Menon, and his associates, is insufficient to answer the demands of justice, it appearing to the Court that under the circumstances of the case, the highest punishment should have been awarded which the law sanctions, instead of the lenient sentences which have been passed.—

5. The Sessions Judge should bear in mind that the reasons assigned for the leniency he has displayed to the disgrace and dismissal from office which the accused have incurred are the necessary consequences of the sentence

sentence and he should not have failed to observe that the circumstance of no evil having actually resulted from the maltreatment the Prosecutors underwent at the hands of the Sheristadar and the other Prisoners, is purely accidental.—

Ordered, that Extracts 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 757)

Ordered also, that an Extract from these Proceedings be forwarded to the Sessions Judge of Calicut for the communications of paras 1, 2 and 3 to the Magistrate of Malabar.—

(Sent in No 758)

Read Reports undated the 20th Ultimo of Prisoners confined in the separate Cells of the Goal

9th October, 1845.

Vizagapatam and delivered to the Agency in the month of August 1845.

(Here enter F. R. No. 2796)

The above reports require no remarks, but, from the manner in which they have been prepared, merit the full approval of the Foujdaree Udalut, and are extremely creditable to the Assistant Agent.—

Ordered, that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam for his information and for communication to the Assistant Agent.—

(Sent in No. 1753)

Friday 10th October 1845.

F. R.

At a Court of the Foujdaree Udalut

Present

G: S. Waters Esqr.—1st Puisne Judge

Malcolm Lewin Esqr.—2nd Puisne Judge

J. E. S. Boileau Esqr.—3rd Puisne Judge

Read letter dated 23d September 1845 from the Sessions Judge of Salem, submitting the record of the trial in Case No. 41 on the Calendar of the Sessions Court for 1845.

(Here enter F. R. No. 2853 of 1845)

Mr. M. Lewin.
Mr. J. E. S. Boileau.

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case as evidenced before them, are of opinion that the proof against the prisoner "Moonyan" 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.—

(Sent following letter No. 1787)

Read Report dated 31st December 1845, submitted by the Sessions Judge of Coimbatore, under the provisions of Section XXXVIII Regulation VII of 1802.

(Here enter No. 2844 of 1845)

An

Para: 11. 1. In a few instances, the Court think it possible, that the inconveniences may be such as that which the Sessions Judge has adverted to in this para: but it is obvious that Section XXIX of Act VII of 1843 contemplates the commitment at once of cases to the Sessions Court, whenever the committing officer may be of opinion that the offence charged is beyond his own jurisdiction.—

Para: 12. 2. The Court of Foujdaree Adawlut concur with the Sessions Judge, that no diminution of crime may be anticipated, when the fact becomes more generally known that under the present system, punishment follows so closely upon the commission of crime, as is evident from the result submitted in this para:—

Para: 13. 3. Since Act VII of 1843 has been in operation, the aid of assessors or jurors has not been generally called in by the Sessions Judges, excepting those at Mangalore and Coimbatoor, a circumstance which seems to indicate the prevalence of the opinion entertained by the Sessions Judge of Coimbatoor, in which the Foujdaree Adawlut concurs.—

Para: 15. 4. In respect of fixing a limit to the right of Appeal to the Sessions Courts from decisions by the Magistracy, the Foujdaree Adawlut consider that no limit can be affixed but such as accords with the

the regulations which now admit of every appeal the old law was doubtless intended to prevent this but a clamour arose that every case should be appealable, and now every case is so.—

5. The Court regret that the review of this Report should have been so long delayed, owing to its having been mislaid with papers in circulation.—

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 Right Noble the Governor in Council.—

(Sent in No: 188)

Read Criminal Reports under date the 1st Ultimo, submitted by the Sessions Judge of Canara for the Month of August 1845.—

(Here enter F. 86: No: 2628)

No: 76. 81.

1. The Court resolve to direct that the above Reports be returned to the Sessions Judge in order to the insertion of the Nos noted in the margin which, it appears, have been altogether omitted.—

2. The Sessions Judge will be pleased to submit an explanation of the omission adverted to.—

Ordered, that Extract from these Proceedings

10th October 1845.

Proceedings be sent to the Sessions Judge of Honore for his information, by precept returnable within X days from and after its receipt.

(Sent following Receipt No 1759)

Read Criminal Reports under date the 31st August last, submitted by the Subordinate Judge of Salem for the Month of August 1845.

(Here enter F. R. No 3676)

Case No 134 1. The Court fail to comprehend in what way the inference drawn by the Subordinate Judge

Circular Order No 73. from the Circular Order quoted, is applicable to his error in admitting a Razeenamah between the parties in this case who were charged with "assault": the Circular Order in question having reference only to cases of "Theft".—

Case No 141 2. The practice of quoting a Circular Order in support of sentences passed, has frequently been interdicted by the Court of Foujdaree Adaulut.—

Case No 142. 3. The Court see no sufficient cause for the reference which was made in this case by the Head of District Police to the Magistrate.—

4 It was incumbent upon the former Officer to act upon his own discretion and had he done so, the delay which occurred in the transmission of the case to the Criminal Court would have been avoided.—

The

No 16.

10th October 1845.

Case No 143. 5 The Court infer that the remarks recorded by the Subordinate Judge with reference to the committal of this case have been communicated to the Magistrate, who will be pleased to report direct for the information of the Foujdaree Adaulut what notice he may have taken of the gross error of Judgment displayed by the Head of District Police who committed the Prisoners to the Criminal Court.

Ordered, that Extract from these Proceedings be sent to the Subordinate Judge of Salem for his information and guidance, and for Communication of paras 3 & 4 and 5 to the Magistrate by precept returnable within XV days from and after its receipt.

(Sent following Receipt No 1760)

Read letter dated the 20th Ultimo from the Sessions Judge of Calicut, submitting the warrant issued for the execution of the sentence of death passed on the 1st Prisoner in Case No 17 on the Calendar of the Session Court for 1845, with the endorsement of the Subordinate Judge, and Copy of his report.—

(Here enter No 3786.

1 On the above Report the Subordinate Judge submits the opinion, that with much greater propriety, Criminal Sentences might be commuted

by

by the Court which has tried the Prisoner, instead
of delegating that important function to a subordinate
Authority wholly ignorant of all the facts of the case;
and, with particular reference to the case under remark,
he observes, that it would certainly have been more
decorous and perhaps more impressive, and useful to
the by-standers in Court, had he been able to reply
to the Culprit's vehement protestations of innocence
in a few words, expressive of his own personal
and deep conviction of his guilt, instead of saying,
as he was obliged to do, "I know nothing of the case
"except that I have received a Warrant for your
"execution from the Court which tried you."

2. The Court of Foujdaree Adalut deem
the suggestion received from the Subordinate Judge
to be obviously liable to the objections raised against
it by the Sessions Judge. They further believe it
to have emanated from an immature consideration
of the subject, as it is clear the system proposed by
the Subordinate Judge for the future, does not provide
against a change of Judges in the Sessions Court, such
as that in the Subordinate Court on which has
originated the Subordinate Judge's ignorance of the
merits of the particular and single trial on which his
present suggestion is founded.

3. Further, it does not meet the difficulty

which, under the circumstances referred to at the close
of the Subordinate Judge's report, might arise out of
a difference of opinion between a Sessions Judge and
the Foujdaree Adalut, in a case where the latter authority
pass a sentence of death in opposition to the recom-
mendation of the former for a milder punishment.

Assuming, however, that in the
instance to which the Subordinate Judge has adverted,
a necessity did exist for a verbal communication
with the condemned Prisoner, in addition to the
simple intimation of the nature of the sentence passed
by the Foujdaree Adalut, the Judges think it would
have received a better appreciation on the part of the
Subordinate Judge of the merits of his own proposition
now made, had he notified his belief to the Sessions
Judge; but it is not the opinion of the Foujdaree
Adalut either that any practical advantages will
result from the suggested innovation on the established
rule, or that the Subordinate Judge's address offers any
explanation of the necessity for such innovation.

Ordered, that Extract from these
Proceedings be sent to the Sessions Judge of Calicut
for his information and communication to the Subordinate
Judge at that station.

(Sent in No. 761)

Read

10th October 1845.

Read letter dated the 24th Ultimo from the Acting Session Judge of Madura, transmitting the English translation of the Record of Trial in Case No 34 of the Calendar of 1845, for the consideration and final sentence of the Foujdaree Adawlut.—

(Here enter No 2802)

Mr. G. I. Walters.
Mr. F. D. I. Boileau.

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 prisoners.

1st Woonian Saultan
2nd Keelaven
and
3rd Arrasappen.

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 Woonian Saultan

to suffer death, by being hanged at the usual time and place of execution; but being of opinion under the circumstances of the case, that the punishment to which the prisoners

2nd Keilaven
and
3rd Arrasappen

are liable under the provisions of Section X Regulation VIII of 1802, is too severe, in this instance, the Court do, under the provisions of Clause Second Section VI Regulation

No 16
10th October 1845.

Regulation I of 1825, sentence them to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons, on the public roads, or other public works, for, and during the period of their natural lives.—

1. The prisoners in this case were charged with having murdered the Prosecutors' elder brother by cutting and stabbing him.—

2. The Session Judge concurring with the Law Officer in the conviction of all the prisoners recommends that sentence of death be passed upon the 1st prisoner.—

3. Adverting to the very reprehensible omission on the part of the Session Judge to record an opinion regarding the punishment to be awarded to the 2nd and 3rd prisoners in this case, the Court resolve to direct the attention of that Officer to the rule laid down in the Circular Order noted margin, requiring "that in every letter submitted with a referred trial a clear and distinct opinion should be given by the presiding Judge, as to the conviction or acquittal, and if convicted, as to the punishment of each prisoner."

Circular Order 16th March 1834

4. The Session Judge has also neglected to conform to the Circular Order which directs that

Circular Order 27th Sept. 1824

that in Cases referred to the Foujdaree Adawlut the pages of the English translation of the record should be all numbered.—

5. With reference to the allegation of the 7th witness that a bribe of Rupees 3-8. had been offered him by the Brother of the 3d prisoner in order to obtain the release of the prisoner, the Court desire that the matter be referred for investigation by the Magistrate, should there appear a sufficient probability of the ultimate conviction of the party accused.—

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

(Sent following letter No. 1762)

Read Calendar in Case No. 62 of 1845, submitted by the Sessions Judge of Cuddalore under date the 27th Ultimo.—

(Here enter F. R. No. 2826 of 1845)

Read Calendar in Cases Nos. 65 and 66 of 1845, submitted by the Sessions Judge of Cuddalore under dated the 27th Ultimo.—

(Here enter F. R. No. 2827 of 1845)

Read Calendar in Case No. 19 of 1845, submitted by the Sessions Judge of Rajahmundry under date the 26th Ultimo.—

(Here enter F. R. No. 2828 of 1845)

Read Calendar in Case No. 43 of 1845, submitted by the Sessions Judge of Mangalore under date the 24th Ultimo.—

(Here enter F. R. No. 2831 of 1845)

Read Calendar in Case No. 41 of 1845, submitted by the Acting Sessions Judge of Madura under date the 27th Ultimo.—

(Here enter F. R. No. 2833 of 1845)

Read letter dated 26th Ultimo from the Magistrate of Masulipatam, stating that none of the description alluded to in Section LIV of Act VII of 1843 have occurred during the Month of August 1845.—

(Here enter F. R. No. 2835 of 1845)

Read Calendar in Case No. XXXII of 1845, submitted by the Sessions Judge of Cuttack under date the 26th Ultimo.—

(Here enter F. R. No. 2839 of 1845)

Read letter dated 23d Ultimo from the Acting Agent to the Governor of Fort St. George at Ganjam, reporting that Chinnaree Ramoodoo the Prisoner in Trial No. 8 of 1845 has been hanged.—

(Here enter F. R. No. 2840 of 1845)

Read return dated 23d Ultimo from the Acting Agent to the Governor of Fort St. George at Ganjam, to the precept of the Foujdaree Adawlut under date the 15th Ultimo, directing him to submit the

10th October 1845.

the statement shewing the number of trials referred to Foujdaree Adaulut in the year 1844, called for in their Proceedings of 16th August last.

(Here enter F: U: No. 2841 of 1845)

Read letter dated 1st Instant from the Sessions Judge of Chingleput, reporting that no cases to be reported on as required by the Circular letters dated 16th October 1844 and 21st January 1845 were pending during last month.

(Here enter F: U: No. 2845 of 1845.)

Ex BK

F. U.

Saturday 11th October, 1845.

At a Court of the Foujdaree Adaulut

Present

G. J. Waters Esquire 1st Puisne Judge,
Malcolm Lewin Esquire 2nd Puisne Judge,
H. B. J. Boileau Esquire 3rd Puisne Judge.

Read letter dated the 25th Ultimo from the Agent to the Governor of Fort Saint George at Kurnool, submitting a summary of the evidence against a Prisoner charged with having procured abortion; and submitting his opinion as to the punishment to be passed.

(Here enter No. 2836 of 1845.)

The Agent to the Governor has suggested a sentence of imprisonment for a period of eighteen months, the Prisoner being a widow of Brahmin caste; but, the Court of Foujdaree Adaulut having maturely considered the summary of the evidence taken before that Officer, his statement of the grounds for a conviction, and his opinion as to the punishment which should be awarded

4th October 1845

awarded to the accused, resolve to sentence the prisoner

"Lutchmaka of Lunjapalour"

to be imprisoned and kept to labor suitable to her sex, for, and during the period of [3] three months.

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort Saint George at Kurnool for his information and guidance.

[Sent in No. 704]

Read the Calendar in Cons. No. 30 of 1845, submitted by the Sessions Judge of Cuddapah under date the 19th Ultimo.

[Here enter No. 27441]

Before disposing of the above Calendar, the Court of Foujdaree Adawlut desire to be furnished with a copy of the Original Futwas delivered by the Mahomedan Law Officer.

Ordered, that Extract from these Proceedings be sent to the Sessions Judge

4th October 1845

Judge of Cuddapah for his information by precept returnable without delay.

[Sent following precept No. 1705]

Read Criminal Reports under date the 10th Instant submitted by the Sessions Judge of Tellicherry for the month of August 1845.

[Here enter F. Cir. No. 2656]

Case No. 161

The Court desires to be informed of the nature of the Deeds which the prisoners in this case were charged with having stolen, as should it appear that the real value of those Documents amounts to the sum stated in the charge it will become necessary to annul the sentence which has been passed, on the ground that the value of the property stolen being in excess of Rupees 100 placed the case beyond the jurisdiction of the Sessions Judge in his capacity of Criminal Judge.

Cir. No. 60

2 The Court further desire to be informed what notice has been taken of the conduct of the Peon, throughout

in this

11th October 1845.

whose permission the prisoner in this case effected his escape.

Case No. 7 3 From the Column appropriated to the dates of the apprehension of prisoners, it would appear that the prisoners in this case had been apprehended on the 9th of August, whereas in the Statement of the charge the 11th idem is assigned as the date of the Commission of the offence.

4. The Court requires an explanation of this apparent discrepancy.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Tellicherry for his information by precept returnable within X days from and after its receipt.

/Sent following precept No. 176/

Read Calendar in Case No. 22 of 1845 submitted by the Sessions Judge of Chittoor.

/Here enter No. 2813./

The above Calendar not requiring any remark from the Court

of

F. 26

11th October 1845.

of Foujdaree Adalut.

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

/Sent in No. 1767/

Read letter dated the 3d Instant from the Sessions Judge of Combatore, submitting the record of the Trial of Case No. 26 of 1845 for the final sentence of the Foujdaree Adalut.

/Here enter F. 26. No. 2893/

Mr. G. J. Waters and Mr. H. 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

"Rungiah Chetty"

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

the

11th October 1845

the period time and place of execution

(Sent following letter No 1758 /)

Esqr

Fº 96.

Monday
13th October 1845.

At a Court of the Sessions Held
Present

The Hon George J. Walter Esquire 1st Puisne Judge.
The Hon Malcolm Lewin Esquire 2nd Puisne Judge.
The Hon C. J. Berkeley Esquire 3rd Puisne Judge.

Read Criminal Report for the month of August last submitted under date the 12th Ultimo by the Principal Superintendent of Police.

Rem under F.U. Nº 2664 of 1845

The Court observe that the charges in this Case is for the Different and Abounds in much irrelevant and superfluous matter. Instead of entering into the motives and ends of the prisoner in preferring the false complaint it should have run thus:

The prisoner is charged with having preferred a false and malicious charge before the Head of Police of Paramaribo stating &c.

The attention of the Principal Superintendent of Police has already been drawn to the unnecessary

Nº 70.

unnecessary length of the charge entered in the a Monthly Criminal Reports and a repetition of the irregularity will force the Court to the necessity of returning his reports for amendment and condensation.

3. The Principal Sudr Ameen will be pleased to explain when the theft charged in this Case was committed whether by day or by night.

Report N.V Case N.82.

4. The attention of this officer is called to Circular Order of the 28th January 1822 as modified by the subsequent order of the 28th August of the same year.

Ordered that Extract from these proceedings be forwarded to the Principal Sudr Ameen of Nellore for his information by precept returnable in V days from and after its receipt.

(Sent following precept N.1772)

Read Criminal Reports submitted under date the 12th June 1845, by the Principal Sudr Ameen of Tinnevelly for the month of May 1845.

(Here enter T.U. N.17483)

Case N.69.

1. The Court observe that the Principal Sudr Ameen has omitted to state the nature of the evidence against the 2d prisoner in this Case on whom a fine has been imposed.

2. The Court are therefore unable to judge of the propriety of the sentence and direct that the Principal Sudr Ameen will supply the omission by submitting a brief abstract of the evidence which is required to render the report on the case complete.

Ordered that Extract from these proceedings be sent to the Principal Sudr Ameen of Tinnevelly for his information and guidance by precept returnable within V days from and after its receipt.

(Sent following precept N.1773)

Read again Extract from the a Minutes of Consultation dated 7th a November 1844. a N.3707.

(Here enter N.30449 of 1844)

1. a Adverting to the observations may by the Government in regard to the number

Para 16.

13th October 1845.

number of accidental deaths shown to have occurred in a Malabar as also to the opinion expressed, that some further investigation seems necessary, in order to ascertaining whether in the Districts of a Malabar, Canara Nellore, North Arcot and Bellary, the suicides reported, are not cases of crime under that designation; the Judges, under to report for the information of the Most Noble the Governor in Council, the result of their communication on the subject with the Magistrates of the Districts.

Malabar 3

The Magistrate of a Malabar states he has no reason to think that any of the number of Suicides reported for the first half of 1845 are Cases of Crime, that all reports of Cases of that nature or of accidental death, are invariably read to the Magistrate or his Assistant & Coroner and that any suspicious circumstances which may appear, of course lead to a further inquiry. The Magistrate, however, points out that the Government have undoubtedly power to the tenor of his report in remarking that

F. No. 3.

13th October 1845.

no less than 243 from the whole number (353) of accidental deaths, are stated by him to have committed Suicide as on reporting to his report he finds that there are only 42 Cases of this nature and that the remaining 311 are accidental deaths, a number which cannot be considered excessive in a population of 1140916 souls.

The late Acting Magistrate reported that of the total number (345) erroneously entered in the report adverted to in the Minutes of Consultation and which had attracted the attention of the Court and Government, 270 were accidental deaths and ought not to have been entered under the above head.

He stated further that the remaining 74 Cases were confined under five heads as shown in the margin.

By hanging &c 39.
Drowning by diving 2
Stabbing himself 1 42.

By Hydrophobia 6
Drowning accidentally 302
Snake bite 7.
Lightning 6.
Falling from Trees &c 44.
Wild beasts 23.
Fire 7.
Strangulation by weeds 1
Sunstroke 8
Falls of walls &c 5.
Bursting of muskets &c 1
Accidental discharge of a Gun 1 311.
353.

Canara

	Canara	of Canara accidental
Drowning		11
Snake bite		1
Wild beasts		39
Falling into a Tank		2
Explosion of bursting		1
Falling with		3
Snake bite		4
Hydrophobia		1
Falling under the		1
Lightning from Trees		22.
Do		181
Discharge of Guns		4 270.

Canara

Drowning	22.
Discharge of Guns	1
Do	38
Do	2
Falling	1

5. After detailing the mode of enquiry pursued on the receipt of a report of a death by suicide, he submits that he is not of opinion, that there are grounds for believing, that cases of deaths by violence are often entered under the head of suicide, although he thinks it is probable, and not at all improbable, that an instance or two may occasionally occur, notwithstanding the vigilance of the most active officers.

6. He concludes by observing that as the cases reviewed in the Minutes of Consultation under remark, occurred so long back as 1842, it is unlikely any investigation now set on foot would elucidate or bring to light circumstances not reported at the time of the inquests.

7. The Magistrate of Nellore states that it has been necessary with a view of affording the information required by Government, to go over all the Records of the Cases accompanying the reports of Suicides and accidental deaths, and he remarks that it is impossible to say that no single case of Murder is ever covered by the designation of Suicide, but

Nellore

but that he firmly believes such cases are very rare indeed, and unless the crime be known only to the party committing it, that it would always be liable to discovery by information given in consequence of quarrels or disagreements in the Village where it occurred. The Magistrate observes further that he has known false charges of this kind made from enmity arising between individuals and if it were at all common to conceal murders, there, doubtless, many representations would be made of the facts either by complainants in person or by anonymous statements.

8. He concludes by reporting that in looking over the Cases entered in the Criminal Reports of the 2d Half Year of 1842 there is nothing in them which leads him to suppose that they were not suicides, tho' to the number of them perhaps might be added some of those entered under the Head of accidental deaths by falling into wells.

North Arcot

9. The Magistrate of North Arcot states that it does not appear that there are any cases of Crime among the total number

number of Suicides entered in the Reports from the District under his charge for the Half year in question.

Bellary. 10. The Magistrate of Bellary reports that the number of cases of Suicide which occurred in that District during the year 1842, was only 135 and not 488 as specified in the Minutes of Consultation under reply. He points out that the latter mentioned number, includes 353 Deaths, of which 343 were accidental and 10 from unknown causes; and observes that of the 135 Suicides there may be some cases of Crime covered by that designation at least that suspicion attaches to these Cases, but that he cannot point out a single instance in which any evidence of crime has been elicited.

para 18. 11 In conformity with the instructions conveyed in the para, the Tondiman Vedalut beg to transmit as an Appendix to their proceedings, copy of a report submitted by the Magistrate of North Arcot shewing with reference to the Order of Government that the Seminaries in the District of North Arcot should be periodically visited,- by whom and

and for what period the Karvetnuggeri Seminary has been visited during the last three years.

para 32. 12. In regard to the proposal of the Tondiman Vedalut, that the Annual Reports furnished by Heads of Police should be dispensed with, the Most Noble the Governor in Council has remarked that he is not prepared to assent to the proposition, but would suggest that the causes of their barrenness be investigated and that it be ascertained whether it proceeds from ignorance or indifference, or from being overburthened with work.

13. The Judges accordingly placed themselves in communication with the Magistrates under their jurisdictions, and regret, that, on a deliberate and attentive consideration of the replies received from those Officers, they can see no reason for a belief that the interests of the public Service are likely to suffer detriment from the discontinuance of the Reports adverted to; on the contrary they think it will be a boon to relieve the

Heads

number of Suicides entered in the Reports from the District under his charge for the Half year in question.

Bellary

10. The Magistrate of Bellary reports that the number of cases of Suicide which occurred in that District during the year 1842, was only 135 and not 488 as specified in the Minutes of Consultation under reply. He points out that the latter mentioned number, includes 353 Deaths, of which 343 were accidental and 10 from unknown causes; and observes that of the 135 Suicides there may be some cases of Crime covered by that designation at least that suspicion attaches to these Cases, but that he cannot point out a single instance in which any evidence of crime has been elicited.

para 18.

11 In conformity with the instructions conveyed in this para, the Foujdaree Udalut beg to transmit as an Appendix to their proceedings, copy of a report submitted by the Magistrate of North Arcot showing with reference to the Order of Government that the Seminaries in the District of North Arcot should be periodically visited, by whom and

and for what period the Canvetnuggeri Seminary has been visited during the last three years.

para 32.

12 In regard to the proposal of the Foujdaree Udalut, that the Annual Reports furnished by Heads of Police should be dispensed with, the Most Noble the Governor in Council has remarked that he is not prepared to assent to the proposition, but would suggest that the cause of their barrenness be investigated and that it be ascertained whether it proceeds from ignorance or indifference, or from being overburthened with work.

13. The Judges accordingly placed themselves in communication with the Magistrates under their jurisdictions and regret, that, on a deliberate and attentive consideration of the replies received from those Officers, they can see no reason for a belief that the interests of the public Service are likely to suffer detriment from the discontinuance of the Reports adverted to; on the contrary they think it will be a boon to relieve the

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number of Suicides entered in the Reports from the District under his charge for the Half year in question.

Bellary. 10. The Magistrate of Bellary reports that the number of cases of Suicide which occurred in that District during the year 1842, was only 135 and not 488 as specified in the Minutes of Consultation under reply. He points out that the latter mentioned number, includes 353 Deaths, of which 343 were accidental and 10 from unknown causes; and observes that of the 135 Suicides there may be some cases of Crime covered by that designation at least that suspicion attaches to these Cases, but that he cannot point out a single instance in which any evidence of crime has been elicited.

para 18. 11 In conformity with the instructions conveyed in the paras, the Sudders Adalut beg to transmit as an Appendix to their proceedings, copy of a report submitted by the Magistrate of North Arcot showing with reference to the Order of Government that the Seminaries in the District of North Arcot should be periodically visited,- by whom and

and for what period the Karvetnuggur Seminary has been visited during the last three years.

para 32. 12. In regard to the proposal of the Foujdaree Adalut, that the Annual Reports furnished by Heads of Police should be dispensed with, the Most Noble the Governor in Council has remarked that he is not prepared to assent to the proposition, but would suggest that the cause of their barrenness be investigated and that it be ascertained whether it proceeds from ignorance or indifference, or from being overburthened with work.

13. The Sudders accordingly placed themselves in communication with the Magistrates under their jurisdictions, and regret, that, on a deliberate and attentive consideration of the replies received from those Officers, [illegible] see no reason for a belief that the interests of the public Service are likely to suffer detriment from the discontinuance of the Reports adverted to; on the contrary they think it will be a boon to relieve the

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number of Suicides entered in the Reports from the District under his charge for the Half year in question.

Bellary. 10. The Magistrate of Bellary reports that the number of cases of Suicide which occurred in that District during the year 1842, was only 135 and not 488 as specified in the Minutes of Consultation under reply. He points out that the latter mentioned number, includes 353 Deaths, of which 343 were accidental and 10 from unknown causes; and observes that of the 135 Suicides there may be some cases of Crime covered by that designation at least that suspicion attaches to these Cases, but that he cannot point out a single instance in which any evidence of crime has been elicited.

para 18. 11 In conformity with the instructions conveyed in this para, the Tongdaree Udalut beg to transmit as an Appendix to their proceedings, copy of a report submitted by the Magistrate of a North Arcot showing with reference to the Order of Government that the Seminary in the District of North Arcot should be periodically visited, - by whom and

and for what period the Carvetnuggeri Seminary has been visited during the last three years.

para 32. 12 In regard to the proposal of the Tongdaree Udalut, that the Annual Reports furnished by Heads of Police should be dispensed with, the Most Noble the Governor in Council has remarked that he is not prepared to assent to the proposition, but would suggest that the cause of their barrenness be investigated and that it be ascertained whether it proceeds from ignorance or indifference, or from being overburthened with work.

13. The Judges accordingly placed themselves in communication with the Magistrates under their jurisdictions, and regret, that, on a deliberate and attentive consideration of the replies received from them, they can see no reason for a belief that the interests of the public Service are likely to suffer detriment from the discontinuance of the Reports adverted to; on the contrary they think it will be a boon to relieve the

men

Head of Police from the task of preparing them.

14. As now framed the Foujdaree Udalut consider these Reports wholly useless or nearly so, and without wishing to detract from the praise due to the services of the valuable class of public functionaries from whom they proceed, the Court is unable to divest itself of the impression, that the time of Heads of Police might be much better employed for practical ends than in drawing them up.

15. The Court feel satisfied that whenever any circumstance of importance is observable it will be observed at the time by the Magistrate and his Assistants and that they will receive notice of any thing worth observation, when it occurs to the Native Subordinates.

16. Accompanying the Judges beg to submit an Abstract of the reports from the Magistracy relative to the causes of the barrenness of the Head of Police Reports.

Ordered

13th October 1845.

Ordered that Extract fm 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 1774)

Abstract of Statements submitted by the several Magistrates with reference to the Barrenness of the Reports furnished by the Heads of District Police.

The Magistrates of the Districts noted marginally are of opinion that the barren nature of the Reports in question is attributable to want of matter, the subject having been already exhausted by former reports.

Cuddapah
Kanara
Nellore

The Magistrates of these Districts consider it caused by the performance of Miscellaneous duties and the ignorance of many of the Officers of District Police.

Tinnevelly.
Trichinopoly.

The Agent to the Governor in Vizagapatam attributes it to the very defective education which the Police Officers generally receive, and to the fact that in the Northern Districts Heads of Police are

Vizagapatam.

men

Head of Police from the task of performing them.

14. As now framed the Foujdaree Udalut consider these Reports wholly useless or nearly so, and without wishing to detract from the praise due to the services of the valuable class of public functionaries from whom they proceed, the Court is unable to divest itself of the impression, that the time of Heads of Police might be much better employed for practical ends than in drawing them up.

15. The Court feel satisfied that whenever any circumstance of importance is observable it will be observed at the time by the Magistrate and his Assistants and that they will receive notice of any thing worth observation, when it occurs to the Native Subordinates.

16. Accompanying the Judges beg to submit an Abstract of the reports from the Magistrates, relative to the causes of the barrenness of the Head of Police Reports.

Ordered

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 1774)

Abstract of Statements submitted by the several Magistrates with reference to the Barrenness of the Reports furnished by the Heads of District Police.

Kondapalli Canara Nellore.

The Magistrates of the Districts noted marginally are of opinion that the barren nature of the Reports in question is attributable to want of matter, the subject having been already exhausted by former reports.

Tinnevelly. Trichinopoly.

The Magistrates of these Districts consider it caused by the performance of Miscellaneous duties and the ignorance of many of the officers of District Police.

Vizagapatam.

The Agent to the Governor in Vizagapatam attributes it to the very defective education which the Police Officers generally receive, and to the fact that in the Northern Districts Heads of Police

men of inferior intellectual attainments.

In the above opinion the Agent to the Governor in Ganjam coincides, adverting also to the exhaustion of the subject and to the practice which he believes frequently to obtain in the Magistrate's establishments of intimating to Police Officers who are in the habit of submitting long and verbose reports "that the value of their reports will be measured by their brevity".

Ganjam.

The Agents to the Governor in Vizagapatam and Ganjam unite in urging the discontinuance of these reports.

The Magistrates of these Districts think it may be traced to the circumstance that severe animadversion follows very slight omissions in matters of form on the part of Heads of District Police which has rendered them fearful of incurring the responsibility usually attendant upon propositions or suggestions of improvement in the existing system of Police.

Bellary. Tanjore. Coimbatore.

The Magistrate of Tchingleput thinks it caused by the belief prevalent among

Chingleput

F. R.

15th October 1845.

among the Heads of District Police that little attention will be paid to any suggestions they might offer, and to the restriction of the reports in question to remarks or suggestions with reference to the existing system of Police.

The Agent in Kurnool adverts to the want of matter to report upon in consequence of the exhaustion of the subject and to the defective education generally received by the Officers of Police.

Kurnool

The Magistrate of Rajahmundry states that a belief has prevailed among the Heads of Police in the District under his charge that the reports in question were intended to comprise nothing more than a succinct account of the state of crime in their respective Divisions and the means taken for its discovery and suppression.

Rajahmundry.

The Magistrate of these Districts assigns as reasons the general apathy and indifference in the performance of their Police duties as well as the pressure of other business devolving on the Heads of District Police.

Guntoor. Malabar

13th October 1845.

The Magistrate of Masulipatam attributes it to the want of education and to the large extent of country under the jurisdiction of each of the Heads of Police in the District under his charge and the consequent pressure of multifarious duties.

Masulipatam

The Magistrate of Salem states that no orders appear to have been given with reference to the barrenness of the Reports submitted by the Heads of Police in the District under his charge, but that they will be directed to afford more useful information in their future reports.

Salem.

The Magistrate states that similar directions have been issued in the District under his charge.

North Arcot.

The Magistrate has offered no direct opinion but dissents from that expressed by the Joint Magistrate that the barrenness of Police Officers' Reports is attributable to their own corruption and that of every inferior grade.

Madura.

Read

13th October 1845.

Read letter dated the 11th Inst. from the Session Judge of Rajahmundry, submitting the Record of the Trial in Case No. 13 of 1845, on the file of the Session Court, for the final sentence of the Foujdaree Udalut.

(Receipt No. 2931.)

The Court of Foujdaree Udalut,

Mr. M. Lewin and Mr. Thos. Bristow.

on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoner Yaroobundy Baroga.

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 attention of the Session Judge will be given in future to a more careful revision of the English translations of the records of referred trials submitted to the Foujdaree Udalut in conformity with the provisions of the Regulation noted marginally.

Section XXXVI Regulation XII of 1802.

Ordered

15th October 1845.

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

(Sent following letter No. 1775)

Read Miscellaneous Petition presented on the 18th August last by T. Appiah Vakeel on behalf of Kanjiraden Kadomya Kovroop of Tillak Malabar.

(Here enter F. M. D. No. 1147 of 1845.)

1. This is an application for the interference of the Foujdaree Udalut to order the restoration of the Petitioner to his office of Tahseeldar and Head of Police of the Choongum Talook from which he has been recently dismissed by the Principal Collector and Magistrate of Malabar.

2. The Court of Sudr and Foujdaree Udalut have no power to interfere with the proceedings of the Revenue authorities in the manner solicited.

3. It is optional to the Petitioner to seek redress from the Board of Revenue should he have just grounds of complaint against the orders of the Collector.

Petition

F. D.
15th October 1845.

4. Petition is dismissed.

Ordered that Extract from these Proceedings be sent to the Principal Collector and Magistrate of Malabar for his information.

(Sent in No. 1776)

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

Read Miscellaneous Petition presented on the 26th August last by Mahomed Gouse of Tillak Cuddapah.

(Here enter F. M. D. No. 155 of 1845)

1. Petitioner, who, it appears, was recently employed as a peon in charge of the prisoners temporarily transferred from the Cuddapah Jail to Gundy, sets forth that the Superintendent of Government Roads at Gundy having permitted him to proceed to his Tillak on a Medical Certificate, refused on his return to reemploy him, alleging that his situation had been filled up in the interim and his name erased from the list of Peons attached to the establishment at Gundy.

Petitioner

15th October 1845.

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

(Sent following letter No. 1775)

Read Miscellaneous Petition presented on the 18th August last by T. Appiah Vakeel on behalf of Kanjiraden Kadomga Koroop of Lillah Malabar.

(Here enter F. M. D. No. 1147 of 1845.)

1. His is an application for the interference of the Foujdaree Udalut to order the restoration of the Petitioner to his office of Tahsildar and Head of Police of the Chowgaut Taluk from which he has been recently dismissed by the Principal Collector and Magistrate of Malabar.

2. The Court of Sudr and Foujdaree Udalut have no power to interfere with the proceedings of the Revenue authorities in the manner solicited.

3. It is optional to the Petitioner to seek redress from the Board of Revenue should he have just grounds of com-

F. P.
15th October 1845.

4. Petition is dismissed.

Ordered that Extract from these Proceedings be sent to the Principal Collector and Magistrate of Malabar for his information.

(Sent in No. 1776)

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

Read Miscellaneous Petition presented on the 26th August last by Mahomed Gouse of Lillah Cuddapah.

(Here enter F. M. D. No. 155 of 1845.)

1. Petitioner, who, it appears, was recently employed as a peon in charge of the prisoners temporarily transferred from the Cuddapah Jail to Gunnoy, sets forth that the Superintendent of Government Roads at Gunnoy having permitted him to proceed to his Lillah on a Medical Certificate, refused on his return to reemploy him, alleging that his situation had been filled up in the in-terim and

2. Petitioner submits a Medical Certificate with Captain Worsteins endorsement for the consideration of the Court and requests that he may be restored to his former situation.

3 Before passing any final Orders on the matter of this address the Court of Zoujdaree Adalut resolve to direct that the Petition be forwarded to the Superintendent of Government Roads at Guindy who will be pleased to submit an explanation of the circumstances which led to the dismissal of the Petitioner.

Ordered that Extract from these Proceedings be sent to the Superintendent of Government Roads at Guindy for his information and guidance.

(Sent on a No. 1774)

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

Read a Miscellaneous Petition presented on the 25th of July last and on the 29th Ultimo by Vengeeriem of Tillah Tennivelly.

(Here enter F. 8 [illegible])

1. Petitioner sets forth that his father in law Soondaraven and two others who were committed by the Magistrate on a charge of perjury and sentenced by the Provincial Court to 6 months imprisonment with hard labor in irons and to pay a fine of Rupees 200 each, but were subsequently released by order of the Session Judge, have since their release been detained in custody by the Magistrate.

2. Petitioner further complains of a sentence passed by the Magistrate upon Vengee Ammal the wife of Soondaraven, the nature of which is not specified.

3. The Court direct that copies of these Petitions be forwarded to the Session Judge of Tinnevelly who will be pleased to pass such order as the circumstances of the case may appear to require, reporting the same to the Zoujdaree Adalut.

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

13th October 1845.

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

Abdool Kareem of Combatore, moves the Court to return the enclosures in his Miscellaneous Petition No 157 of 1845.

Ordered accordingly.

Read Calendars in Cases Nos 15 and 16 of 1845 submitted by the Assistant Judge of Rayakmundry.

(Here enter F. M. Nos 2753 and 2754.)

Read Calendar in Case No 38 of 1845 submitted by the Acting Session Judge of Madura.

(Here enter F. M. No 2755.)

Ed W.

Tuesday
14th October 1845

F. W

At a Court of the Foujdaree Udalut

Present

G. S. Waters Esqre 1st Puisne Judge.
Malcolm Lewin Esqre 2d Puisne Judge
P. E. S. Boileau Esqre 3d Puisne Judge

Read Criminal Report under date the 6th Instant, submitted by the Subordinate Judge of Calicut for the Month of August 1845.

(Here enter F. W. No 2622)

Case No 147. 1. The Court seeing reason to question the propriety of the disposal of this Case, resolve to direct the Sessions Judge to call up the records and to pass such Order as he may think proper, reporting the same for the information of the Foujdaree Udalut.

Case No 150. 2. The 1st and 2d Prisoners in this case were respectively detained from the 18th and 23d of July the dates of their apprehension, to the 26th the date of their appearance before the Head of District Police.

of 12 days took place in the attendance of the witness after the apprehension of the 1st Prisoner.

Case No 155. 4. The delay which occurred in the transmission of this case to the Criminal Court is unexplained.

Case No 156 5 The Prisoners in this case were detained from the 25 July the date of their apprehension, to the 7th August when it appears that a second Subordinate Officer was deputed for the purpose of making certain enquiries.

6. It is not stated by what authority the Subordinate Officer was deputed to the place where the theft was committed.

Case No. 158. 7 The practice of detaining prisoners in the Paloot awaiting the apprehension of

Vide C.O. 24 - January 1922. other suspected persons has been repeatedly condemned by the Court of Inquiry Vide Ind.

8. The transmission of the prisoners in handcuffs to the Criminal Court, on such very insufficient evidence, was extremely irregular.

Case No. 159. 9. The reasons assigned by the Subordinate Judge for refraining from awarding the punishment

in this case by the Head Assistant Magistrate are irregular. It being incumbent upon the Subordinate Judge to pass sentence according to the measure of guilt proved by the evidence.

Case No 160. 10. The remarks recorded in para. 2 are applicable to this case also.

Case No. 161 & 163. 11. The explanations offered for the delays observable in the Committal of the cases noted marginally are altogether insufficient.

Case No. 164. 12. The Court direct that the sentence passed upon the prisoners in this case which appears to have been founded on the remarks recorded by the Subordinate Judge without reference to the evidence adduced, may be suspended.

13 The Sessions Judge will be pleased to call up the case and to pass such order as he may think proper, reporting the same for the information of the Inquiry Tribunal.

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Chaut for his information and future

14th Oct: 1845

guidance and for communication of paras 2, 3, 4, 5, 6, 7, 8, 10 and 11 to the Magistrate of Malabar in order to the submission by that Officer of the explanation therein called for direct to the Zoujdaree Udalut by precept returnable in ~~XX~~ days from and after its receipt.

(Sent following Precept No 72)

Ordered also, that Extract from these proceedings (paras 1, 12, 13 be forwarded to the Sessions Judge of Calicut for his information by precept returnable within XX days from and after its receipt.

(Sent following precept No 73)

Read Calendar under date the 17th Ultimo of Cases Nos 14 and 15 of 1845 submitted by the Sessions Judge of Chingleput.

(Here enter F. R. No 2750)

Case No 14. 1. The 1st and 3rd prisoners in this case were charged with Breaking and Robbery in having entered the Prosecutor's Godown by making a hole in the wall and stealing therefrom 5 Maunds of Indigo valued at Rs 175.

2. The 2nd prisoner was charged with having received the above Indigo

Gl. R.

14th October 1845.

aware of the manner in which it had been acquired.

3. The 1st and 2nd prisoners were sentenced to seven years imprisonment with hard labor in irons, the authority quoted for such sentence being Clause Second, Section III, Regulation VI of 1822. and Section ~~XXI~~ Regulation III of 1842.

4. The 3rd prisoner was sentenced to 3 years imprisonment with hard labor in irons under the provisions of Clause Second Section IV Regulation VI of 1822.

5. Adverting to the absence of any aggravating circumstances attendant upon the commission of the crime proved against the 1st and 2nd prisoners, the Sessions Judge recommends under all the circumstances of the case that the period of imprisonment awarded to them be reduced to 3 years.

6. On an attentive consideration of the circumstances of this case as stated in the Calendar, the Court see no sufficient grounds for the mitigation proposed by the Sessions Judge.

guidance and for communication of paras 2, 3, 4, 5, 6, 7, 8, 10 and 11 to the Magistrate of Malabar in order to the submission by that Officer of the explanation therein called for direct to the Zoujdaree Udalut by precept returnable in XX days from and after its receipt.

(Sent following precept No 773)

Ordered also, that Extract from these proceedings (paras 1, 12, 13 be forwarded to the Sessions Judge of Calicut for his information by precept returnable within XV days from and after its receipt.

(Sent following precept No 774)

Read Calendar under date the 17th Ultimo of Cases Nos 14 and 15 of 1845 submitted by the Sessions Judge of Chingleput.

(Here enter F. R. No 2750)

Case No 14. 1. The 1st and 2nd prisoners in this case were charged with Breaking and Robbery in having entered the Prosecutor's Godown by making a hole in the wall and stealing therefrom 6 Maunds of Indigo valued at Rs 178.

2. The 3rd prisoner was charged with having received the above Indigo

aware of the manner in which it had been acquired.

3. The 1st and 2nd prisoners were sentenced to seven years imprisonment with hard labor in irons, the authority quoted for such sentence being Clause Second, Section III, Regulation VI of 1832 - and Section XXI Regulation VII of 1845.

4. The 3rd prisoner was sentenced to 3 years imprisonment with hard labor in irons under the provisions of Clause Second Section IV Regulation VI of 1822.

5. Adverting to the absence of any aggravating circumstances attendant upon the commission of the crime proved against the 1st and 2nd prisoners, the Sessions Judge recommends under all the circumstances of the case that the period of imprisonment awarded to them be reduced to 3 years.

6. On an attentive consideration of the circumstances of this case as stated in the Calendar, the Court see no sufficient grounds for the mitigation proposed by the Sessions Judge.

guidance and for communication of paras 2, 3 4. 5. 6. 7. 8, 10 and 11 to the Magistrate of Malabar in order to the submission by that Officer of the explanation therein called for direct to the Zoujdaree Adalut by precept returnable in XX days from and after its receipt.

(Sent following precept No 12)

Ordered also, that Extract from these proceedings (paras 1, 12, 13 be forwarded to the Sessions Judge of Calicut for his information by precept returnable within XX days from and after its receipt.

(Sent following precept No 13)

Read Calendar under date the 17th Ultimo of Cases Nos 14 and 15 of 1845 submitted by the Sessions Judge of Chingleput.

(Here enter S. A. No 2450)

Case No 14. 1. The 1st and 2nd prisoners in this case were charged with Breaking and Robbery in having entered the Prosecutor Indigo godown by making a hole in the wall and stealing therefrom 6 Maunds of Indigo valued at Rs 176.

2. The 3rd prisoner was charged with having received the above Indigo

aware of the manner in which it had been acquired.

3. The 1st and 2nd prisoners were sentenced to seven years imprisonment with hard labor in irons, the authority quoted for such sentence being Clause Second, Section III, Regulation VI of 1822 - and Section XXI Regulation VII of 1841.

4. The 3rd prisoner was sentenced to 3 years imprisonment with hard labor in irons under the provisions of Clause Second Section IV Regulation VI of 1822.

5. Adverting to the absence of any aggravating circumstances attendant upon the commission of the crime proved against the 1st and 2nd prisoners, the Sessions Judge recommends under all the circumstances of the case that the period of imprisonment awarded to them be reduced to 3 years.

6. On an attentive consideration of the circumstances of this case as stated in the Calendar, the Court see no sufficient grounds for the mitigation proposed by the Sessions Judge.

Section III Regulation VI of 1822 should not have been quoted in support of the sentence passed upon the 1st and 2nd prisoners.

2. The use of the term "Burglary" in which is affixed as a heading to the abstract of the charge in this case, is irregular and has repeatedly been denounced by the Sudder Adalut.

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

(Here enter No. 1736)

Read letter dated 17th Ultimo from the Magistrate of Tinnevelly, reporting that no case has been investigated either by the Magistrate or his Subordinates under Section XIII Act VII of 1840.

(Here enter No. 2765)

Read Statement dated 25th Ultimo submitted by the Sessions Judge of Nellore for Battalion to Quarters and containing all cases before him from 1st January to 30th June 1845.

Read Return dated 19th Ultimo from the Acting Sessions Judge of Madura, in the precept of the Zoydaree Adalut under date the 15th September 1845, containing their remarks on Calendar Case No. 29 of 1845, and calling upon the Acting Sessions Judge to explain the cause of 19 days delay from the commencement to the termination of the Trial.

(Here enter No. 2762)

Read return dated 18th Ultimo from the Sessions Judge of Masulipatam in the precept of the Zoydaree Adalut under date the 7th July 1845, directing the Sessions Judge to put a question to the Law Officer in Case No. 16 on the Calendar for 1845 under the provisions of clause 2nd Section II Regulation XI of 1813, and to pass a new sentence under the provisions of Section XXI Regulation VII of 1821, submitting a recommendation of mitigation under Section II Regulation I of 1825.

(Here enter No. 2766)

Read Calendar dated 17th Ultimo, submitted by the Sessions Judge of Guntoor for [illegible] of 1845.

Section III Regulation VI of 1822 should not have been quoted in support of the sentence passed upon the 1st and 2nd prisoners-

2. The use of the term "Burglary" - which is affixed as a heading to the abstract of the charge in this case, is irregular and has repeatedly been denounced by the Foujdaree Adalut.

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

(Here enter No. 1784)

Read letter dated 17th Ultimo from the Magistrate of Tinnevelly, reporting that no case has been investigated either by the Magistrate or his Subordinates under Section 11th Act VII of 1840-

(Here enter No. 2765)

Read Statement dated 25th Ultimo submitted by the Sessions Judge of Nellore No. 1. Batta paid to Prosecutors and witnesses attending before him from 1st January to 30th June 1845.

Read Return dated 19th Ultimo from the Acting Sessions Judge of Madura, to the precept of the Foujdaree Adalut under date the 15th September 1845, containing their remarks on Calendar Case No. 39 of 1845, and calling upon the Acting Sessions Judge to explain the cause of 19 days delay from the commencement to the termination of the Trial-

(Here enter No. 2762)

Read return dated 10th Ultimo from the Sessions Judge of Mangalore to the precept of the Foujdaree Adalut under date the 7th July 1845, directing the Sessions Judge to put a query to the Law Officer in Case No. 16 on the Calendar for 1845 under the provisions of clause 5th Section II Regulation XX of 1813, and to pass a new sentence under the provisions of Section XXI Regulation VII of 1822, submitting a recommendation of mitigation under Section IV Regulation I of 1826-

(Here enter No. 2766)

Read Calendar dated 17th Ultimo, submitted by the Sessions Judge of Guntoor No. 20 of 1845.

14th October 1845.

Read Statement dated 30th June 1845, submitted by the Session Judge of Chingleput of Batta paid to Prosecutors and Witnesses attending before his Court, for the half year ending 30th June 1845.

(Here enter No 2777)

Read return dated 22d. Ultimo from the Session Judge of Cuddalore, to the precept of the Fouzdaree Adalut under date the 1st September 1845, directing the Session Judge in modification of the Fouzdaree Adalut's order of the 25th July last to release the Prisoner in Case No 69 of 1845, in the event of his relations promising to take charge of him, and the Zillah Surgeon certifying that there is no reason to apprehend a return of his disorder.

(Here enter No 2778)

Read Calendar dated 20th Ultimo Submitted by the Sessions Judge of Tanjore of Case No 19 of 1845.

(Here enter No 2779)

Read Calendar dated 25th Ultimo Submitted by the Sessions Judge of Cuddalore of Case No XXVIII of 1845

J. C.

Wednesday, 15th October 1845.

At a Court of the Fouzdaree Adalut.

Present

G. I. Waters Esqr. ——— 1st Puisne Judge,
Malcolm Lewin Esqr. ——— 2d Puisne Judge,
T. E. A. Boileau Esqr. ——— 3d Puisne Judge,

Read Criminal Reports under date the 13th June last submitted by the Principal Sudder Ameen of Chingleput for the month of May 1845.

(Here enter F. C. No 1712).

Cases No 41846.

The Court 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 up the proceedings of the Lower Court and to pass such orders as may seem to him to be proper reporting the same for the information of the Fouzdaree Adalut.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chingleput for his information by precept returnable within XX days from and after its receipt.

(Sent following Precept No 790)

Ordered also that Extract from these Proceedings be sent to the Principal Sudder Ameen of

Read again Calendar of Case No 16 of 1845 submitted by the Sessions Judge of Tellicherry under date the 7th August last.—

(Here enter F. R. No 2379)

Read also return under date the 23d Ultimo from the Sessions Judge of Tellicherry to the precept of the Foujdaree Adalut dated the 17th idem, pointing out an error in the above Calendar, and requiring the Sessions Judge to amend his sentence and to submit the necessary application for the mitigation of the punishment to which the prisoner is amenable by Law.

(Here enter F. R. No 2817)

1. In conformity with the purport of the foregoing precept the Sessions Judge submits the amended sentence for the consideration of the Foujdaree Adalut with a recommendation that the prescribed punishment be mitigated to three years imprisonment with hard labor in irons to commence from the 6th August last, the date of the commutation of the original sentence to the prisoner.—

2. In support of the above recommendation the Sessions Judge adverts to the great contrition expressed by the prisoner who has throughout confessed his Crime and immediately on his apprehension delivered up the greater part of the

the Sessions Judge the Court are pleased to sanction a mitigation of the prescribed punishment in this case to the extent recommended by that officer.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tellicherry for his information and guidance.—

(Sent in No 1792)

Read Calendar dated the 24th Ultimo submitted by the Sessions Judge of Rajahmundry in Case No 18 of 1845.—

(Here enter No 2821)

The Sessions Judge is informed that the submission with Calendars of a separate copy of the indictment, is deemed unnecessary and therefore that the practice of sending up such Copies to the Foujdaree Adalut should be discontinued.—

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

(Sent in No 1793)

Read Report dated the 1st Instant submitted by the Sessions Judge of Nellore of Cases pending on the 31st August and Committed for trial during the Month of September 1845.—

15th October 1845

Submitted by the Sessions Judge of Chittoor under date the 18th Ultimo.—

(Here enter F. C. No 2847 of 1845)

Read letter dated the 1st Instant from the Sessions Judge of Cuddalore reporting that no case was pending trial for a period exceeding 25 days during last Month.—

(Here enter F. C. No 2850 of 1845).

Read return dated the 30th Ultimo from the Acting Sessions Judge of Madura to the precept of the Fouzdaree Adalut under date the 25th idem containing their remarks on the Calendar in Case No 33 of 1845.—

(Here enter F. C. No 2853 of 1845)

Read return under the 3rd Instant from the Sessions Judge of Chittoor to the precept of the Fouzdaree Adalut under date the 26th Ultimo requiring that the Record in the case No 146 of 1845, on the file of the Subordinate Court of Chittoor, tried before the Cuzzy Sudr Ameen, should be sent for and examined, and such cases passed thereon as may seem proper, reporting the same for the information of the Higher Court.—

(Here enter F. C. No 2858 of 1845).

Thursday
16th October, 1845.

F. C.

At a Court of the Fouzdaree Adalut

Present,

G. I. Waters Esqre 1st Puisne Judge,
Malcolm Lewin Esqre 2d Puisne Judge,
T. Er. I. Borlase Esqre 3d Puisne Judge.

Read letter dated the 3d Instant from the Session Judge of Chittoor, submitting for the consideration and final sentence of the Fouzdaree Adalut the Record of the trial in Case No 21 of 1845.

(Here enter F. C. No 2892)

The Court of Fouzdaree Adalut having duly and deliberate consideration of all the circumstances of the Case in evidence before them, are of opinion that the proof against the prisoner,

Moorta Pharo,

is insufficient to convict him of the Crime of Rape, for which, in the absence of

13th October 1845

Submitted by the Sessions Judge of Chittoor under date the 18th Ultimo.—

(Here enter F. R. No. 3847 of 1845)

Read letter dated the 1st Instant from the Sessions Judge of Cuddalore reporting that no case was pending trial for a period exceeding 25 days during last Month.—

(Here enter F. R. No. 2850 of 1845)

Read return dated the 30th Ultimo from the Acting Sessions Judge of Madura to the proceedings of the Foujdaree Moulut under date the 25th idem containing their remarks on the Calendar in Case No. 33 of 1845.—

(Here enter F. R. No. 3853 of 1845)

Read return dated the 3rd Instant, from the Sessions Judge of Chittoor to the proceedings of the Foujdaree Moulut under date the 26th Ultimo requiring that the Record in the case No. 146 of 1845, on the file of the Subordinate Court of Chittoor, tried before the Deputy Sub Collector should be sent for and examined, and such orders passed thereon as may seem proper, reporting the same for the information of the Higher Court.—

(Here enter F. R. No. 3858 of 1845)

F R

F U

Thursday
16th October, 1845.

At a Court of the Foujdaree Moulut

Present,

G. I. Waters Esqre 1st Puisne Judge,

Mr. Malcolm Lewin Esqre 2d Puisne Judge,

Mr. E. I. Britton Esqre 3d Puisne Judge.

Read letter dated the 3d Instant from the Session Judge of Chittoor, submitting for the consideration and final sentence of the Foujdaree Moulut the Record of the trial in Case No. 21 of 1845.

(Here enter F R No. 3892)

Mr. E. I. Britton

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

Moorsa Pharsa,

is sufficient to convict him of the Crime of Rape, for which in the absence of

16th October 1845

Mahomedan Law as declared in Fatwas of their Law Officers, to convict him thereof and with reference to the provisions of Clause third Section XII Regulation XV of 1803, do sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works, for and during the period of seven years

(Sent following letter No 1797

Read letter dated the 15th Instant from the Session Judge of Combatoor submitting for the consideration and final sentence of the Court a Decree of the Principal Sudder Ameen of the Court in the Trial in Case No 28 of 1845 on the Calendar

(Records entered 2 Vol. No 2787)

Abdool Kadir Officiating and Mr. C. S. Cotton

The Court of Sudder Adawlut after mature deliberate consideration of all the circumstances of the Case as recorded therein, being of opinion that the proof against the Prisoner,

Gunnapathy Pillay

is sufficient to convict him of the crime of Theft of Cattle

16th October 1845

as made liable to conviction thereof punishable by the provisions of Clause third Section XII Regulation XV of 1803, sentenced him to be imprisoned for two years and to be kept to hard labor in irons on the public roads or other public works in the Zillah of Chittoor.

The Session Judge suggests that the banishment awarded to the Prisoner in this Case, shall be carried into effect at Salem or Trichinopoly.

The Sudder Adawlut are not of opinion that it is advisable to select the one or the other of the above Districts, rather than to the exclusion of the other, as certain objections raised by the Session Judge against the enforcement of the sentence of imprisonment at Coimbatore itself.

They therefore direct that Chittoor be specified as the place of banishment and to this effect the requisite communication

15th October

16th October 1845

(Ordered that Extract from the proceedings be sent to the Assistant Judge of Carndonagh for his information.

(Sent in No 1798)

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

(Sent in No 1799)

Read letter dated the 30th of [illegible] from the Assistant Judge of Carndonagh, enclosing an English translation of the Record of the Case No 33 of 1845, on the Calendar for the consideration and final sentence of the Court of England Walsh.

(Received P.C. No 2378)

The Court of England Walsh

No 3 J. Watts
and
No 33 J. Sankara

on a deliberate consideration of all the circumstances of the Case, is satisfied beyond the being of opinion that the proof against the Prisoner

Rahamanta Sathanna

is sufficient to convict him of the crime of [illegible] to convict him thereof and

16th October 1845

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

1. Of the Prisoner's guilt in this case of Murder the Court of England Walsh entertain no doubt.

2. The Prisoner's young daughter who went to the Prosecutor's house for food was present, her mother the Prisoner's wife, hearing of this circumstance, so grossly abused the Prosecutor's Parents as to have brought upon herself the beating inflicted by the former.

3. The young girl soon after saw her Father the Prisoner, and informed him of the facts. He appears to have rushed to Parey's house and there beaten the females and then with his knife in hand, ran about in search of Parey to destroy him, but meeting with the deceased stabbed him to death instead.

4. The Petition of the Law Officers thanks to a "general" in the Teddy Field, between deceased and the Prisoner, [illegible]

16th October 1845

Ordered that

proceed

[illegible]

[illegible] should be remanded for sentence, this sentence should

have stopped to prevent or to get out of an

affray, is most improbable

5 The Prisoner saw nothing to

regret in such a moment rage, and his knowing

of what had happened did not mention

his barbarous conduct, upwards of

some little time must have elapsed,

between coming with his Daughter,

and stabbing the unfortunate Lucky, who

again was not the person he had found

worthy of death

6 The Jury found Verdict knows

no reason why the Prisoner should not

suffer death for thus destroying his fellow

Ordered that Extract of the

proceedings be sent to the Lieutenant

of Calcutta for his information

(Letter No 1800)

Read Minutes

1845

Recommended Judges of the Sessions for the

Month of August 1845

(Here enter Ct. No 2694)

Case No 1 The practice of inserting notes

dates in the Criminal Reports has been

prohibited by the Court of Foujdaree

Adalut and should be discontinued

The Court seeing reason to

Case No 132 2 question the propriety of the disposal of

this Case resolved to direct the Session Judge

to call upon the Prisoner Paid to pass such

orders as he may think proper respecting

the same for the information of the

Foujdaree Adalut

Case No 133 3 The Court resolved to cancel the

recognizance of security under which the

2 Prisoner in this Case has been pleaded his

grounds assigned for its demand, that he

was a man of bad character, being

insufficient in the absence of suspicion

of his having committed the offence

actually charged, to justify it

The Court desired to be

16th October 1845

16th October 1845

Acting Subordinate Judge to form the opinion that the prisoner in this Case was a man of bad character; which he assigned as one of the grounds of his committal

Case No 138

5. No information is afforded in the report of this Case whether the prisoner was aware of any aggravating circumstances attended upon the commission of the robbery referred to, which would bring the Case under the provisions of the Regulation quoted.

6 The Acting Subordinate Judge will be pleased to supply this omission

Case No 141

7 According to the Extract from the Proceedings of the Session Court which is submitted as an Appendix to this Case, the Court observe that a Memorandum referring to the Appendix in question should have been annexed to the Report in order to enable the Court to peruse the Appendix together with the Report of the Case with which it is connected.

8 The Court direct the attention of the Session Judge to the Circular

16th October 1845

Law from which he will observe that the process prescribed in the Extract of Proceedings referred to is unnecessary

Case No 146.

9 The Magistrate of Cuttack will be pleased to call for an explanation from the Assistant Magistrate of his omission to conform to the rule laid down in the Circular Order noted marginally, which is adverted to by the Acting Subordinate Judge in his report on this Case, and to forward the Extract for the information of the Magistrate

Cir O. No 33.

Case No 147 of 1845

10. The Court observe that the Act quoted as authority for the sentence of corporal punishment with a rattan passed upon the 1st prisoner in this case is applicable only to the Magistracy of the Bengal Presidency, and that it has been so ruled by this Court.

8th Nov. 1844 No 102 9th Aug 1845

11 The Court however are precluded from now interfering with the sentence so far as regards the infliction of stripes with the rattan, as it is observed that the

6th October 1845.

Case No 90 12 The Court regrets an explanation of the circumstances under which the 8th and 10th prisoners were permitted to become approvers as it does not appear from the Report that the necessary sanction of the Foujdary Adalut was applied for in this Case.

Case No 51 13 The manner in which the property stolen in this Case was stolen, should have been specified in the Statement of the charge, in order to obviate the necessity of a reference by the Foujdary Adalut to primary reports

14 Adverting to the rule laid down in

27th May 1837 the Circular Order noted in margin of the Court's an explanation of the circumstances which led to the employment of one Extra Peon in excess of the present Establishment

Ordered that a Extract from these proceedings be sent to the Acting Assistant Judge of Mangalore for his information and for communication of same to the Magistrate of Canara by peon Cowle to be returnable within XV days from and after it's receipt.

(Sent following peon Cowle No 1801)

Ordered also that a Extract from these proceedings (paras 2. & 3 of 8) be sent to the Session Judge of Mangalore for his information by peon returnable within XV days from and after the receipt

F. N.

Friday
17th October 1845.

At a Court of the Foujdary Adalut

Present

George L. Waters Esquire 1st Puisne Judge
Malcolm Levin Esquire 2d Puisne Judge
T. C. L. Boileau Esquire 3d Puisne Judge

Read Calendar under date the 9th Ultimo of Case No 12 of 1845 submitted by the Session Judge of Rajahmundry for the month of August 1845.

(Rem entd F. N. No 2799.)

1. The prisoners in this Case were charged with having in company with about 200 others gone armed to the village of Senkavaram in the Jotipilly Zemindary and with having entered and attacked the Prosecutors houses, ill-treated the Prosecutors and forcibly robbed them of gold, silver, cash and other articles valued at Rupees 3,682-8-0.

2. The Session Judge concurring in the verdict of acquittal recorded by the

17th October 1845.

Vencatramareddy, the Kill Chief of Jeddumoky, through the agency of one of his Sirdars named Simmatu Nocummah, and reports, that the Chief having positively refused to yield obedience to the warrant issued and served on him; to appear before the Magistrate, the Magistrate has felt himself justified in proceeding according to Section XVIII Regulation IX of 1816, in conformity with the provisions of which, the Magistrate states, that it will now be his duty to attach the Chief's estate as he has good reason to think the Chief has no intention of delivering himself up - but on the contrary will offer resistance when the Ameen proceeds to take charge of his country.

2. Under these circumstances the Magistrate, who describes the grounds of his belief for regarding the seizure of the Chief as a service likely to be attended with great danger, has specified 2000 Rupees as a suitable reward to be offered for his apprehension and 200 Rupees for that of the

thus appear to have been submitted to the Foujdaree Adalut under the rule laid down in Clause fifth Section XVIII Regulation IX of 81. in view to the Courts passing on the Magistrates proceedings such orders as may appear to be proper.

4. The Magistrate however has brought to bear upon the matter of the charges made against the Chief of Jeddumoky in his present communication, that of one some what similar in its nature, wherein the Chief was accused of having been present at the commission of an Extensive Gang robbery at Luchmeeporam in the Talook of Peddapoor in which property valued at Rupees 65.000/- is stated to have been plundered.

5. The disposal of the above charge by the late Acting Magistrate of Rajahmundry was appealed against to the Judge of the Session Court at Rajahmundry and it is observed that on the 25th July last, the Acting Magistrates order in the case, was approved by the Session Judge

under revision by the Foujdaree Adalut consequent
on the instructions contained in the Minutes
led 18 August 1845. of Consultation noted marginally: the Judges
therefore proceed to declare their opinion in respect
of the acts of the Magistrate in so much only
as respects the accusation of the Chiefs concern
in the robbery at the village Pandeer.

6. The Judges think, that if the
Chief had not been found by the Magisterial
subordinates deputed to serve the Warrant, a reward might with propriety have
been offered for his apprehension; but as he was
forthcoming, they do not consider the Magistrate
acted indiscreetly or inconsistently with the dignity
of his Office, when he adopted the immediate
course of proposing to remunerate those who
would capture the Chief in his strongholds, with
an amount calculated to cover the risk of life
attendant on the capture.

7. The law of pleading which at
was incumbent on the Magistrate to follow,
was correctly shown in the Minutes of Consul-
tation dated 15th Sub

having been resorted to without success, the
seizure of the Chief should have been effected
by a force sufficiently powerful to overcome
the opposition which the Magistrate was
apprehensive would be offered.

8. The Court cannot but regret
that the Magistrate's want of decision should
have led to the continued exhibition of that
contumacy on the part of the Chief of Sud-
dunghy which might, they think, have been
immediately repressed by a resort to the means
legitimately at the Magistrate's disposal.

Ordered that Extract from
these proceedings together with a copy of the
Magistrate's communication be forwarded to
the Secretary to Government in the Judicial
Department for submission to the Most
Noble the Governor in Council.

(Sent in No 1809)

Ordered also that Extract
from these proceedings be forwarded to the
Magistrate of Rajahmundry for his infor-

17th October 1845.

Read Calendar of Case No 156 of 1845, submitted by the Session Judge of Mangalore under date the 3d Instant.

(Here enter F. R. No 2915.)

1. The prisoner in this Case was charged with having gone to the house where the Prosecutor lodged and stolen from the Verandah thereof a Lady cloth valued at Rs. four & the property of the Prosecutor.

2. The Session Judge concurring in the Verdict of the Jury who found the prisoner "guilty" on the ground that the prisoner had been already on four several occasions convicted of a similar offence sentenced him to 3 years imprisonment with 195 lashes under the provisions of Clause seventh Section II Regulation XV of 1803.

3. The Session Judge has omitted to record the date of the sentence which considering the repeated convictions of the prisoner appears to the Court to be exceedingly lenient.

4 The Session Judge will be pleased to certify the time prisoner

F. R.

17th October 1845.

Ordered that Extract from these Proceedings be sent to the Session Judge of Mangalore for his information by precept returnable within 8 days from and after its receipt.

(Sent following precept No 811)

No final return having been received from the Acting Magistrate of Cuddapah, to the precept of this Court under date the 9th June 1845, on Case No 1 of the Report of Cases tried by the Magistracy under the provisions of Section XIV Act XII of 1843. during the month of April 1845.

Ordered, that the Acting Magistrate of Cuddapah be required to make a full return to the precept aforesaid without delay.

(Sent in No 812)

Read again Calendar of Case No 22 of 1845 submitted by the Session Judge of Nellore under date the 15th August last.

Read also return under date the 6th Instant from the Session Judge of Nellore to the precept of the Foujdaree Udalut dated the 29th Ultimo conveying their remarks and orders on the above Calendar.

(Here enter F.R. No 2928.)

Under the explanation afforded by the Session Judge in his return of the manner in which this Case was disposed of, the Court see no necessity for disturbing the sentences awarded.

2. The Session Judge will be pleased to ascertain from the Law Officer and report for the information of the Foujdaree Udalut the causes which led to a delay of nine days in the delivery of the Futwah after the conclusion of the trial.

3. The Session Judge will express upon the Law Officer the necessity of avoiding similar delays in future, the practice having been repeatedly denounced by the Court of Foujdaree Udalut

Ordered that Extract from this

of Nellore for his information and guidance by precept returnable within X days from and after its receipt.

(Sent following precept No 813)

Read letter dated the 3d Instant from the Session Judge of Nellore reporting the death of the Prisoner Pongyola Lehma Polia in Case No 21 of 1845. on the 1st instant.

(Here enter F.R. No 2862)

Read letter dated the 1st Instant from the Officiating Session Judge of Masulipatam reporting that there are no Criminal Cases pending beyond 15 days between the 31st August and 30th September 1845.

(Here enter F.R. No 2863.)

Read report dated the 1st Instant submitted by the Acting Session Judge of Madura of Cases pending on the 31st August and committed for trial during the Month of September 1845.

(Here enter F.R. No 2864)

17th October 1845.

Read report dated the 1st Instant submitted by the Session Judge of Tinnevelly of Cases pending on the 30th September 1845 in which the trial has been delayed beyond 30 days.

(Here enter F.N. № 2565)

Read report dated the 1st Instant submitted by the Session Judge of Tanjore of Cases pending on the 30th August and committed for trial during the month of September 1845.

(Here enter F.N. № 2566)

Read Calendar in Form № 16 of 1845 submitted by the Session Judge of Trichinopoly under date the 3d Instant.

(Here enter F.N. № 2567)

Read return dated the 3d Instant from the Subordinate Judge of Chittoor to the precept of the Tongdare Adalut under date the 26th Ultimo commanding the Criminal Reports for the months of August 1845.

Saturday
18th October 1845.

Present

The Hon'ble G. F. Master Esqr. 1st Puisne Judge
The Hon'ble M. Lewin Esqr. 3d Puisne Judge
The Hon'ble C. G. F. Baillie Esqr. 3d Puisne Judge

Read Supplemental Report dated 15th Ultimo submitted by the Magistrate of Bellary of cases tried by the Magistracy in the Bellary District under Section LIV Act XII of 1841 during which no fatal cases have been passed at the said Station during the Month ending the 31st July 1845.

(Here enter № 2790)

The Court regret to be obliged to observe that this report has been drawn up in a most careless and unsatisfactory style, and the Magistrate will in future be compelled to see that such are be complete in itself the practice adopted in the Report of last year is highly objectionable and it is difficult from the manner in which they are made to know out the evidence intended to be conveyed by them.

In the abstract of the evidence in case № 2 it is stated that the fact charged is clearly proved by the 1st witness.

The Court require that the

the testimony of this one witness so clearly establishes the fact in question.

4. In regard to the 2nd witness it is recorded that he stated that the 1st witness handed the money and told him on what account he had borrowed it, the Court presume that the Joint Magistrate hardly needs to be told that hearsay evidence is not admissible against a prisoner.

5. Adverting to the abstract in the case, the Court deem it advisable to enjoin the Sessions Judge to call for the proceedings held in the case and peruse such entries as may appear to be called for, reporting the result to the Registrar Madras.

Case No 3. 6. One of the prisoners charged in Case No 2. are also charged in this case and the abstract of the evidence as well as the sentence in the cases have been blended with the former case the Court observe that this is irregular and must be discontinued such cases should be kept separate and distinct and the sentence of a minor offence has merged in that of a grave offence a note should be entered at the close of the abstract in the minor offence to the effect that the prisoner had been convicted in Case No [illegible]

by precept returnable in 5 days from and after its receipt

(Sent following precept No 2606)

Ordered also, that Extract of this Proceedings from 2 to 5 be sent to the Sessions Judge of Bellary by precept returnable in XX days from and after its receipt.

(Sent following precept No 2607)

Read letter dated 8th Ultimo from the Magistrate of Coimbatore stating that the Head of Police of Coimbatore having been subpoened to the receipt of the Copy of the Proceedings referred to in the Proceedings of the Registrar Madras dated 2nd Instant committed for trial before the Criminal Court, he is now out of the Jurisdiction of the Magistrate who is therefore precluded from carrying out the Order of the Court contained in the Proceedings of the 28th July 1845. stating that the information in Case No 57 will be furnished as soon as received from the Joint Magistrate's office.

(Have entered No 2609.)

Read Report dated 8th Ultimo, submitted by the Officiating Sessions Judge of Tinnevelly stating of Committed and of Prisoner released in the Month of August 1845.

(Have entered No 2631)

vested in Magistrates by Section LIV and VII of 1843 was not carried during the Month of August 1845.

(Vide entry No: 2647)

Read letter dated 13th Instant from the Acting Magistrate of North West forwarding Report of Cases tried by the Acting Magistrate under the provisions of Section LIV Act VII of 1843, during the month of August 1845; and informing inter alia the Acting Principal Magistrate and the Head Assistant Magistrate exercised the powers vested in them by that Act.

(Vide entry No: 2649)

Read letter dated 13th Instant from the Magistrate of Kalutara stating that no cases have been tried by himself and by his Assistants under Act VII of 1843 during the month of August 1845.

(Vide entry No: 2650)

Read letter dated 13th Instant from the Magistrate of Matara, stating that no cases cognizable under Section LIV Act VII of 1843 were disposed during the month of August 1845.

(Vide entry No: 2652)

Read Calendar dated 15th Instant submitted by the Supreme Court of Cases No: 45 & 46 of 1845.

(Vide entry No: 2654)

month of August 1845

(Vide entry No: 2665)

Read Statement dated 9th Instant submitted by the Agent to the Governor of Fort St. George at Fairmont of Extra Cooly employed at the Jail in the Month of August 1845.

(Vide entry No: 2667)

Read Return dated 11th September 1845 from the Acting Supreme Judge of Ratnapoora to the precept of the Conjedaree Adalut under date the 8th September 1845 sanctioning a mitigated sentence of 8 years imprisonment on the Prisoner in the Calendar of Cases No: 8 of 1845 on the file of the Supreme Court of Ratnapoora.

(Vide entry No: 2670)

Read Report dated 11th Instant submitted by the Acting Supreme Judge of Ratnapoora of the Cases of Convicts for the month of August 1845.

(Vide entry No: 2671)

Read letter dated 10th Instant from the Magistrate of Matale submitting with reference to para 1 of the Conjedaree Adalut Proceedings under date the 3rd Instant, Copy of a communication transmitted to the Subordinate Judge, in which the sufferings Mr. Finlayson by the Kadayanaike Head of Talawa was considered a sufficient

vested in Magistrates by Section IV and VII of Act VIII of 1843 was not exercised during the month of August 1845.

(Vide entry No: 2647)

Read letter dated 12th Ultimo from the Acting Magistrate of North West forwarding a Report of Cases tried by the Acting Magistrate under the provisions of Section IV Act VII of 1843, during the month of August 1845, and informing withal the Acting Joint Magistrate and the Head Assistant Magistrate exercised the powers vested in them by that Act.

(Vide entry No: 2649)

Read letter dated 12th Ultimo from the Magistrate of Batticaloa stating that no cases have been tried by himself or his Assistants under Act VII of 1843 during the month of August 1845.

(Vide entry No: 2650)

Read letter dated 13th Ultimo from the Magistrate of Nellore, stating that no cases cognizable under Section IV Act VII of 1843 were disposed during the month of August 1845.

(Vide entry No: 2652)

Read Calendar dated 10th Ultimo submitted by the Supreme Judge of Cases No: 45 & 46 of 1845.

(Vide entry No: 2654)

Read Report No: XI dated 13th Ultimo submitted by the Supreme Judge of Nellore for the

month of August 1845

(Vide entry No: 2665.)

Read Statement dated 9th Ultimo, submitted by the Agent to the Governor of Fort St. George of Prisoners of Extra Cases employed at the Jail in the Month of August 1845.

(Vide entry No: 2667)

Read Return dated 11th September 1845 from the Acting Supreme Judge of Trincomalee to the precept of the Vaidyans Dated under date the 5th September 1845 sanctioning a mitigated sentence of 5 years imprisonment on the Persons in the Calendar of Cases No: 8 of 1845, on the file of the Supreme Court of Trincomalee.

(Vide entry No: 2670).

Read Report dated 11th Ultimo submitted by the Acting Supreme Judge of Trincomalee of the Labor of Convicts for the month of August 1845.

(Vide entry No: 2671)

Read letter dated 10th Ultimo, from the Magistrate of Malabar submitting with reference to para: 1 of the Vaidyans Dated Kandyan under date the 3rd Instant, Copy of a communication transmitted to the Subordinate Judge, in which the sufferings Mr. undergone by the Kadiyanaad Head of Police was considered a sufficient atonement for his misconduct.

(Vide entry No: 2673)

Read Calendar dated 4th Ultimo, submitted by the Sessions Judge of Trinchinopoly in Case No. 35 of 1845.

(Here enter No. 2675)

Read letter dated 11th Ultimo from the Sessions Judge of Tinnevelly explaining the cause of the delay in forwarding the report of cases pending before the Sessions Court on the 31st August 1845 in which the trial was delayed beyond 28 days.

(Here enter No. 2680)

Read Report dated 8th Ultimo submitted by the Sessions Judge of Combaconum for the month of August 1845

(Here enter No. 2682)

Read Calendar dated 8th Ultimo submitted by the Sessions Judge of Combaconum in case of the product of the Peramboo Island for the month of August 1845.

(Here enter No. 2683)

Read letter dated 9th Ultimo from the Magistrate of Rajahmundry reporting that the Sentence passed by Section I. IV. & VII of 1843 have not been carried in August 1845.

(Here enter No. 2686)

Read the Same from the Magistrate of Vizagapatam 9th Ultimo submitted by the Sessions Judge of Ganjam for the month of August 1845.

(Here enter No. 2685)

Read the Same from the Magistrate of Nellore 9th Ultimo submitted by the Sessions Judge of Nellore for the month of August 1845.

(Here enter No. 2687)

Read Calendar dated 15th Ultimo submitted by the Sessions Judge of Tinnevelly for the month of August 1845.

(Here enter No. 2693)

Read Return dated the 15th Ultimo from the Acting Subordinate Judge of Caddapah to the precept of the Registrar Madras under date the 11th September 1845, conveying observations and orders upon the Criminal Reports for July 1845.

(Here enter No. 2701)

Read Return dated 15th Ultimo from the Acting Sessions Judge of Madura to the precept of the Registrar Madras under date the 1st September 1845, containing his remarks on the Calendar in Case No. 30 of 1845 on the file of the Acting Sessions Judge of Madura and directing him to cancel the Bail Bonds & to release the Prisoner as he sees may be.

(Here enter No. 2709)

Read Calendar dated 15th Ultimo submitted by the Acting Sessions Judge of Vizagapatam in Case No. 19 of 1845.

(Here enter No. 2711)

Read Calendar dated 15th Ultimo submitted by the Acting Sessions Judge of Madura in Case No. 37 of 1845.

(Here enter No. 2712)

Read Calendar dated 15th Ultimo submitted by the Sessions Judge of Guntoor in Case No. 19 of 1845.

(Here enter No. 2713)

Read

Read Calendar dated 4th Ultimo submitted by the Sessions Judge of Coimbatore in Case No. 35 of 1845.

(Here enter No. 2675)

Read letter dated 11th Ultimo from the Sessions Judge of Tinnevelly explaining the cause of the delay in forwarding the report of cases pending before the Sessions Court on the 31st August 1845 in which the trial was delayed beyond 28 days.

(Here enter No. 2676)

Read Report dated 8th Ultimo submitted by the Sessions Judge of Combaconum of the Calendar for the Month of August 1845.

(Here enter No. 2682)

Read Calendar dated 8th Ultimo submitted by the Sessions Judge of Tanjore of the number of the prisoners released for the Month of August 1845.

(Here enter No. 2683)

Read letter dated 9th Ultimo from the Magistrate of Pycauhy reporting that the Sentence noted by Section I. IV. Act VII. of 1843 have not been carried in August 1845.

(Here enter No. 2686)

Read the Same Report submitted by the Sessions Judge of Chingleput for the Month of August 1845.

(Here enter No. 2685)

Read the Same Report submitted by the Sessions Judge of Trichinopoly for the month of August 1845.

(Here enter No. 2693)

Read Return dated the 15th Ultimo from the Acting Subordinate Judge of Cuddapah to the precept of the Register dated under date the 11th September 1845, conveying observations and orders upon the Criminal Reports for July 1845.

(Here enter No. 2701)

Read Return dated 15th Ultimo from the Acting Sessions Judge of Madura to the precept of the Register dated the 1st September 1845, containing their remarks on the Calendar in Case No. 30 of 1845 on the file of the Acting Sessions Judge of Madura and directing him to cancel the Bail Bonds or to release the Prisoners as the case may be.

(Here enter No. 2709)

Read Calendar dated 15th Ultimo submitted by the Acting Sessions Judge of Trichinopoly in Case No. 19 of 1845.

(Here enter No. 2711)

Read Calendar dated 15th Ultimo submitted by the Acting Sessions Judge of Madura in Case No. 37 of 1845.

(Here enter No. 2712)

Read Calendar dated 15th Ultimo submitted by the Sessions Judge of Guntoor in Case No. 19 of 1845.

(Here enter No. 2713)

Read

Read the Criminal Reports dated the 7th Ultimo submitted by the Acting Agent to the Governor of East Point George at Singapore for the Month of August 1845.

(Here enter No: 2715)

Read letter dated 17th Ultimo from the Subordinate Judge of Malacca to the precepts of the Register dated the 5th September 1845 remarking on the Criminal reports for the Month of July 1845.

(Here enter No: 2749)

Read letter dated 27th Ultimo submitted by the Sessions Judge of Singapore in Case No: 51. of 1845.

(Here enter No: 2887)

Read letter dated 15th September 1845 enclosing remarks in extenuation of the Criminal Reports for the Month of July last

(Here enter No: 2871)

Read letter dated 27th October submitted by the Sessions Judge of Penang in Case No: 33 of 1845.

(Here enter No: 2889)

Read letter dated 1st October 1845 from the Sessions Judge of Bencoolen, reporting that 3 Cases were committed for trial in September 1845 but as none of them were before the Session have not for more than 25 days from date of commitment no report is submitted.

(Here enter No: 2852)

Read Report dated 1st October 1845 submitted by the Session Judge of Singapore of Cases pending for the Month of September last.

(Here enter No: 2887)

Read return dated 4th October 1845, from the Session Judge of Chittoor to the precepts of the Register dated, under date the 2nd October 1845, pointing out the error in the sentence in Case No: 20 of 1845, on the file of the Session Court of Chittoor, declaring that the Prisoner should have been sentenced for Theft attended with aggravating circumstances, and that the sentence should be altered accordingly.

(Here enter No: 2891.)

Read letter dated 3rd October 1845 from the Acting Magistrate of Guntoor reporting that there have been no cases tried by the Magistracy under Section I. IV. Act VII of 1843 in September last.

(Here enter No: 2899)

Read letter dated 3rd October 1845, from the Magistrate of Madura reporting the powers vested in Magistrates by Section I. IV. Act VII of 1843 have not been exercised in last Month.

(Here enter No: 2906.)

Read Cowlenama dated 29th September 1845. Submitted by the Sessions Judge of Combatore in Case No: 27 of 1845.

(Here enter No: 2908)

be remitted and a new sentence passed under Section XXI Regulation VII of 1802.

(Here enter No 2935.)

Read Report dated 30th September 1845 from the Sessions Judge of Coimbatore of Criminal Cases for September 1845.

(Here enter No 2939.)

Read letter dated 7th September 1845 from the Subordinate Judge of Salem forwarding Copy of a letter from the Magistrate of Salem containing explanations regarding the delay of 8 days between the date of apprehension and production of the Prisoner in Criminal No 1145 of 1845 in the Report for August 1845.

(Here enter No 2943.)

Read return dated 7th October 1845 from the Principal Sudr Ameen of Chingleput to the precept of the Registrar dated the 30th September 1845, enclosing his observations and orders on the Criminal Reports for the month of August

(Here enter No 2947.)

Read Criminal report dated 1st October 1845, submitted by the Sessions Judge of Chingleput for the month of September 1845.

(Here enter No 2974.)

Read Report dated 8th October 1845 submitted by the Sessions Judge of Cuddalore of Cavalliers and of Prisoners released during the month of September 1845.

(Here enter

8th October 1845.

Read letter dated 8th October 1845, from the Magistrate of South Arcot affording explanation regarding the delay in Case No 118 referred to in the Court Proceedings furnished by the Principal Sudr Ameen Cuddalore.

(Here enter No 2976.)

Read Criminal Reports dated 7th October 1845 submitted by the Sessions Judge of Madura for the Month of September 1845.

(Here enter No 2993.)

Read return dated 8th October 1845 from the Principal Sudr Ameen of Guntoor to the precept of the Registrar dated under date the 29th September 1845, enclosing his observations on Cases No 59 & 61 of 1845 of the Criminal Report No V for the month of August 1845.

(Here enter No 3003.)

Read return dated 8th October 1845 from the Sessions Judge of Cuddapah to the precept of the Registrar under date the 8th October 1845 calling for a copy of the Original Extract in Case No 50 of the Cuddalore for 1845.

(Here enter No 3018.)

Read letter dated 8th October 1845 from the Magistrate of Coimbatore stating that the powers vested in the Magistracy by Section LIV of Act VII of 1843 were not exercised during the month of September 1845.

(Here enter No 3020.)

3rd October 1845

Read Report dated 1st October 1845
Submitted by the Lepsic Judge of Homes of Cases
pending on the 31st August and committed for
trial during the month of September 1845 before
the Lepsic Court.

(Hom entn No 2912)

Read Calendar dated 3rd October
1845 Submitted by the Lepsic Judge of Mongalee
of Cases No 50 of 1845.

(Hom entn No 2914)

Read Calendar dated 3rd October
1845 Submitted by the Lepsic Judge of Mongalee
of Cases No 57 of 1845.

(Hom entn No 2916)

Read Calendar dated 3rd October
1845 Submitted by the Lepsic Judge of Mongalee
of Cases No 58 of 1845.

(Hom entn No 2917)

Read Letter dated 3rd October 1845
from the Lepsic Judge of Mongalee stating that a
Copy of the Calendar in Case No 55 of 1845 and
the Commitment of the Case, being No 133 of 1845 on
the File of the Subordinate Court, having been
made the Proceedings of the Lepsic Court dated 18th Octr

(Hom entn No 2920)

Read Calendar dated 3rd October 1845
Submitted by the Lepsic Judge of Mongalee of Cases
No 67 of 1845.

(Hom entn No 2921)

E.K.

3rd October 1845

Read Calendar dated 3rd October 1845,
Submitted by the Lepsic Judge of Mongalee of Cases
No 74 of 1845.

(Hom entn No 2925)

Read Calendar dated 30th September
1845 submitted by the Lepsic Judge of Cabenaka
of Cases No 11 of 1845.

(Hom entn No 2927)

Read Report dated 1st October 1845
Submitted by the Agent to the Governor of Lut Land
Group of Cases pending in each of 25
days of the month of September 1845.

(Hom entn No 2933)

Read Letter dated 3rd October 1845
from the Acting Subordinate Judge of Mongalee
reporting that the Accused and a female witness
in a Criminal Case residing in the Locality of Mongalee
were in Bed Lock and during their confine-
ment in Bed Lock and during their confine-
ment of the Court in consequence of Cattle being infected
for the day but were released by Proclamation
Lock Bolts on the 27th Ultimo to take their
depositions on the spot and returned on the 2nd instant

(Hom entn No 2937)

Read Letter dated 3rd October
1845 from the Lepsic Judge of Limmally to the
Lepsic Court under date the
1845 stating that the Sentence in Ca

be remitted and a new sentence passed under Section XXI Regulation VII of 1802.

(Here enter No. 2935.)

Read Report dated 30th September 1845. from the Sessions Judge of Coimbatore of Criminal Cases for September 1845.

(Here enter No. 2939.)

Read letter dated 7th September 1845 from the Subordinate Judge of Salem forwarding Copy of a letter from the Magistrate of Salem containing explanations regarding the delay of 18 days between the date of apprehension and production of the Prisoners in Criminal No. 141 of 1845 in the Report for August 1845.

(Here enter No. 2943.)

Read return dated 7th October 1845 from the Principal Sudr Ameen of Chingleput to the precept of the Legislative Council under date the 30th September 1845, enclosing their observations and orders on the Criminal Reports for the month of August

(Here enter No. 2947.)

Read Criminal Reports dated 13th October 1845, submitted by the Sessions Judge of Chingleput for the month of September 1845.

(Here enter No. 2971.)

Read Report dated 8th October 1845 submitted by the Sessions Judge of Cuddapah of Cases tried and of Prisoners released during the month of September 1845.

(Here enter

E.K.
18th October 1845.

Read letter dated 11th October 1845, from the Magistrate of South Arcot affording explanation regarding the delay in Case No. 118 referred to in the Courts Proceedings furnished by the Principal Sudr Ameen Cuddalore.

(Here enter No. 2976.)

Read Criminal Reports dated 7th October 1845 submitted by the Sessions Judge of Madura for the Month of September 1845.

(Here enter No. 2993.)

Read return dated 11th October 1845 from the Principal Sudr Ameen of Guntoor to the precept of the Legislative Council under date the 29th September 1845, enclosing their observations on Cases No. 59 & 61 of 1845 of the Criminal Report No. V for the month of August 1845.

(Here enter No. 3008.)

Read return dated 11th October 1845 from the Sessions Judge of Cuddapah to the precept of the Legislative Council under date the 11th October 1845 calling for a copy of the Original Record in Case No. 50 of the Cuddapah for 1845.

(Here enter No. 3018.)

Read letter dated 11th October 1845 from the Magistrate of Coimbatore stating that the powers in the Magistracy by Section LIV of Act VII of 1843 were not exercised during the month of September 1845.

(Here enter No. 3020.)

be remitted and a new sentence passed under Sub.
XXI Regulation VII of 1802.

(Here enter No. 2935.)

Read Report dated 30th September
1845. from the Sessions Judge of Coimbatore, of Criminal
Cases for September 1845.

(Here enter No. 2939.)

Read letter dated 7th September
1845 from the Subordinate Judge of Salem forwarding
Copy of a letter from the Magistrate of Salem
containing explanations regarding the delay of 8 days between
the date of apprehension and production of the
Prisoners in Criminal No. 141 of 1845 in the Report
for August 1845.

(Here enter No. 2943.)

Read return dated 7th October 1845
from the Principal Sudr Ameen of Chingleput to
the precept of the Registrar Madras under date the
30th September 1845, conveying his observations and orders
on the Criminal Reports for the month of August

(Here enter No. 2947.)

Read Criminal reports dated 13th
October 1845, submitted by the Sessions Judge of Chingleput
for the month of September 1845.

(Here enter No. 2971.)

Read Report dated 8th October
1845 submitted by the Sessions Judge of Cuddapah, of
Casualties and of Prisoners released during the month of September
1845.

(Here enter No.

Read letter dated 11th October 1845, from
the Magistrate of South Arcot affording explanation
regarding the delay in Case No. 118 referred to in the
Courts Proceedings furnished by the Principal Sudr Ameen
Cuddalore.

(Here enter No. 2976.)

Read Criminal Reports dated 7th October 1845
submitted by the Sessions Judge of Madura for the Month
of September 1845.

(Here enter No. 2993.)

Read return dated 11th October 1845
from the Principal Sudr Ameen of Guntoor, to the precepts
of the Registrar Madras under date the 29th September
1845, conveying his observations on Cases Nos. 59 & 61 of 1845
of the Criminal Report No. V. for the month of
August 1845.

(Here enter No. 3003.)

Read return dated 11th October 1845
from the Sessions Judge of Cuddapah to the precept
of the Registrar Madras under date the 11th October
1845 calling for a Copy of the Original Extract in
Case No. 50 of the Calendar for 1845.

(Here enter No. 3018.)

Read letter dated 11th October 1845 from
the Magistrate of Coimbatore stating that the powers vested
in the Magistracy by Section LIV of Act VII of 1843
were not exercised during the month of September
1845.

(Here enter No. 3020.)

be remitted and a new sentence passed under Section XXI Regulation VII of 1802.

(Here note No. 2935)

Read Report dated 30th September 1845 from the Sessions Judge of Coimbatore of Criminal Cases for September 1845.

(Here note No. 2939)

Read letter dated 7th September 1845 from the Subordinate Judge of Salem forwarding Copy of a letter from the Magistrate of Salem containing explanations regarding the delay of 8 days between the date of apprehension and production of the Prisoner in Criminal No. 141 of 1845 in the Report for August 1845.

(Here note No. 2943)

Read return dated 9th October 1845 from the Principal Sudr Ameen of Chingleput to the precept of the Register dated the 30th September 1845, conveying his observations and orders on the Criminal Reports for the month of August

(Here note No. 2947)

Read Criminal report dated 13th October 1845, submitted by the Sessions Judge of Chingleput for the month of September 1845.

(Here note No. 2971)

Read Report dated 8th October 1845 submitted by the Sessions Judge of Cuddalore of Cuttalloor and of Prisoners released during the month of September 1845.

(Here note No. 2

Ex.

18th October 1845.

Read letter dated 11th October 1845, from the Magistrate of South Arcot affording explanation regarding the delay in Case No. 118 referred to in the Courts Proceedings furnished by the Principal Sudr Ameen Cuddalore.

(Here note No. 2976)

Read Criminal Reports dated 7th October 1845 submitted by the Sessions Judge of Madura for the Month of September 1845.

(Here note No. 2993)

Read return dated 11th October 1845 from the Principal Sudr Ameen of Guntoor, to the precept of the Register dated the 29th September 1845, conveying his observations on Cases No. 59 & 61 of the Criminal Report No. V for the month of August 1845.

(Here note No. 3003)

Read return dated 11th October 1845 from the Sessions Judge of Cuddalore to the precept of the Register dated the 11th October 1845 calling for a copy of the Original Extract in Case No. 50 of the Cuddalore for 1845.

(Here note No. 3016)

Read letter dated 11th October 1845 from the Magistrate of Coimbatore stating that the persons confined in the Magistracy by Section LIV Act VII of 1843 were not remitted during the month of September 1845.

(Here note No. 3020)

J. N.

Monday,
20th October, 1845.

At a Court of the Toundarce Udalutt.

Present,

Geo. J. Waters Esqr. ——— 1st Puisne Judge,
Malcolm Lewin Esqr. ——— 2d Puisne Judge,
J. E. J. Boileau Esqr. ——— 3d Puisne Judge,

Read Miscellaneous Petition presented by Alwar Iyengar on behalf of Teeroven-gatha Iyengar 6th Prisoner in Case No. 15 on the Calendar of the Session Court of Tinnevelly.

/ Here enter F. M. P. No. 163 of 1845 /

The trial in the above case having been referred for the final Sentence of the Toundarce Udalutt who have directed the release of the Prisoner Teeroven-gatha Iyengar on Security, no order seemed now to be called for on the above address, which accordingly is rejected.

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

Read Miscellaneous Petitions presented on the 8th and 15th September 1845 by Soondarammal and others of Tillah Cudalore

/ Here enter F. M. P. Nos. 164 and 168 of 1845 / Here

15th October 1845

Read letter dated 8th October 1845 from the Magistrate of Rajahmundry reporting that the Sums noted by Act VII of 1843 have not been received in September 1845.

/ Here enter No. 3021. /

Read Report dated 11th October 1845 submitted by the Acting Magistrate of Cuddapah of Cases tried by the Magistrate and the Sentences of Section LIV Act VII of 1843 during the month of September 1845.

/ Here enter No. 3022 /

Read Criminal Report dated 15th October 1845 submitted by the Sessions Judge of Guntoor for the Month of September 1845.

/ Here enter No. 3027 /

Read Criminal Reports dated 16th October 1845 submitted by the Sessions Judge of Nellore for the month of September 1845.

/ Here enter No. 3028 /

Read Letter dated 8th October 1845 submitted by the Sessions Judge of Cuddapah in Case No. 34 of 1845.

/ Here enter No. 3032 /

Read Letter dated 15th October 1845 submitted by the Sessions Judge of Guntoor in Case No. 21 of 1845.

/ Here enter No. 3033 /

Read Letter dated 29th September 1845 from the Sessions Judge of Nellore transmitting the Proceedings in Case No. 21 on the Nellore Calendar for the sentence of the Court of Sessions dated

15th October 1845

Read letter dated 11th October 1845 from the Magistrate of Rajahmundry reporting that the Terms stated by Act VII of 1843 have not been enacted in September 1845.

(Here enter No 3021.)

Read Report dated 11th October 1845 submitted by the Acting Magistrate of Combaconum of Cases tried by the Magistracy under the provisions of Section LIV Act VII of 1843 during the month of September 1845.

(Here enter No 3022.)

Read Criminal Report dated 13th October 1845 submitted by the Sessions Judge of Guntoor for the month of September 1845.

(Here enter No 3027.)

Read Criminal Reports dated 8th October 1845 submitted by the Sessions Judge of Nellore for the month of September 1845.

(Here enter No 3028.)

Read Calendar dated 8th October 1845 submitted by the Sessions Judge of Combaconum in Case No 34 of 1845.

(Here enter No 3032.)

Read Calendar dated 13th October 1845 submitted by the Sessions Judge of Coimbatore in Case No 21 of 1845.

(Here enter No 3033.)

Read Letter dated 29th September 1845 from the Sessions Judge of Nellore transmitting the proceedings in Case No 31 of the Nellore Calendar for the month of the Court of Session

J. No

Monday,
20th October, 1845. At a Court of the Zillah Adalut.

Present,

Geo. J. Waters Esqr. ——— 1st Puisne Judge,
Malcolm Lewin Esqr. ——— 2d Puisne Judge,
J. E. J. Boileau Esqr. ——— 3d Puisne Judge,

Read Miscellaneous Petition presented by Alwar Iyengar on behalf of Teeroven-gatha Iyengar 6th Prisoner in Case No 15 in the Calendar of the Session Court of Tinnevelly.

(Here enter Fit. M. P. No 163 of 1845)

The trial in the above case having been referred for the final Sentence of the Zillah Adalut who have directed the release of the Prisoner Teeroven-gatha Iyengar in Security, no order deemed now to be called for on the above address, which accordingly is rejected.

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

Read Miscellaneous Petitions presented on the 8th and 15th September 1845 by Soondarammal and others of Zillah Cuddalore.

(Here enter Fit. Mis. P. Nos 1 and 168 of 1845)

20th October 1845

These Petitioners have now applied to this Court not less than 4 times, respecting the punishment of three of their relatives, who were sentenced in Case No. 19 of 1844 by the Acting Sessions Judge of Cuddalore for assault and severe wounding, in a matter connected with the disputes of the right and left hand Castes, who have but too frequently seriously broken the peace, and been concerned in riot and bloodshed.

Nothing can be more satisfactory than the justice of the Sentence passed in that case under consideration, the assault and wounding as perpetrated by the Prisoners was sworn to by 3 eyewitnesses who have no connexion with either of the above factions, and they (the Prisoners) were immediately denounced by the Prosecutor by name. The only point of defence attempted to be proved was to establish an alibi, in which the Prisoners signally failed.

The Law Officer and the Sessions Judge found the Prisoners guilty upon full and complete proof, this consultation the Sessions Judge confirmed after careful reconsideration of the case.

25th October 1845

Upon inspecting the various Extracts of proceedings by the Tanjore Court in this matter, it is observable that not less than four Judges have as shewn by their initials certified themselves as to the correctness of the Sentence, and this they have done not merely upon a perusal of the calendar but subsequently to communicating with the Sessions Judge who by reference to the record and Police reports clearly shews that the assertions of the Petitioners respecting the illness of the Prisoners and the complaint &c. are grossly false.

Upon this careful reconsideration of the matter the Tanjore Court refuse to reopen the subject, and will decline to receive any future Petitions relating to the case at issue. certain of those already presented are characterized by disrespectful remarks and by great contempt of Court.

Ordered therefore that the said Petitions be dismissed, and that Extract from these Proceedings be granted to the Petitioners

20th October 1845

on their application.

Read Miscellaneous Petitions presented on the 26th May 1845 and 22d September 1845 by Kylasa Chetty on behalf of the Prisoner in Case No 8 on the Chittoor Calendar for 1845.

/ Here enter F.H. M.P. No 1976 of 1845 /

The trial in the above case having been referred for the final Sentence of the Sessions Adalut who have directed the release of the Prisoner Coupon on 2 Sureties at 100 Rupees each Surety for his good behaviour and appearance when required within 3 years or in default thereof that he be detained for the same period in confinement. The order herein seeks now to be called for on the above address, which accordingly is rejected.

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

Read again Miscellaneous Petitions presented on the 10th February last by Banda Naiken late Duffadar of the Taluk of Dharapooram in the Zillah of Coimbatore

/ Here enter F.H. M.P. No 34 of 1845 /

2/ F.H.

20th October 1845

Read also Miscellaneous Petitions presented on the 22d Ultimo by the same individual

/ Here enter F.H. M.P. No 172 of 1845 /

The Petitioner in the latter of these addresses adverting to this Courts proceedings under date the 3d March last sets forth that he had pursued the course therein enjoined but that the Sessions Judge has refused to interfere in his case, and prays the Court to call for and peruse the proceedings held by the Joint Magistrate and to order his restoration to the office from which he has been dismissed.

2. As it appears from the Extract from the proceedings of the Sessions Court which accompany this Petition that certain disparities were apparent in the evidence brought forward by the complainant the Court resolve to direct that an English Translation of all the proceedings held in the Petitioners case be submitted for their consideration and final orders.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Coimbatore for his information by precept returnable within

20th October 1845

within 20 days from and after its receipt.

(Sent following precept No. 1820)

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

Vol
h

Jail Vth.

J. H.

Tuesday 21st October, 1845.

At a Court of the Foujdaree Adalut

Present.

G. J. Waters Esqre. — 1st Puisne Judge.
Malcolm Lewin Esqre. — 2d Puisne Judge.
T. E. J. Boileau Esqre. — 3d Puisne Judge.

Read return dated 2d October 1845. from the Subordinate Judge of Calicut to the precept of the Foujdaree Adalut of the 27th Ultimo, requiring — translation of the evidence taken and explanation of the proceedings held in the case of the Convicts alluded to in — return to the precept of the Foujdaree Adalut of the 3d Ultimo.

(Here enter F. A. No. 2941 of 1845).

1. Adverting to the deposition of the Convict Rimban given before the Sessions Judge of Calicut on the 7th June. The Court of Foujdaree Adalut observe that if the statement therein made of it being "Customary for the Kolkars to take the prisoners "daily to the Bazaar to purchase rice for the — "prisoners" is true, and the practice still obtains, — immediate orders must be issued for its discontinuance. Nothing hardly can be conceived more opposed to the maintenance of rigid discipline or more likely to introduce corruption among the guards and

and the prisoners thereon such a practice and the Court are surprised that it should have ever been allowed in any Court.

2. The Court cannot pass from this return without expressing their surprise at the difficulty experienced by the Subordinate Judge in comprehending the latter part of their order of the 27th Ultimo. The Court therein required an explanation of the course of proceeding adopted in the case, or to be more explicit, a brief statement of the origin of the inquiry and of the subsequent steps taken in it.

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

(Sent in No. 1821)

Read Calendar of Case No. 70 of 1845 submitted by the Sessions Judge of Mangalore under date the 6th October 1845.

(Here enter No. 3962).

1. The Prisoner is charged with having stabbed and wounded the Prosecutrix with a knife with intent to kill her, at the house of 1st Witness and with having also stabbed and wounded the 1st Witness whilst attempting to seize him (Prisoner) and on conviction was

sentenced by the Sessions Judge under Clause Seventh Section II Regulation XV of 1803 to (4) four years imprisonment with hard labor in irons.

2. It is quite clear from the abstract of the evidence given in this case and by the Prisoner's own confession that his object in assaulting the Prosecutrix was murder. The Court therefore consider the sentence passed by the Sessions Judge on the Prisoner to be far too lenient.

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

(Sent in No. 1822)

Read Calendar of Case No. 74 of 1845 submitted by the Sessions Judge of Chittoor under date the 20th September 1845.

(Here enter No. 3813).

1. The Prisoner in this case is charged with having enticed away the Prosecutor's Nephew, a boy of 8 years of age, and stolen property to the value of 80 Rupees from his (Prosecutor's) employer while he was in the service of the Prosecutor and had the boy and the Articles under his charge.

2. The Sessions Judge concurred with the Pleader of the Law Officer, which declared the Prisoner to be guilty of fraud and to be liable to

Imprison

21st. October 1845.

Tajore and agreeably to clause fourth Section II Regulation XV of 1803 sentenced him to (4) four years imprisonment with hard labor in irons.-

3. The offence committed by the Prisoner appears clearly to be theft and the case falls under the rule contained in clause third Section II Regulation XV of 1803.-

4 The Sessions Judge will accordingly be pleased to remove by a second question the bar to hear and dispose of the case under Section XXI — Regulation VII of 1802.-

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

(Sent following Precept No 1823)

Wednesday
22d. October 1845

S. D.

At a Court of the Foujdaree Adaulut

Present

G. A. Waters Esqre 1st. Puisne Judge
M. Lewin Esqre 2d. Puisne Judge
T. E. A. Boileau Esqre 3d. Puisne Judge

Read again Calendar of Case No 39 of 1845 submitted by the Sessions Judge of Salem under date the 7th Instant.

(Here enter F.D. No 2579)

Read also return under date the 9th Instant from the Sessions Judge of Salem to precept of the Foujdaree Adaulut dated the 29th Ultimo, directing the substitution of Clause third Section II Regulation XI of 1843 for section XXI Regulation VII of 1802, as the authority for the sentence passed upon the prisoners in the above case.

(Here enter F.D. No. 2909)

With reference to the explanation offered by the Sessions Judge in his return, the Court infer that that officer fails to apprehend the meaning of their order dated

22. October 1825.

29th Ultimo passed in the foregoing Cause.

2. The Order therefore to remove the erroneous impression regarding the application of the Regulations above quoted, under which the Sessions Judge would still appear to the Court observe that the Prisoner in this Case should have been charged with "aiding by open violence" and that Committals upon such a Charge require no question such as seems to have been put by the Regulation which only contemplates "Theft", a punishment being ordinarily limited

Clause third Section IX Regulation XX of 1803

3.

The Court however took no exception to the 2d question put by the Sessions Judge in Order to legalize the evidence and procure a conviction; the objections recorded in their proceedings having reference only to the 3rd question which for the reasons above stated was unnecessary.

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Salem for his information and future guidance.

(Sent on 22d 1825)

22 October 1825

Read Criminal Reports for the month of September last, submitted under date the 1st October by the Principal Sudr Bench of Criminality.

(Here enter F. W. No. 2952 of 1825)

Case No 87. 1. The Court of Foujdaree Udalut cannot but express their extreme surprise at the sentence passed by the Principal Sudr Ameen in this Case. The proceedings of the 8th August 1825 quoted by him are quite foreign to the subject, and do not in any way apply to the Case in question, which should have been disposed of in the manner indicated in Circular Order of the 28th January 1820.

2. As the Case is under special reference to the Court from the Magistrate, the Judges abstain from passing any final Orders regarding it at present, but they cannot withhold from the Principal Sudr Ameen the expression of their disapprobation at the great ignorance displayed by him in his remarks upon the Case.

Ordered,

22. October 1845.

Ordered, that Extract from these Proceedings be sent to the Principal Sub Amen of Pimenalty for his information.

(Sent in No 1827)

Read Criminal Reports under date the 30th Ultimo, submitted by the Sessions Judge of Chicacole, for the Month of September 1845.

(Vide order P.W. No 2940)

Case No 15 — C.O. 15 May 1832

1. Adverting to the rule laid down in the Circular Order noted marginally, the Court observe that the remarks recorded with reference to the delay which occurred in the transmission of the prisoner in this case to the Criminal Court, were uncalled for, as it appears that the prisoner reached the Court within the prescribed period of five days having been apprehended on the 25th September, and having arrived at the Court on the 29th idem.

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Chicacole for his information & future guidance.

(Sent in No 1828)

J.W. 7

22. October 1845.

Read Calendar of Case No 5 of 1845, submitted by the Sessions Judge of Pellicherry under date the 4th October 1845.

(Vide order No 2963)

1. In this case 2 prisoners charged with Murder, have been released by the Sessions Judge of Pellicherry for want of proof.

2. It appears that before the Police the 1st Prisoner admitted that he had severely ill treated some person, and the 2nd Prisoner that he assisted the 1st in throwing the corpse of the deceased Pallan into the river.

3. The Court consider that the Sessions Judge was right in acquitting the prisoners of the charge, but he would have manifested a more matured judgment in not releasing them without Security, the demands of which the confession before the police admitted by the 2d prisoner and the discovery of the body together with the undoubted facts of this case would have fully justified.

Ordered, that Extract from

these

these Proceedings be sent to the Sessions Judge of Tellicherry for his information.

(Sent in No. 1829)

Read Criminal Report under date the 10th October 1845 submitted by the Principal Sudr ameen of Masulipatam for the Month of September 1845.

(Here enter No. 2979)

Case No 26.

Adverting to the hearing in the Case entered on this Report the Court of Foujdaree Adalut observe that the term Burglary has been repeatedly interdicted. The Principal Sudr Ameen will be careful in future to confine himself in the description of Crimes to the terms used in the Regulation and will amend the heading under remark "House-breaking."

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

(Sent in No. 1830)

Read Criminal Report under date the 4th Instant, submitted by the Principal Sudr Ameen of Nohapoor for the Month of September 1845.

(Here enter S. W. No. 2982)

Case No. 11.

The Court of Foujdaree Adalut have repeatedly prohibited the insertion of Native dates in the Monthly Criminal Reports, and accordingly direct that the practice be discontinued in future.

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Nohapore for his information and future guidance.

(Sent in No 1831)

Read return dated 1st Instant from the Acting Session Judge of Trichinopoly, to the precept of the Foujdaree Adalut under date the 27th September 1845, calling upon the Acting Sessions Judge to state under what construction of the law he has considered himself

authorized

authorized to visit with punishment an act proved to have been purely accidental in Criminal Case No. 95 of 1845 on the file of the Principal Sudr Ameen's Court of Tinnevelly.

(Here enter No. 2929.)

Read Calendar dated 3d Instant, submitted by the Sessions Judge of Bellary in Case No. 30 of 1845.

(Here enter No. 2930)

Read letter dated 4th Instant from the Acting Magistrate of Cuddapah affording explanation regarding the delay which had occurred in the Committal of Case No. 155, to the Subordinate Criminal Court of Cuddapah.

(Here enter No. 2931)

Read Calendar dated 3d Instant submitted by the Sessions Judge of Mangalore in Case No. 40 of 1845.

(Here enter No. 2932)

Read Calendar dated 5th Instant submitted by the Sessions Judge of Bellary

in Case No. 29 of 1845.

(Here enter No. 2926)

Read Return dated 6th Instant from the Principal Sudr Ameen of Cuddalore to the precept of the Foujdaree Adalut under date the 30th September 1845, regarding the cause of delay in Case No. 62 and questioning the propriety of sentence in Case No. 122 of 1845.

(Here enter No. 2934)

Read letter dated 4th Instant, from the Magistrate of Malabar reporting that no Cases were disposed of during the Month of September last, under Section LIII of Act VII of 1843.

(Here enter No. 2944)

Read return dated 8th Instant from the Magistrate of South Arcot, to the precept of the Foujdaree Adalut under date the 25th September 1845, directing the Magistrate of South Arcot to commit the Prisoner in Case No. 22 to the Court, on a charge of Breaking

(Here enter No. 2950)

Read return dated 9th Instant
from the Sessions Judge of Cuddalore, to the
precept of the Zoydaree Adalut man 22d
Ult. September 1845, directing the Sessions Judge
of Cuddalore to call up the records in Case
Case No 122 on the file of the Principal Sa
Ameens Court, and to pass such order as may
seem to him to be proper, referring the case for
their information -

(Here enter No. 2962)

Read further return dated
Instant, from the Subordinate Judge
Chittoor, to the precept of the Zoydaree Ad
under date the 2d August 1845 requiring
the Criminal Reports for the Month of
1845 -

(Here enter No 2963)

Read Calendars dated
Instant, submitted by the Sessions
of Tinnevelly of Cases Nos 29 and
1845.

(Here enter No 2964)

Instant, submitted by the Sessions Judge
of Tellicherry in Case No 17 of 1845.

(Here enter No 2964)

Read Calendars dated 8th
Instant, submitted by the Sessions Judge
of Cuddalore of Cases Nos 66. 67. 68 and 69
of 1845.

(Here enter No 2965.)

Read the Criminal Reports
dated 6th Instant, submitted by the Principal
Sudr Ameen of Vyzagapatam for the Month
of September 1845.

(Here enter No 2966)

Read the Criminal Reports
dated 8th Instant, submitted by the Agent
to the Governor of Fort St George at Kurnool
for the Month of September 1845.

(Here enter No 2967)

Read return dated 8th Instant
from the Agent to the Governor of Fort St George
at Kurnool, to the precept of the Zoydaree
Adalut under date the 25th September 1845 requiring
an explanation on a case in the Criminal

Reports

22. October 1845

Reports for the Month of July 1845.

(Here enter No. 2994)

Read the Criminal Report dated 4th Instant submitted by the Sessions Judge of Honore of the Suds Ameens Court of Sirsy for the month of September 1845.

(Here enter No. 2992)

Read Report dated 10th Instant submitted by the officiating Sessions Judge of Mangalore, of Casualties and of Prisoners released in the Zillah of Mangalore in the Month of September 1845.

(Here enter No. 2997)

Read return dated 9th Instant from the officiating Sessions Judge of Mangalore to the precept of the Foujdaree Adalut under date the 29th September 1845, directing the Sessions Court to call up the records of trial in Case No. 24 on the Criminal Calendar submitted by the Principal Suds Ameens of Mangalore for August 1845, and to pass such order as may seem to be proper, reporting the same for their information

(Here enter No. 2998.)

JW

22. October 1845.

Read return dated 6th Instant from the Subordinate Judge of Cuttoor & the precept of the Foujdaree Adalut under date the 2d August 1845. commenting on the Criminal Report for the Month of June last and directing communication of Paras 1. 2. 3 4. 5. 6. 7. 8. 9. 10. 11 & 12 of their Proceedings to the acting Magistrate of North Arcot &c.

(Here enter No. 2936)

Thursday,
23d October, 1845

F. C.

At a Court of the Foujdaree Udalut

Present,

George J. Waters Esqre 1st Puisne Judge

Malcolm Lewin Esqre 2d Puisne Judge

T. E. J Boileau Esqre 3d Puisne Judge

Read again letter dated the 28th June 1845 from the Civil and Sessions Judge of Chicacole forwarding with his remarks for the consideration of the Foujdaree Udalut certain complaints preferred by the Sheristadar, English Writer, Pleader and Apothecary attached to the Principal Sudr Ameens Court at Itchapoor against Coluru Royal Naidoo of false imprisonment, harsh treatment and cruelty together with the explanations submitted by Coluru Royal Naidoo in reference to those complaints.—

(Here enter F. C. No 1846)

Rea

Read also return under date the 15th August 1845 from the Civil and Sessions Judge of Chicacole the precept of the Tanjaore Zillah dated the 18th July 1845 directed that Officer to furnish the Principal Sudr Ameen of Tanjaore with a copy of the foregoing letters and to require him to furnish therewith the explanations with the least practicable delay such explanations as might appear to him necessary on the several charges brought against him.—

(Here enter S. R. No. 2455)

After an attentive consideration of the matter involved in the foregoing communications the Court are of opinion that the several allegations contained in the Sessions Judge's letter so materially affecting the character of the Principal Sudr Ameen should be given in justice to that Officer, thoroughly enquired into as the charges brought against him if substantiated would show him to be utterly unfit for the office which he now holds and they prove to be unfounded, the responsibility will rest with the Sessions Judge.—

2. The Court accordingly direct that Mr. Glass will arrange such of the statements affecting the Principal Sudr Ameen's official character as he may consider capable of proof into distinct charges, stating the grounds of proof by which each charge can be substantiated and submit the same for the consideration and orders of the Tanjaore Zillah with the least practicable delay.—

3. The Court further suggest that in the statement to be thus submitted the several charges should be exhibited in one column, and the evidence adduced in support of them, be recorded in another.

Ordered that Extract from these Proceedings be sent to the Civil and Sessions Judge of Chicacole for his information and guidance and for communica-

23d October 1845 to the Principal Sudr Ameen of Vizagapatam by precept returnable within XXX days from and after its receipt.—

(Sent following Precept No 1816)

Read Calendar in Cases Nos 2 and 3 of 1845 submitted by the Sessions Judge of Chicacole under date the 26th June last. (Here enter F. Vol No 215 of 1845)

Case No 2.

The Sessions Court having carefully noted the gross irregularities fallen into by the Principal Sudr Ameen of Vizagapatam in the 1st of these two cases it is unnecessary further to notice the subject.—

Case No 3 - 2.

In this case the prisoner are pronounced by the Mahomedan Law Officer convicted of the crime of house breaking and theft on strong presumptive proof (Zunneyhatib) and liable to Korabut, and concurring in the futwah, the Sessions Judge sentenced the 1st Prisoner to 7 years imprisonment and hard labor, and hing an old offender and proved by the Moonsiff Cumma

F. V.

23d October 1845.

and other witnesses, to be both "reputed and professions common thiefs "and robbers and not very long ago released "from Jail after having been imprisoned "for a robbery is therefore ordered to receive "an additional 195 lashes with the Cat "O'nine tails under Clause 4th Section II "Regulation VI of 1822."—

"This being the 1st offence "of the 2d prisoner, and from evidence "he had never been concerned before "in such practices, he is sentenced to "7 years imprisonment and hard labor "on the roads or other public works "under Section XXI Regulation VII of "1802."—

3. The Court of Foujdaree Udalut observe that the sentence passed on the 1st prisoner is illegal, the clauses quoted in support of the sentence do not apply to a case of house-breaking in which there is no wounding - Moreover another futwah should have been taken on

the

23rd October 1845 — the case of the 2nd prisoner under
Clause third Section II Regulation
XV of 1803 before sentence was passed
upon him, under the provisions of
Section XXI Regulation VII of 1802.

4 The Sessions Judge will now
require the Law Officer under the provi-
visions of Regulation XV of 1803 above
quoted to declare by another futwah to
what specific punishment the prisoner
would have been liable under the Ma-
homedan Law if they had been con-
victed by full legal evidence and pro-
thereupon to frame sentence according to
such futwah. If the sentence prescribed
by Section XXI Regulation VII of 1803
be considered by the Judge too severe
he is authorized to submit a report
of the circumstances of the case and
of the sentence proposed by him to
be passed accompanied by a statement
of the grounds of his opinion that such
mitigation of punishment is proper.

5 The Court further observe
that Section II Regulation VI of 1837
should have been quoted in addition

23rd October 1845 of the corporal punishment awarded
in the case of the 1st prisoner.

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

(Sent on No. 1887)

Read Calendars in Cases
Nos. 30, 31, 32 and 33 of 1845 submitted by
the Sessions Judge of Coimbatore.

(Here Enter Nos. 2987, 2988, 2989, and 2990)

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

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

(Sent in No. 1888)

Read Calendar of Cases
No. 15 of 1845 submitted by the Acting
Sessions Judge of Ganjam under
date the 17th June 1845

(Here Enter F. N. No. 1761)

The

23rd Oct 23rd October 1845

The prisoners in this case was committed by the Principal Sudr Ameen as the Calendar shows charged with Burglary and Assault in having in company with three others armed with a Cudgel, entered the Fo- -ut trip house by making a hole in the wall, maltreated the Fo- -utrip and the 4th witness and having robbed from the former and carried away from the house, Jewels and ready money to the amount of Rupees 80—

2.

Independent of the im- -proper use of the term "Burglary" which has repeatedly been intimated by this Court the Court observe that the designation of the charge in this case is erroneous as the offences charged against the prisoners constitutes the Crime of "Robbery by open violence" but these points should have been tried by the Sessions Judge

F. N.

23rd October 1845.

3

With reference to the insertion in this Calendar of native terms, the use of which unaccompanied by an explanation of their meaning in English, has been frequently dismissed by the Foujdaree Adalut, and adverting to certain expressions contained in the remarks recorded by the Sessions Session Judge, which are a mere re- -capitulation in a different person of the evidence, instead of being a succinct statement of the grounds of the Acting Sessions Judges disposal of the case, and bear little or no resemblance to the Reports and Calendars which reach this Court from the other Sessions Judges, the Court are impressed with the idea that this Calendar has not met with a sufficient degree of the personal attention of the Acting Sessions Judge in its preparation.—

Ordered that Extract from these Proceedings be sent

to the Acting Sessions Judge of Tipperah for his information and future guidance.—

(Sentin No. 839)

Read Extract from the Proceedings of the Sessions Court of Tinnevelly dated 7th October 1845 submitting with the opinion of the Sessions Judge a question for determination by the Joint Magistrate as to whether the provisions of Section XXXV Regulation IX of 1816 may be applied to complaints of the nature specified in Sections XXXII and XXXIII when after having been referred under Section XIV they may be found on examination by the Officers to be false—

(Here enter Sentin No. 2935 Oct 1845)

The Court of Sessions declining invariably declining giving any opinion on questions put to them hypothetically The circumstances of the case which led to the reference by the Joint Magistrate must therefore be fully given before

they can reply to the question now proposed.

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

(Sentin No. 840)

Read report dated the 11th 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 September 1845.—

(Here enter No. 3006)

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

Ordered that Extract from these Proceedings be forwarded to the Magistrate of Chingleput for his information.—

(Sent in No. 841)

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

(Sentin No 1839)

Read Extract from the Proceedings of the Sessions Court of Tinnevelly dated 7th October 1845 submitting with the opinion of the Sessions Judge a question for propounded by the Joint Magistrate as to whether the provisions of Section XXXV Regulation IX of 1816 may be applied in complaints of the nature specified in Sections XXXII and XXXIII when after having been referred under Section XIV they may be found on examination by the Ct Officers to be false—

(These Enter Nos 2953 by Regn)

The Court of Sessions Judge invariably declines giving any opinion on questions put to them by subordinate Courts. The circumstances of the case which led to the reference by the Joint Magistrate must therefore be fully given [illegible]

they can reply to the question now proposed.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tinnevelly for his information

(Sentin No 1840)

Read report dated the 11th Instant, submitted by the Magistrate of Chingleput, of Cases tried by the Magistracy under the provisions of Section LIV Act XII of 1843, for the month of September 1845.—

(Here enter No 3006)

The above Report not requiring any remarks from the Court of Sessions Adalut.—

Ordered that Extract from these Proceedings be forwarded to the Magistrate of Chingleput for his information.—

(Sentin No 1841)

Entd 11th

PDM

Friday,

24th October, 1845. At a Court of the Fouzdaree Adawlut

Present,

George S. Waters Esqre 1st Puisne Judge,

Mr. Malcolm Lewin Esqre 2d Puisne Judge,

Mr. T. E. J. Boileau Esqre 3d Puisne Judge,

F. W.

Read letter dated the 6th Instant from the Agent to the Governor of Fort St George in the Vizagapatam District submitting a Summary of the Evidence against three Prisoners charged with House breaking, and communicating his opinion as to the punishment to be inflicted

(Here enter No. 2955)

The Court of Fouzdaree Adawlut 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 Seven (7)

Years

24th October 1845

Years imprisonment with hard labor in irons on the prisoner.

1st Sarapadah Thumapay

and that of one (1) years imprisonment with hard labor suitable to his sex on the Prisoner,

2d Pooka Shetty.

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.—

(Sent in No. 1844)

No final return having been received from the Sessions Judge of Honore, to the proceedings of this Court under date the 11th August 1845, calling on him to submit an English translation of the whole record of Case No 5 of 1845.—

Ordered that the Sessions Judge of Honore be required to make a full return to the proceedings aforesaid without further delay.—

(Extract

24th October 1845.—

No reply having been received from the Magistrate of Nellore, to the proceedings of this Court under date the 23d August 1845, directing the Head of Police who committed Case No 58 of 1845, on the Criminal file be called upon to submit an explanation of his conduct in the commitment of the prisoner without the slightest ground

Ordered that Extract from these Proceedings be sent to the Magistrate of Nellore.

(Sent in No. 1845)

Read Criminal Reports under date the 1st Instant submitted by the Subordinate Judge of Chittoor for the month of September 1845.—

(Non Enter Vol 26 No 3025)

No Explanation is afforded of the detention of the prisoner in this Case for seven days in the Taluk

Case No 154

prior

24th October 1845

prior to their appearance at the Cutcherry of the Head of Police.—

2. If there be sufficient grounds for the opinion pronounced by the Sessions Judge, who tried this case, with reference to the nature of the charge preferred against the prisoner the Court of Foujdaree Adalut desire that the Prosecution may be placed on his trial for perjury.—

3. The gross misconduct imputed to the Daffadar and Peons attached as witnesses for the prosecution requires to be investigated and if established to be severely punished by the Magistrate who will be pleased to report the result of the inquiry for the information of the Foujdaree Adalut.—

Case No 165— 4. The Causes assigned for the delay which occurred in the transmission of the prisoners in this Case to the Criminal Court are altogether insufficient.

Ordered that Extract

F. No.

24th October 1845.

from these Proceedings be sent to the Subordinate Judge of Chittoor for his information and for communication of paras 1 3 4 to the Acting Magistrate in order to the submission of the explanations therein called for by precept returnable within XX days from and after its receipt.—

(Sent following Precept No. 1847)

Read Calendar in Case No 17 of 1845 submitted by the Sessions Judge of Chingleput under date the 8th Instant.—

(Here enter No 2995)

The prisoner in this Case was charged with housebreaking and theft, and was convicted, but the Sessions Judge being of opinion that the punishment prescribed by Section XXI Regulation XII of 1802 is too severe recommends a mitigation thereof.—

The Court of Foujdaree Adalut having maturely considered the circumstances of the Case represented in

24th October 1845.

the Calendar Sanction under Sec XXXV Act XII of 1843 the mitigated punishment recommended by the Sessions Judge, and accordingly direct that the Prisoner,

Namasiwayem,

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 forwarded to the Sessions Judge of Chingleput for his information by first return mail in 5 days from and after its receipt.

(Sent following Receipt &c.

Saturday
25th October 1845.

No. VII.

At a Court of the Zillah Adalut.

Present;

G. J. Walters Esquire — 1st Puisne Judge.

Malcolm Lewin Esquire — 2nd Puisne Judge.

J. C. J. Boileau Esquire 3rd Puisne Judge.

Read Criminal Report dated 4th instant submitted by the Sessions Judge of Tellicherry for the month of September 1845.

(Here enter No. 2953)

Case No. 84.

The Court observe that the Criminal Judge be informed that the heading in this Case should have been illegal assumption of authority and not assault.

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

(Sent in No. 1851)

Read Calendar of Case No. 39 of 1845 submitted by the Acting

Sessions Judge of Madura under date the 11th instant.

(Honourable No. 3990)

The Court concurs with the Sessions Judge in the view taken by him of this case. The prisoner was justly entitled to an acquittal. The gross fabrications of the Prosecutor and the testimony of their witnesses rendered such a result inevitable.

2.

The 4th Complainant knowing the 3rd or 30 who attacked his house and the 2nd Complainant having made by of the number. the Court desire to be informed what measures have been adopted for their apprehension, and what cause has attended the efforts of the Magistrate to bring them and the other parties concerned in this robbery to trial.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Madura by

precept returnable in XV days from and after its receipt.

(Sent following precept No. 1852)

Read Calendar of Case No. 44 of 1845 on the Salem Calendar submitted under date the 18th Instant by the Sessions Judge of Salem.

(Honourable F. No. 3037 of 1845.)

The Court approve of the proceedings of the Sessions Judge in this case but they desire he will ascertain and report for their information the date of the Prisoner's apprehension and the cause of its omission in the Police Report.

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

(Sent following precept No. 1853)

Read Criminal Reports dated 11th instant submitted by the

25 25th October 1845

Principal Sudr. Ameen of Nellore for the months of September last.

/Here enter No. 3030/

Case No. 88 1

For this case the prisoner is forwarded to the Criminal Courts for preferring a false complaint before the Assistant Magistrate of Nellore. It appears that the Assistant Magistrate after having received from the prisoner a deposition on solemn affirmation referred the case to the Police Officer and directed him to forward it to the Criminal Court.

2

The Court observe that this proceeding of the Assistant Magistrate is highly irregular. He was not competent to him after having received a deposition on Oath from the Prisoner to refer it to the Police Officer and his order to forward it to the Criminal Court was in direct variance with the intent and spirit of Circular Order 27th January

J. No
25th October 1845.

Notwithstanding No. 110 the attention of the Assistant Magistrate will be recalled to that Circular Order and he will be directed to be more careful in future in the discharge of his Magisterial duties.

Ordered that Extract from these Proceedings be forwarded to the Principal Sudr. Ameen of Nellore for his information.

/Sentence No. 1854/

Read Criminal Reports under date the 30th Ultimo submitted by the Subordinate Judge of Salem for the month of September 1845.

/Here enter J. No. No. 3026/

Case No. 151. 1

The evidence in this case appears altogether insufficient to the conviction of the Prisoner. The Court accordingly direct that such portions of the sentence as has not already been carried into execution, be annulled

and

and the prisoner unconditionally released.

Case No. 153 2. The Court have ruled that the Act quoted in support of the sentence of corporal punishment awarded in this case, is applicable only to the Magistracy of the Bengal Presidency.

Case No. 157 3. The insertion in the column appropriated to the statement of the charge of the remark that "the property stolen was found on the prisoners" was irregular the fact stated being foreign to the object of the column of remarks recorded on the disposal of the Case.

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Salem for his information and guidance by prompt return of post.

Sent following precept No. 1853.

Read Criminal Reports under date the 3rd Instant submitted by the Subordinate Judge of Salem

months of September 1843.

(Here enter F. No. 2942.)

Cases Nos. 167 and 170. 1. Adverting to the remarks recorded on these cases by the Subordinate Judge, the Court desire to be informed in what manner the Magistrate may have noticed the very gross misconduct imputed to the respective Heads of District Police who sent them up to the Criminal Court.

2. The Court observe on a perusal of these Reports that during the period embraced in them the Subordinate Judge has altogether omitted to avail himself of the aid of the Subordinate attached to his Court.

3. Many of the cases reported on might in the opinion of the Court have been with propriety referred for trial by those Officers, and the Subordinate Judge would thereby have been enabled to devote more of his leisure to the performance of his Civil duties.

25th October 1845

The Subordinate Judge will be pleased to explain the reasons which have induced him not to avail himself of the assistance of his Native Subordinates.

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Calicut, for his information and for communication of para 1 to the Magistrate of Malabar by precept returnable within 2 days from and after its receipt.

Sent following precept No 85/5

Read

F. Vs.

Monday, 27th October, 1845.

At a Court of the Foujdaree Adalut.

Present

George I. Waters Esquire 1st Puisne Judge,
Malcolm Lewin Esquire 2d Puisne Judge,
I. C. I. Borleau Esquire 3d Puisne Judge,

Read again Miscellaneous Petition presented on the 11th January last, by Govinda Padiachy of Pillah Cuddalore

(Reverter P. M. P.s No. 162 of 1845.)

Read also Miscellaneous Petitions presented on the 8th and 15th Ultimo by the same individual.

(Reverter P. M. P.s No. 162 and 167 of 1845.)

1. Adverting to the Court's Proceedings under date the 24th February last held on his former address, the Petitioner presents a copy of the Order of late Acting Session Judge imposing the fine of which he complained, and prays the Court to call for and peruse the record of the case to which these Petitions have reference, furnish the prisoners, who he contends were guilty of

27th October 1845

these offence laid to their charges, and remit the fine imposed upon him by the Session Court.

2. After an attentive consideration of the contents of this Petition with reference to the Calendar of the Case adverted to, and to the Extract from the Proceedings of the Session Court now submitted, the Court see no grounds to question the decision nor for the remission of the fine imposed upon the Petitioner.

3. Petition is dismissed

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

Read Miscellaneous Petition presented on the 13th Instant by Ichinnasamier alias Venkatasien of Tillah Combaconum.

(Here enter M. P. No 184.)

The prayer of this address being merely in effect a repetition of that contained in the petition presented to the Court Dated on the same date, the Court of Tanjore Dated direct that the Petitioner be referred to the orders passed on that Petition

27th October 1845

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

Read return dated the 16th Instant from the Session Judge of Salem to the precept of the Tanjore Adalut under date the 2d Idem, directing the Session Judge of Salem to submit the translation of the record in Case No 40 of 1845 on the Calendar of the Session Court and to explain the authority under which the Karkoon was competent to take the Prisoners confession.

(Here enter No 3038.)

The Court having considered the proceedings transmitted with the return above recorded are satisfied with the judgment passed by the Session Judge in the Case.

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

(Sent in No 1858)

Read letter dated 6th October 1845 from the Magistrate of Madura

soliciting further instructions in regard to the Orders issued by the Court of Foujdaree Udalut on Case No 97 on the Madura Criminal Reports for the Month of July last.

(Here enter F. R. No 3949.)

1. In their Proceedings of the 5th Ultimo, the Court noticing that the delay in the transmission of Case No 97 to the Subordinate Court was stated to have arisen partly from the non-arrival of witnesses for the defence observed that a Police Officer was precluded from taking evidence for the defence in a case not cognizable by himself and they required the Magistrate to prevent any future infraction of the law in this respect.-

2. In his letter the Magistrate states that he does not know how the case was represented to the Court of Foujdaree Udalut by the Subordinate Judge but he is unable to see any irregularity in the Police Officers proceedings and gives an outline of the Case.

3. The Court observe that under the Orders conveyed in their Circular Order of the 7th September 1843 No 161. The Subordinate

F. R.
27th October 1845

Judge is required to furnish the Magistrate within 24 hours after the disposal of the case with a report of it. and they desire the Subordinate Judge of Madura will explain whether this was done in the Case under reference and if not why he was unable to comply with the requisitions of the Circular Order in question. If those requisitions have been fulfilled the Subordinate Judge will be pleased to explain whether any difference was observed in the nature of the reports made to the Magistrate and that made to this Court and if there was the cause of this difference.

4. It appears from the abstract Statement given by the Magistrate in the 2nd para of his letter that the two witnesses were not examined in behalf of the Prisoner but in justification of the purchasers of the stolen bullocks - They would not seem therefore to have been rightly designated as witnesses for the defence but were material witnesses in the prosecution.

5. The Court resolve however before passing any final order in the case to forward the

the Magistrate with a copy of it as entered
in the Monthly Criminal Reports for any
further remarks he may have to offer.

Ordered that Extract from
these proceedings be forwarded to the Magi
strate of Madura for his information by Post
returnable in X days from and after the receipt
(Sent following receipt No 1859)

Ordered also that Extract from
these proceedings be forwarded to the Subordi
nate Judge of Madura for his information by Post
after the receipt of
its receipt.

(Sent following receipt No 1860)

Read Criminal Report for
the month of September last of Cases tried by
the Magistracy of South Arcot under the
provisions of Section XIV Act VII of 1843
(Records F.R. No 2096 of 1845)

1. In this case the prisoner is
charged with having fraudulently effaced from
palm a handy and Tellaks belonging to his
master and valued at 70 Rupees and on con
viction was sentenced by the

Magistrate under the provisions of the Act
above quoted to six months imprisonment
with hard labor in irons.

2. This sentence even if justifi
able under the evidence recorded in the case
is illegal and must be set aside.

3. The prisoner being the servant
of the Prosecutor and the value of the article
stolen being above 50 Rupees the Joint Magi
strate had no jurisdiction in the case
under the provisions of Act XII of 1843. The
offence is characterized by two of the aggra
vating circumstances specified in Clause
fourth Section III Regulation VI of 1822 which
remove it beyond the operation of Section VII Regu
lation X of 1816 and the Court have ruled that
the provisions of Section LIV Act VII of 1843 ex
tend to Magistrates only the powers vested
in Criminal Judges by Act VII Regula
tion X of 1816 and not the additional powers
confided in them by Regulation VI of 1822.

4. The Joint Magistrate will
accordingly cancel his sentence and if the
circumstances appear to require it forward
the

27th October 1845.

the parties to the Criminal Court to be dealt with according to the Regulations.

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

Sent following precept No 1861

Read Criminal Reports under date the 1st instant from the Subordinate Judge of Rajahmundry for the month of September 1845.

(Records F.C. No 2935.)

1.

The use of the term "Burglary" which frequently occurs in these Reports has been repeatedly demurred by the Foujdaree Udalut, and will in future be discontinued by the Subordinate Judge.

Case No 46.

2.

The Subordinate Judge has omitted in this case to conform to the rule laid down in the Circular Order noted marginally, which requires that in the Report of every case tried by Criminal Courts the provisions of the Law under which sentence is passed, should be specified.

Circular Order 16th November 1811 para 2.

F.C.

27th October 1845.

3.

The above rule has been very recently brought to the recollection of the Subordinate Judge by Circular Order No 171 and the omission adverted to must now be supplied.

In order to enable the Court

4.

Case No 48.

to judge of the propriety of the sentence passed in this case, the Subordinate Judge will be pleased to state whether the cat through which the prisoner is said to have effected his entrance into the Prosecutors house, was fastened, or not, at the time of the commission of the robbery.

5.

The Regulations quoted in

Case No 50.

Clause second Section X Regulation X of 1816.

support of the demand of security made in this Case, is incorrect: the provisions of the

Clause first Section XX Regulation II of 1822 and Sections XI and XII Regulation XI of 1827.

Regulations noted marginally being alone applicable to such an award.

The Subordinate Judge will

6.

therefore amend the sentence in accordance with the foregoing remarks.

The Foujdaree Udalut consider

Case No 49.

7.

the Subordinate Judge may with propriety omit in future in the column of charge, terms

penalties to indictments preferred by the
-diciary in England, which are not, it is
obvious, appropriate under the constitution
of Courts in this Country, many of which
are superintended by Native Judges unac-
-quainted to appreciate the distinctions of legal
phraseology.

8.

It is also unnecessary the
Court think, to repeat in the returns of cases
of any case, the words which go to constitute
in this report, the proceedings are abrogated
those proceedings be forwarded to the Sub
ordinate Judge of Rajahmundry by post
returnable in x days from and after the
receipt.

(Sent following receipt & No 762
Read Calendar of Case
No 19 of 1845 submitted by the Sessions Judge
of Mangalore under date the 31st April last
(Here enter F. M. No 1349)
Read also a Memorandum
Petition presented on the 18th August last
by T. Ramachendra [illegible]

Narrana Bhut of Tillah Mangalore
prisoner in the above case.
(Here enter F. M. P. No 109 of 1845.)

The prisoner in this case was

1.

charged with perjury in having when ex-
-amined as a witness in two different suits,
given two depositions in direct and positive
contradiction one of the other regarding
certain matters of fact material to the
issue of the said suits

The Sessions Judge con-

2.

-curring with the Law Officer as to the
conviction of the prisoner sentenced him
to four years imprisonment with hard labor
in irons under the provisions of Section II
Regulation XII of 1826. and Section III Regu-
-lation VI of 1811.

The Petitioner submits certain

3.

explanations as to his meaning in those
portions of his evidence which have been
brought into contradiction as wilful contra-
-dictions and prays the Court to order the
annulment of the sentence passed upon him.

On a perusal of this Petition

4.

and

27th Octobr

27th October 1846.

F. N.

In Court of the Fouzdaree Udalut.

Present.

George L. Waters Esquire 1st Puisne Judge
Malcolm Lewin Esquire 2d Puisne Judge
T. C. L. Boileau Esquire 3d Puisne Judge.

Read Extract from the Minutes of Consultation dated 20th September last No 698, grounded on a Petition from Dhan Singh Madras.-

(Here enter No 2772 of 1846)

The Court of Fouzdaree Udalut

are informed in the above communication, that the Most Noble the Governor in Council desires to know whether the opinion of the Judges regarding the conviction of the Petitioner's brother has been formed from a perusal of the record of the Case, or merely of the abstract Calendar submitted by the Sessions Judge; and it is intimated to the Court, that if their opinion arises from a perusal of the Calendar, His Lordship in Council would request that the record

27th October 1846.

[illegible] punishment to indictments preferred by the [illegible] -diciary in England, which are not [illegible] obvious, appropriate modes [illegible] of Courts in this Co[illegible] are performed [illegible] sent to [illegible]

[illegible] Sessions Judge of Mangalore [illegible] by the Petitioner were material to the issue of the suits in which his depositions were given or how the alleged mis-statement was prejudicial to the interests of either of the parties concerned, the Court are of opinion that his conviction was illegal and accordingly resolve to direct that the sentence be annulled and the prisoner unconditionally released.

Ordered that Extract from these Proceedings be sent to the Session Judge of Mangalore for his information and guidance by [illegible] returnable within [illegible] days from and after the receipt.

(Sent following [illegible] No 1863)

Ordered also that Extract from these Proceedings be granted to the Petitioner

Case 16

effect from an authority whose control or interposition as a third party in such a matter, they conscientiously believe themselves under the existing Law, not competent to recognize, they proceed to issue an injunction for the submission of the record in question.

4. In support of the view of the subject which has been taken by the Court they would refer to the provisions of Section XXXV Act XII of 1843, which declare, that it shall not be necessary for the Court to call for the proceedings in cases of which the abstract Calendars of Prisoners furnished without reference have been laid before them, unless they see special reasons for so doing; they therefore, submit that although on this and every occasion, the Court are actuated by a most zealous desire in every way to support and aid the object in contemplation by Government, yet that they consider the mode of procedure now required cannot be adopted by the Court, unless by an infraction of the obligations imposed on them, there being in the opinion of the Court, no question legally before it and nothing on the records to render necessary a requisition for the

entire proceedings of the trial, in order to their revision by the Foujdaree Udalut.

5. The 1st Judge has recorded minutes expressive of his total dissent from the resolution of the Court.

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 a No. 1368)

Read the Criminal Reports for the Month of September last, submitted under date the 11th October 1845 by the Acting Subordinate Judge of Mangalore.

(Here enter F. M. No. 3034 of 1845.)

Reports No. V Case No. 157.

1. The 1st prisoner in this Case convicted of Cattle stealing has been sentenced by the Hindoo Sudr Ameen to 3 months imprisonment, under the provisions of Section III Regulation VI of 1827, and Clause fourth Section III Regulation VI of 18

2. The form[illegible] being merely explanatory, [illegible] have reputedly

28th October 1845.

be called for and considered and the result reported to Government.

2. Assuming that the reference made to the records of the Foujdaree Udalut in consequence of the above instructions, has enabled the Judges correctly to trace the case of the Petitioners brother, it is observed to have been first brought before the Foujdaree Udalut in the Calendar noted marginally and since to have been under the Court's consideration on the 24th December of the past and 3d February 3d March and 11th April of the present year; but it is also observed that in declaring their opinion of the justice and propriety of the Prisoner's conviction, the Foujdaree Udalut have not had before them the record of the trial, that opinion having been derived from a perusal of the Calendar, which, however, contains the abstract of the evidence before the Magistracy and the Subordinate Judge, by whom the Case was committed to the Session Court, of the Futwah delivered by the Mahomedan Law Officer who presided at the trial which exhibits in abstract the testimony given in

Calendar of Case No 16 of 1845. File of Udalut in the Calendar noted marginally and Session Court at Chittagong, dated 5th November 1845.

the Session Court and also on reference to the grounds on which the Session Judge concurred with the Law Officer in deeming the Prisoner guilty of the offence charged against him.

3. It would then remain for the Court, yielding obedience to the instructions under reply, to call for the record of the proceedings held during the various stages of the trial, consider them and report the result. Before, however, taking the step enjoined by the orders of Government, the Court feel it incumbent on them most respectfully to submit for the information and consideration of the Most Noble the Governor in Council that on reference to the constitution of the Foujdaree Udalut and of the position relatively with the other powers in which the Judges composing the Court are placed, they are satisfied they will not be acting in strict conformity with the principles by which they should be guided in the independent and legal discharge of their judicial functions, if consequent on the receipt of an order

effect from an authority whose control or interposition as a third party in such a matter, they conscientiously believe themselves under the existing Law, not competent to recognize, they proceed to frame an injunction for the submission of the record in question.

4. In support of the view of the subject which has been taken by the Court they would refer to the provisions of Section XXXV. Act XII of 1843, which declare, that it shall not be necessary for the Court to call for the proceedings in cases of which the abstract Calendars of Prisoners furnished with the Returns have been laid before them, unless they see special reasons for so doing; they therefore, submit that although on this and every occasion, the Court are actuated by a most zealous desire in every way to support and aid the object in contemplation by Government, yet that they consider the mode of proceeding now requested cannot be adopted by the Court, unless by an infraction of the obligation to which they are bound, there being in the opinion of the Court, no question legally before it [illegible] to render necessary [illegible]

entire proceedings of the trial, in order to their revision by the Foujdaree Udalut.

5. The 1st Judge has recorded minutes expressive of his total dissent from the resolution of the Court.

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 1368)

Read the Criminal Reports for the month of September last submitted under date the 11th October 1845 by the Acting Subordinate Judge of Mangalore.

(Here enter F. N. Nº 3034 of 1845.)

Report Nº X Cases Nº 157.

The 1st prisoner in this Case convicted of Cattle stealing has been sentenced by the Hindoo Sudr Ameen to 3 months imprisonment, under the provisions of Section III Regulation VI of 1827, and Clause fourth Section III Regulation XI of 18[illegible]

2. The forms [illegible] being merely explanatory, [illegible] repetition

repeatedly ruled that the detention of a person in support of a penal sentence is improper; the Sudr Ameen will therefore be instructed to abstain from quoting it in future.

Case No 158.

3. In this Case a boy of 11 years of age has been sentenced for house breaking to 3 months imprisonment and 24 lashes under Clause 5th Section 11 Regulation VII of 1832.

4. This sentence is at variance with the intention of the provisions quoted as ruled by the Court of Foujdaree Udalut in their Circular Order No 139.

5. The Court will not however disturb the sentence recorded, but they desire that the attention of the Acting Subordinate Judge be parallel to the above Circular Order and that he be requested to observe it more carefully in future.

6. In the statement of Cases punished under Regulation X of 1832. the Court of Foujdaree Udalut observe that two persons have been convicted and sentenced for stealing and receiving respectively from the Bunkhal, whom

to bring rice for the use of the Prisoners in the Jail.

7. In their proceedings of the 21st Instant the Court of Foujdaree Udalut have ruled that the practice of sending convicts with Peons to the bazaar to purchase and bring articles required for the use of the Jail to be highly objectionable, as tending to endanger sound discipline and open a door to corruption among the guards and convicts, and they directed its immediate discontinuance, & a similar order will be issued by the Subordinate Judge in the Jail under his superintendence.--

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

(Sent in No 1869)

Read report dated the 1st Instant submitted by the Acting Session Judge of Tellicherry, of Cannattur and of Prisoners returned in the Jillah for the month of September 1845.

(Here enter F. No 2876)

repeatedly ruled that the citation of it in support of a penal sentence is improper; the Sudr Ameen will therefore be instructed to abstain from quoting it in future.

Case No 158.

3. In this case a boy of 11 years of age has been sentenced for house breaking to 3 months imprisonment and 24 lashes under Clause 5th Section II Regulation VI of 1822.

4. This sentence is at variance with the intention of the provisions quoted as ruled by the Court of Foujdaree Adalut in their Circular Order No 139.

5. The Court will not however disturb the sentence awarded, but they direct that the attention of the Acting Subordinate Judge be granted to the above Circular Order and that he be requested to observe it more carefully in future.

6. In the statement of Cases punished under Regulation X of 1822. the Court of Foujdaree Adalut observe that the convicts have been convicted and sentenced for stealing and receiving [illegible] from a Bankshal, when some

to bring rice for the use of the Prisoners in the Jail.

7. In their proceedings of the 21st Instant the Court of Foujdaree Adalut have ruled that the practice of sending convicts with Peons to the bazaar to purchase and bring articles required for the use of the Jail to be highly objectionable, as tending to endanger sound discipline and open a door to corruption among the guards and convicts, and they directed its immediate discontinuance, & a similar Order will be issued by the Subordinate Judge in the Jail under his superintendence.-

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

(Sent in No 1869)

Read report dated the 1st Instant submitted by the Acting Session Judge of Tellicherry, of Casualties and of Prisoners returned in the Jail for the Month of September 1845.

(Here enter F. No 2876)

25th October 1845

Case No 1

Read report dated the
Instant submitted by the Presiding
Judge of Tuckanopoly of the Cases
convicts for the month of September

(Returns P.W. No 3877)

Read letter dated the
Instant from the Magistrates of
informing that the persons named in
Section XIV Act VII of 1845 were not sworn
during the month of September 1845.

(Returns P.W. No 3878)

Read report dated the
Instant submitted by the Superintendent
of Rajahmundry of Cases pending
before the Sessions Court on the 30th Septr
1845.

(Returns P.W. No 3880)

Read report dated the
Instant submitted by the Sessions Judge
of Cuttack of Cases pending on the 30th
and committed for trial in the month
September 1845.

(Returns P.W. No 3881)

4
P.W.

P.W.

Wednesday
29th October 1845

At a Court of the Poydaree Adalut

Present

G. I. Walters Esquire — 1st Puisne Judge

Malcolm Lewin Esquire — 2d Puisne Judge

T. C. J. Boileau Esquire — 3d Puisne Judge

Read return dated the
3d Instant from the Sessions Judge of Nellore
to the precept of the Poydaree Adalut under
date the 27th September 1845 Commanding
him to be informed under
what circumstances the transmission
of the record of the trial of Case No 5
of 1845, set down for reference on the 25th
July last has been delayed by him.

(Returns P.W. No 3887)

The Poydaree Adalut will
merely observe in respect of the explanation
furnished in the above return, that
the transmission of a Court on the premises
for, should never be postponed for
that

that on the Civil. It is accordingly requested that the Superin Insp will write in so far as he himself is concerned, expediting the supervision of the final copy of the trial in question and stimulate the ministerial officers of the Court Establishment to increased exertions in the discharge of the duties belonging to them.

2 The Average delay which has occurred in the transmission to the Court of trials referred during the year 1874 by the Superin Insp of Salems, reflects greatly on the management of the Sessions Court at that station.

Ordered that Extract from these Proceedings be sent to the Superin Insp of Salems for his information

(Sent on No 1873)

Read letter dated the 20th Instant, from the Superin Insp of Coimbatore, submitting for the

consideration and final sentence of the Joydaree Adalat, translation of the Record of Trial in case No 29 of 1875 of the Calendar

(Here Enter No 3106)

Mr H Lewin and Mr J C J Brikan

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

Chinnaya Comdea

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 1874)

1 The Court of Joydaree Adalat observe that their orders of the 5th April last circulated, in a letter to the Superin Insps with directions to communicate the same to the Criminal authorities and Magistrates in their several jurisdictions

that on the Civil. It is accordingly
requested that the Sessions Judge write
in so far as he himself is concerned,
expediting the transmission of the final
copy of the trial in question and
stimulate the ministerial officers of
the Court Establishment to increased
exertions in the discharge of the duties
belonging to them.

2 Report having been received
occasioned in the transmission to this Court
of trials referred during the year 1844
by the Sessions Judge of Ahlone, reflects
greatly on the management of the Sessions
Court at that station.

Ordered that Extract from
these Proceedings be sent to the Sessions
Judge of Ahlone for his information

(Sent in No. 1873)

Read letter dated
the 26th Instant, from the Sessions Judge
of Combaconum, submitting for the

Consideration and final sentence of
the Foujdaree Adalut, translation of
the Record of Trial in case No. 29 of
1845 of the Calendar

(Here Enter No. 3106)

Mr. H. Lewin
and
Mr. T.E.S. Bolton

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

Chinnaya Comdea

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 for Clearing letter No. 1874)

1 The Court of Foujdaree Adalut observe that their orders of the 30th April last circulated, in a letter to the Sessions Judges with directions to communicate the same to the Criminal authorities and Magistrates in their several jurisdictions

jurisdictions have been totally disregarded by the Police officer having primary jurisdiction in the case and an argue of 22 pages[1] embodying a full abstract of the evidence has been forwarded to the terminal Court by the Police officer.

2 The Magistrate will therefore be called on to explain why the orders above noticed have been so markedly disobeyed and will be required to adopt all sufficient measures to prevent a similar infraction of them in future.

3 In regards to the Judgment delivered in this case the Sessions Judge will be pleased to require his Law officer to state more fully the grounds existing in this case in bar of a sentence for the specific penalty of Rascals and at the same time call on him to state why he omitted to specify all the grounds on which the Prisoner is declared liable to award ordinary punishment in accordance with the Circular Order 22d July 1822.

Ordered that Extract from

29th October 1845

these Proceedings be sent to the Sessions Judge of Coimbatore by Precept returnable in ten days from and after the receipt.

/Sent following precept No 1874/

Read letter dated the 16th Instant from the Agent to the Governor of Fort Saint George at Ryroad submitting the record of trial in case No 3 of 1845.

/Now Enter File No 3065./

Mr. M. Lewin and Mr. K. J. Botham.

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the Case as conveyed before them, being of opinion that the proof against the prisoner

Nurrayah

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 VII of 1802 would be in this instance be too severe, the Court, under the provisions of Clause third Section X Regulation X of 1825 sentence him to be transported to such places or places as beyond

beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in iron on the public roads or other public works, for and during the period of his natural life

/Sent following letter No 875/

Adverting to the statement of the 3d Witness in this case to the effect that a reward had been offered by Government for the capture of the prisoners Tamasegah; the Board desire that the Magistrate may be more particular and ascertain the names of the individuals who offered him, should it not have already been done

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort Saint George at Madras for his information by first opportunity the within 2 days from and after its receipt.—

/Sent following precept No 876/

Read Report under date the 15th Instant of Cases tried by the Magistracy of Bellary

provisions of Section III Act VII of 1843 during the Month of September 1845.

/Vide Letter Fld: No 3056/

Case No 6. Adverting to the rule

laid down in the Circular Order noted

C.O. No 158 marginally the Court observe that the designation of the crime charged against the Prisoner in this case should have been affixed as a heading to the statement of the charge.

2 The Acting Joint Magistrate who tried this case will be pleased to avoid a similar omission in future.

3 The Court further observe that the Section and Act quoted in support of the sentence passed is incorrect; as that enactment merely extends to the Magistracy the power of disposing of cases punishable under Section III Regulation I of 1845 which accordingly should have been quoted.—

Ordered that Extract from these Proceedings be sent to the Magistrate

29th October 1845.

of Bellary for his information and
for communication to the Acting
Joint Magistrate.—

/ Sent in A: 876 /—

Thursday 30th October 1845.

F. H.

At a Court of the Foujdaree Adalut.

Present

G. I. Waters Esqr.——1st Pusne Judge.
Malcolm Lewin Esqr.——2d Pusne Judge
I. Ec. I. Boileau Esqr.——3d Pusne Judge

Read again letter dated the 30th August 1845 from the Session Judge of Guntoor forwarding Copy of a correspondence between the Session Judge and the Acting Magistrate of Guntoor relative to the misconduct of the Head of Police of Banpatla Tannah for the consideration and orders of the Court of Foujdaree Adalut.—

(Here enter F. H. No. 2549 of 1845)

Read also return under date the 30th Ultimo from the Session Judge of Guntoor to precept of the Foujdaree Adalut dated 13th idem, directing that officer to call upon the Head of Police of Banpatla Tannah thro' the Acting Magistrate, to submit such explanation as he might desire to offer in extenuation of his misconduct.—

(Here enter F. H. No. 2854)

Dated 27th September 1845. Read. The Session Judge submits with his return Copy of a communication from the Acting Magistrate; together with a translation of the defence.

29th October 1845.

of Bellary for his information and
for communication to the Acting
Joint Magistrate.—

Sent in A: 876/—

Ld W.

J: W:

Thursday 30th October 1845.

At a Court of the Foujdaree Udalut.

Present

G: I: Waters Esqr.—— 1st Puisne Judge.
Malcolm Lewin Esqr.— 2d Puisne Judge.
J: E: I: Boileau Esqr.— 3d Puisne Judge.

Read again letter dated the 30th August 1845 from the Session Judge of Guntoor forwarding Copy of a correspondence between the Session Judge and the Acting Magistrate of Guntoor relative to the misconduct of the Head of Police of Banpuilla Tannah for the consideration and orders of the Court of Foujdaree Udalut.—

(Here enter F: U: No: 3549 of 1845)

Read also return under date the 30th Ultimo from the Session Judge of Guntoor to precept of the Foujdaree Udalut dated 13th ideem, directing that officer to call upon the Head of Police of Banpuilla Tannah thro' the Acting Magistrate, to submit such explanation as he might desire to offer in extenuation of his misconduct.—

(Here enter F: U: No: 2854)

1. The Session Judge submits with his
Dated 27th September 1845. return Copy of a communication from the Acting
Magistrate; together with a translation of the
defence.

defence forwarded by the Head of Police
he strongly protests his innocence of any
(former the Head Assistant Magistrate, a
prosecutor, which have given rise to the
pondence now under the consideration of the
2 Cir
communication, and especially wishing to
recorded by the Acting Magistrate, in favo
character and respectability of the Head of Police
Court are inclined to believe that the grou
which have been brought to their notice have
from extreme
decent
3
The Court accordingly wishes
sanction the imposition of the fine of Rupees
originally recommended by the Acting Magis
ons to permit the Head of Police to return
trusting that the very heavy punishment
will have a salutary effect on the officers
Ordered, that Extract from the
Proceedings be forwarded to the Superior Judge
Gunture and for communication to the Head
Magistrate in charge by first return mail after
X days from date of the receipt.
(Sent following Receipt No. 1921)
Read

30th. October 1845.

under date the 10th. Instant by the Acting Subordinate
Judge of Cuttack for the month of September 1845.
(Here enter F. R. No. 3001).

Cases Nos. 188 and 190. 1. The provisions of the Law under which
the Subordinate Judge was authorized to Commit
the Prisoners in these Cases are Clause Second Section
II Regulation VI of 1822, the Section of the Act quoted
by that officer being merely a Modification of the
rules formerly in force with regard to the commitment
by the Criminal Courts of Committable cases should
not have been cited as authority for the Commitment
of Prisoners charged with a Specific offence.

Case No. 191. 2. The prisoner in this case is represented in the Statement of the charge to have effected his escape from Custody on the 8th. February 1845. whereas it appears from a remark recorded in the abstract of the evidence that for having permitted his escape "the guard suffered punishment in March 1844".

3. The Acting Subordinate Judge will be pleased to explain the apparent discrepancy adverted to, which the Court infer to have arisen from a clerical error.—

Case No. 193. 4 The Court desire to be informed in what manner the Acting Subordinate Judge

Has

30th October 1845

have dispensed of the case of the 8th prisoner and stated to have given the other prisoners permission to commence the said land to their charge.

Case No. 197 5

The remarks received with reference to the non-attendance of the Police in the investigation of this case should have been brought to the notice of the Sessions Court for communication to the Acting Magistrate who will now be directed to investigate the matter, reporting the result thereof for the information of the Foujdaree Adawlut.

Ordered, that Extract from these Proceedings be sent to the Acting Collector of Cuddapah for his information and for communication of powers (5) to the Acting Magistrate by first returnable within XX days, from date of the receipt

(Sent following Report No. 88)

Monthly Criminal Reports for the month of September last submitted by the Sessions Judge of Cuddapah.

(Returned with F. D. No. 3034 of 1845)

Suppl. Report 1

Case No. 28

Adverting to the remarks made at the close of this case, the Court of Nizamut Adawlut prefer to observe that any officer taking part in an inquiry into a case is bound to exercise the best judgment on his own view of the case without reference to the opinion of the

No. 10.

30th October 1845.

Report No. V
Case No. 34

2.

The Court have repeatedly interdicted the use of native dates in the charges of Criminal Reports, and they desire that they be no longer introduced — they further require some explanation of the date entered in Column 4 as the date of the prisoner's apprehension, with reference to the date entered in the charge as that on which the theft is stated to have occurred.

3

In regard to the sentence passed in this case the Court of Foujdaree Adawlut observe that it was not necessary to quote Section III. Regulation VI of 1827 in support of it — as these provisions are merely explanatory and do not authorize the infliction of any final sentence.

Case No. 36. 4

In this case a prisoner is charged with having purchased stolen property — but the guilty knowledge which is the very essence of the offence has been omitted — to be specified.

Case No. 37. 5.

The 3rd prisoner in this case who is stated to have been apprehended on the 29th May does not appear to have reached the Principal Sudder Ameen Court before the 26th September and the only explanation given in the report for this extraordinary delay of four months is the repeatedly denounced one of the non-attendance of witnesses.

6.

Such an explanation is obviously misapprehend

insufficient and until some more satisfactory one can be afforded it will become the duty of the Magistrate to cast in a number and dismiss with the misconduct of the Office in question to whatever to the Foujdaree Adalut what he may have done in the matter.—

Ordered that Extract from these proceedings be sent to the Principal Sudder Ameen of Tumlook for his information.—

(Sent on D.o 182)

Ordered also that Extract from the Proceedings (same as above) be sent to the Judge of Tumlook for his information by first return in XV days from and after its receipt.

(Sent following Receipt D.o 183)

Read Calendar in Case No. 60 of 1845 submitted by the Sessions Judge of Tipperah dated the 18th. instant.—

(Vernacular No. 3116)

The Prisoners in this case viz. Nos. 1 Gunga Rabbay, and convicted, the N.o 1 was sentenced to fourteen years imprisonment with hard labor in irons, under clause third Section IV Regulation XV of 1803, but the Sessions Judge recommended that punishment be remitted as regards the 2d. and 3d. prisoners, respectively

30th. October 1845.

The Court of Foujdaree Adalut having maturely considered the circumstances of the Case represented in the Calendar, sanction, under Section XXXV Act VII of 1843, the mitigated punishment recommended by the Sessions Judge, and accordingly directed that the prisoners.

2d. Moodoovadeen Moiden Lootty
and
3d. Naimbooden Kondy Paramboto Coonjasee

be imprisoned and kept to hard labor in irons on the public roads, or other public works for and during the period of (9) nine years.—

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Tipperah for his information, by precept returnable in X days from and after its receipt.—

(Sent following Precept D.o 184)

Read Calendar in Case No. 60 of 1845 submitted by the Sessions Judge of Cuddapah under date the 14th. Instant.—

(Vernacular Foll. No. 3039 of 1845)

Read return dated the 11th. Instant from the Sessions Judge of Nimmulloy to the precept of the Foujdaree Adalut under date the 30th. Ultimo requiring him to demand security at his discretion from the 1st. 2d, 3d, 5th, and 6th. Prisoners in Case No. 15 of 1845 whose cases were referred for the consideration of the

Court

insufficient and will be even more unsatisfactory as can be afforded it will become the duty of the Magistrate to cast in a smaller and severe punishment the misconduct of the offence in question is brought to the Foujdaree Court what he may have seen and

Ordered that Extract from these proceedings be sent to the Principal Sudder Ameen of Jessore for his information.

(Sent on 31st. Inst.)

Ordered also that Extract from these proceedings (Female Calendar) be sent to the Sessions Judge of Dacca for his information by first return in XV days from and after its receipt.

(Sent following Precept Dr. 184)

Read Calendar in Case No. 14 of 1845 submitted by the Sessions Judge of Jessore under date the 18th. instant.

(Here ends No. 3016)

1.

The prisoner in the case was convicted with Gang Robbery and committed, the Court for the Sessions was sentenced to fourteen years imprisonment with hard labor in irons, under clause third Section IV Regulation XV of 1803, but the Sessions Judge is of opinion that punishment be more severe as regards the 3rd and 4th prisoners recommends

1

The Court of Foujdaree Adawlut having maturely considered the circumstances of the case represented in the Calendar, sanction, under Section XXXV. Act VII of 1843, the mitigated punishment recommended by the Sessions Judge, and accordingly directed that the prisoners.

3rd. Moodoovadew Moidew Lotty
and
3rd. Naimbooden Kundy Paramboto Coonjasoo

be imprisoned and kept to hard labor in irons on the public roads, or other public works for and during the period of (9) nine years.

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

(Sent following Precept Dr. 184)

Read Calendar in Case No. 60 of 1845 submitted by the Sessions Judge of Cuttack under date the 14th. Instant.

(Here ends Jail: No. 3039 of 1845)

Read return dated the 11th. Instant from the Sessions Judge of Tirhoot to the precept of the Foujdaree Adawlut under date the 30th. Ultimo requiring him to demand security at his discretion from the 1st. 2nd, 3rd, 4th, and 6th. Prisoners in Case No. 15 of 1845 whose cases were referred for the consideration of the

Court.

30th October 1845.

Court of Foujdaree Udalut.

(Here enter F. U. No. 3040 of 1845).

Read Supplemental Report dated the 27th Instant submitted by the Agent to the Governor of Fort St. George of Vizagapatam of Persons apprehended on the Separate Tracts of that District and delivered to the Agency, and regarding whom no final order has been passed at the date of the report ending 31st August 1845.

(Here enter F. U. No. 3156 of 1845).

Read Report dated the 28th Instant submitted by the Agent to the Governor of Fort St. George of Vizagapatam of Persons apprehended in the Hill of that Division, and delivered to the Agency in the Month of September 1845.

(Here enter F. U. No. 3157 of 1845).

Read Report dated the 28th Instant submitted by the Magistrate of Tanjore of cases tried by the Magistrate under the provisions of Section I. & IV. Act VII of 1843 during the Month of September 1843.

(Here enter F. U. No. 3158 of 1845).

No. 66

Friday,
31st October, 1845.

At a Court of the Foujdaree Udalut.

Present,

Geo: J. Waters Esqre. ——— 1st Puisne Judge,
Malcolm Lewin Esqre. ——— 2d Puisne Judge,
J. E. J. Boileau Esqre. ——— 3d Puisne Judge,
J. F. Thomas Esqre. ——— Additional Judge

Read Criminal Reports for the Month of September 1845.

Case No. 144 of 146 — 1 — The Court have repeatedly intimated the use of the term "Burglary" which they desire may be discontinued in future.

156 — 3 — The prisoner in this case having been charged with "House-breaking" was convicted of Theft which circumstances adverting to the rule laid down in the Circular Order noted margin the Court observe should have been noticed in the report of the case.

6 of 6 August 1829.

Case No. 156 — 3 — The provisions of the Law protecting informers of the punishment awarded to the prisoner

30th October 1845.

Court of Foujdaree Udalut.

(Here enter F. U. No 3040 of 1845).

Read Supplemental Report dated the 30th. Instant submitted by the Agent to the Governor of Fort St. George of Vizagapatam of Persons apprehended in the Separate Tracts of that District and delivered to the Agency, and regarding whom no final orders has been passed at the date of the report ending 31st August 1845.

(Here enter F. U. No 3156 of 1845).

Read Report dated the 30th Instant submitted by the Agent to the Governor of Fort St. George of Vizagapatam of Persons apprehended in the Separate Tracts of that Division, and delivered to the Agency in the Month of September 1845.

(Here enter F. U. No 3157 of 1845)

Read Report dated the 28th Instant submitted by the Magistrate of Tanjore of cases tried by the Magistrate under the provisions of Section IstIV Act VII of 1843 during the Month of September 1843.

(Here enter F. U. No 3158 of 1845).

Friday,
31st October, 1845.

No 86

At a Court of the Foujdaree Udalut.

Present,

Geo: J. Waters Esqre. ——— 1st Puisne Judge,

Malcolm Lewin Esqre ——— 2d Puisne Judge,

J. E. J. Boileau Esqre. ——— 3d Puisne Judge,

J. F. Thomas Esqre ——— Additional Judge

Read Criminal Reports under date the 30th Ultimo submitted by the Principal Sudr Ameen of Condapatam for the Month of September 1845.

(Here enter F. U. No 3081 of 1845)

Case Nos 144 to 146

1 The Court have repeatedly interdicted the use of the term "Burglary" which they desire may be discontinued in future.

146. 3 The prisoner in this case having been charged with "House-breaking" was convicted of theft which circumstance adverting to the rule laid down in the Circular Order noted marginally, the Court observe should have been noticed in the report of the case.

Case No 154. 3 The provisions of this Law quoted in support of the punishment awarded to the prisoner

31st October 1846

manner in this case as suggested that indictment having been served on Servant employed by the Prisoner at the time of the commission of the offence charged against him should have been instituted under Clause 4th Section III Regulation V of 1822.—

4th

Ordered that the proceedings be amended

Case No 161

5th

The Court deem it to be enjoined of the manner in which the prisoners in this Case were charged with having effected his entry into the Premises stated Monday which point should be noticed in their reports in cases of this nature in order to enable the Court of Faujdaree Adalut to judge of the propriety of the Magistrates award for the offence laid to the prisoners charge, and in case of conviction the correctness of the Sentence awarded.—

Ordered that the record of proceedings be sent to the Principal Sudder Station of Coimbatore for his information and guidance by first opportunity returnable within X days from date after it is received.—

(Sent following Perwanah No 1876)

Read letter dated the 31st

31st October 1846

July 1846 from the Sessions Judge of Coimbatore, submitting for the final sentence of the Faujdaree Adalut the proceedings in Case No 19 of 1846.—

(Here enter Fd No. No 2250 of 1845)

The Court of Faujdaree Adalut

Mr N Dickinson
Mr M Lewis
and
Mr J F Thomas

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

1st Ramasthutten

2d Yerrow

3d Dummaree

4th Yerrona boyen

and

5th Moothoothuttee

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 immediately released.—

(Sent following letter No)

Ent Ff

J. W.

Saturday,
1st. November, 1865.

At a Court of the Fouzdaree Udalut.

Present,

Geo. L. Waters Esqre. ——— 1st. Puisne Judge,

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

J. E. J. Boileau Esqre. ——— 3d. Puisne Judge,

Read communication under date the 2d. Ultimo from the Acting Agent to the Governor in Council—

(Here enter J. W. No. 2948 of 1865)

The Agent submits for the final sentence of the Fouzdaree Udalut a report of Case No. 11 of 1865 in which one Delai Nidaramtoo was charged with "Culpable Homicide" in having shot with his matchlock one Soukoo who with his brother went in search of roots—

2. It appears from the report of the Acting Agent who recommends a sentence of 6 months imprisonment without labor that the Prisoner who is a Peon attached to one of the Kumedy Bissoyes fired at the deceased who was armed with a Bow and Arrow supposing him to be a robber in consequence of his not answering, when hailed—

Before

1st November 1845.

3

Before passing any final orders in
this case the Court deems that an English translation
of the entire Record of the case ought to be laid before
their consideration.

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

/ Sent in No. 1844 /

2

Read Criminal Reports
under date the 13th Ultimo submitted by the
Principal Sudr of Guntoor for the month of
September 1845.

/ Here enter F.No. No. 3052 of 1845. /

Cam. No. 57.

The Court seeing reason to question
the propriety of the disposal of this case resolve
to direct the Sessions Judge to call up the record
and to pass such orders as he may think
proper reporting the same for the information
of the Foujdaree Adalut.

Case No. 65.

2 Adverting to the grounds assigned
for the imposition of a fine upon the 1st and 2d
witnesses in this case, the Court observe that on left
the depositions given before the Criminal Court ex-
hibited prevarication, the Principal Sudr Ameen
was not justified in fining the witnesses.

3. With reference to the above observa-
tion the Court resolve to refer the case to the
Sessions Judge for revision and report.

1st November 1845.

3

Before passing any final orders in
this case the Court deems that an English translation
of the entire Record of the case ought to be laid before
their consideration.

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

/ Sent in No. 1844 /

2

Read Criminal Reports under date the 13th Ultimo submitted by the Principal Sudr of Guntoor for the month of September 1845.

/ Here enter F.No. No. 3052 of 1845. /

Cam. No. 57.

The Court seeing reason to question the propriety of the disposal of this case resolve to direct the Sessions Judge to call up the record and to pass such orders as he may think proper reporting the same for the information of the Foujdaree Adalut.

Case No. 65.

2 Adverting to the grounds assigned for the imposition of a fine upon the 1st and 2d witnesses in this case, the Court observe that on left the depositions given before the Criminal Court exhibited prevarication, the Principal Sudr Ameen was not justified in fining the witnesses.

3. With reference to the above observation the Court resolve to refer the case to the Sessions Judge for revision and report.

/ Sent following Extract No. 1852 /

Read Endorsement No. 1855 of
1845 submitted by the Sessions Judge of Nellore under
date the 15th October 1845.

/ Here enter F.R. No. 3101 of 1845 /

1

In this case four prisoners are found
by the Jury Officer convicted of Daing robbery and
liable to Retention and a Second punishment having
been put to shame on the day to which sentence was
finally passed under the provisions of Clause
Third Section IV Regulation XV of 1832.

2.

Under the provisions of Clause Second
Section II Regulation XV of 1832 a Second Punish
was not requisite in this case. The attention of the
Sessions Judge is recalled to Circular Order 29th
1820 and paras 3 and 4 Court
have expunged

1st November 1845.

Ordered that by transt from these proceedings be sent to the Sessions Judge of Guntoor for his information by precept, returnable within XX days from and after its receipt.—

(Sent following precept No. 1895)

Ordered also that by transt from these proceedings be forwarded to the Principal Sadr Ameen of Guntoor for his information.—

(Sent ms No. 1896)

Read Criminal Reports under date the 11th Ultimo, submitted by the Principal Sadr Ameen of Combatoor for the months of September 1845.—

(Here enter F.H. No. 3007 of 1845.)

1. The Court infer that the prisoner in Case No. 93, who was sentenced with the prisoner in Case No. 90, was not before the Criminal Court at the trial of the latter-mentioned Case, in consequence of his having escaped from custody; as appears from the column appropriated to explanation of delay in the transmission of Cases to the Criminal Court.—

2. If such be the case, adverting to the rule laid down in the Circular Order noted in the margin, to which the Principal Sadr Ameen will be

6.Dis. 7 July 1829.

2/ F.H.

1st November 1845.

pleased to conform on all future occasions, the Court observe that a separate Sentence should have been awarded for the "escape" to commence on the expiration of the punishment adjudged for the original offence which led to the commitment of the prisoner.

Ordered that by transt from these proceedings be sent to the Principal Sadr Ameen of Combatoor for his information and future guidance.—

(Sent ms No. 1897)

Read Criminal Reports under date the 10th Ultimo submitted by the Subordinate Judge of Bellary for the months of September 1845.—

(Here enter F.H. No. 3054 of 1845.)

Case No. 130

1. The Court desire to be informed what notice may have been taken by the Magistrate of the conduct of the Jailoriers who are stated to have detained the Prisoner in this Case for 5 days, before forwarding him to the Head of District Police.—

Case No. 136

2. Adverting to the nature of the

Cause

Canies a Sepoy by the prisoner in this case for his escape from custody the Court observes that, if there be any grounds for such a statement as the Magistrate should take serious notice of the conduct of the Police Officers in leaving the prisoner without food for two days.

Ordered that the extract from these proceedings be sent to the Subordinate Judge of Bellary for his information and for communication to the Magistrate by speedy return within two days from and after its receipt.

(Sent following Memo No. 1878)

Read Calendars of Cases Nos. 62, 63, 64 and 65 of 1845 submitted by the Sessions Judge of Mangalore under date the 31st Ultimo.

(Here enter Nos. 2918, 2919, 2920, 2921, 2922 & 2923 of 1845)

1

The same Prisoner was committed in all these cases on charges of petty theft of property placed under his charge, under the provisions of Clause second Section III Regulation XI of 1822.

2.

He was tried by the Sessions Judge only in Case No. 63 in which he was charged with having at night entered the Magistrate's Bungalow and stolen therefrom a chair

(cont.) value at Rupees 1-2-0.

3. The Prisoner was it appears in the service of Government as Jadmale of the travellers bungalow at the same time he stole the chair from the Sub Collector's Cutcherry - He is however a young man of about 20 years of age and the Sessions Judge has therefore resolved to recommend a mitigation of the prescribed punishment on his behalf under the provisions of Section IV Regulation I of 1825 and directed the Subordinate Judge to detain him in Jail with hard labor until the final orders of the Foujdaree Adalut were made known to him.-

The Court of Foujdaree Adalut

having considered all the circumstances of the case represented in the Calendars resolve under the provisions of Section XXXV Act VII of 1843 to sanction the mitigated punishment recommended by the Sessions Judge and accordingly direct that the prisoner

"Canaka"

be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of 2 years.-

The

9th November 1865.

the Court would observe for the Sessions Judges' future information that the punishment to which the prisoner has rendered himself liable and the Law by which he is punished should invariably be inserted in the Calendar and they presume that the prisoner has in conformity with Circular Order 20th March 1834 been made acquainted with the penalty to which he has rendered himself liable by Law.

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

(Sentence No. 1899)

Read Calendar under date the 16th Ultimo of Case No. 58 of 1865 submitted by the Sessions Judge of Cuddapah.

/Hereinafter F.Ms. No. 3076 of 1865/

The Sessions Judge requests the instructions of the Sudder Adalut as to the propriety of referring this case which was set down for reference to this Court on the 16th Ultimo, in consequence of a difference of opinion existing between himself and the Mahomedan Law Officer

F.Ms.

1st November 1865

regarding the 2d Prisoner who has since demised, the Sessions Judge concurring with the Law Officer in the acquittal of the 1st Prisoner.

2. As it appears that the Sessions Judge coincides with the Law Officer regarding the only surviving prisoner, the Judges see no reason for a reference of the case to the Sudder Adalut.

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

(Sentence No. 1900)

Read Letter dated the 25th Ultimo from the Acting Sessions Judge of Madura, transmitting for the consideration and final sentence of the Sudder Adalut, translation of the Record of Trial in Case No. 42 of the Calendar of the Sessions Court for 1865.

/Hereinafter F.Ms. No. 3145 of 1865./

M. M. Levinz and M. J. Boileau

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

1st November 1845

1st November 1845

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

(Sent following letter No 1401)

With the Law Officers for the Prose-
cution and those for the Defence, the Tuanku
Hakim desire to be informed why the Trial as
carried the Acting Assistant Judge & Magistrate
Madura for his information by Post not later
able in five days from and after its receipt

(Sent following, separate, No 1401)

Read letter dated the 13th Instant
from the Assistant Judge of Sidayu, transmitting for
the consideration and final sentence of the Court
Tuanku Hakim, translation of the Record of
Trial in Case No 52 of the Calendar of the Assist
Court for 1845.

(Statement No 3169 of 1845)

1st November 1845.

on a deliberate consideration of all the circum-
stances of the case in evidence before them, a
being of opinion that the proof against the
prisoner

Yaroodalen

is sufficient to convict him of the crime of
Culpable Homicide, for which the penalty of
Dayat is awardable under the Mahomedan
Law, as declared in Futwas of their Law Officers,
to convict him thereof; and under the provisions
of Clause Second Section XV Regulation VII of
1802 sentence him to be imprisoned and kept
to hard labor in irons on the public roads, or
other public works, for and during the period
of two years

(Sent following letter No 1402)

Read Criminal Reports for the months
of September 1845 submitted under date the 12th Instant
by the Subordinate Judge of Cumbaconum

(Statement No 3000 of 1845)

Reported No V
Case No 175

The prisoner in this case charged
with attempting to commit a theft in the house
of the prosecutor has been sentenced by the Acting
Superintendent under Clause 3d of the Section II of
Regulation

1st November 1865

Regulation VII of 1822 unless housebreaking was proved in the case which does not appear from the abstract of the evidence given in the report the sentence is illegal and not warranted by the Clause quoted. The Kazy is therefore called on to explain what circumstances brought the case under the provisions of Regulation VII of 1822.

Case No 176

2. In this Case it must be explained what peculiar circumstances have called for the addition of stripes.

3. The reference of this case to the Assistant Magistrate shows great ignorance on the part of the Police Officer who examined it and requires notice by the Magistrate.

Case No 184

4 Adverting to the hearing in this Case the Kazy will be pleased to explain why sentence was passed under the provisions of Clause sixth Section II Regulation VII of 1822.

Case No 190

5 It would appear from the charge in this case that the heading should have been housebreaking and not "theft" The Kazy Subordinate will be pleased to amend it accordingly and will be careful to be more precise in future in the designation of crimes framed before him.

6. The Court also desire to be informed

1st November 1865

of the result of the report made by the Head Police of Sheally to the Magistrate of the misconduct of the village Moonsiff in detaining the prisoner in this case 21 Days in the village.

Case No 193

7 It does not appear clear from the Report that any charge of Perjury would lie against the prisoner in this case; the Subordinate Judge will accordingly be pleased to explain more fully wherein the perjury is supposed to consist and how such perjury may be material to the issue of a judicial proceeding. The Subordinate Judge will further be pleased to transmit copies of the correspondence referred to as causing the delay in the disposal of the Case and also report fully how the case has been finally disposed of as far as regards himself.

Case No 193

8 The Court require further explanation of the extraordinary delay which occurred before the Police in this Case and especially in regard to the transmission of the case by the Police Ameen to the Head of Police and the delay in the appearance before the Head of Police of the Prosecutor and village Moonsiff.

Ordered that Kyfeeat from these proceedings be forwarded to the Subordinate Judge

of

1st November 1865

Regulation VI of 1822 unless hereditary was proved in the case which does not appear from the abstract of the evidence given in the report the sentence is illegal and not warranted by the Clause quoted. The Kazy is therefore called on to explain what circumstances brought the case under the provisions of Regulation VI of 1822.

Case No. 176

2. In this Case it must be explained what peculiar circumstances have called for the addition of stripes.

3. The reference of this case to the Assistant Magistrate shows great ignorance on the part of the Police Officer who examined it and requires notice by the Magistrate.

Case No. 184

4 Adverting to the heading in this Case the Kazy will be pleased to explain why sentence was passed under the provisions of Clause sixth Section II Regulation VI of 1822.

Case No. 190

5 It would appear from the charge in this case that the heading should have been housebreaking and not "theft". The Kazy Sahib will be pleased to amend it accordingly and will be careful to be more precise in future in the designation of crimes framed before him.

6. The Court also desire to be informed

1st November 1865

of the result of the report made by the Head Police of Shealy to the Magistrate of the misconduct of the village Moonsiff in detaining the prisoner in this case 21 days in the village.

Case No. 192

7 It does not appear clear from the Report that any charge of Perjury would lie against the prisoner in this case; the Subordinate Judge will accordingly be pleased to explain more fully wherein the perjury is supposed to consist and how such perjury may be material to the issue of a judicial proceeding. The Subordinate Judge will further be pleased to transmit copies of the correspondence referred to as causing the delay in the disposal of the Case and also report fully how the case has been finally disposed of as far as regards himself.

Case No. 193

8 The Court require further explanation of the extraordinary delay which occurred before the Police in this Case and especially in regard to the transmission of the case by the Police Ameen to the Head of Police and the delay in the appearance before the Head of Police of the Prosecutor and Village Moonsiff.

Ordered that Extract from these proceedings be forwarded to the Subordinate Judge.

J.

1th November 1855

of Confinement by simple imprisonment for
four and a half months.

(Sent following Extract to Jail)

1855
N

Monday
5th November 1855

Present,

Hon'ble G.K.B.
Present F.S.

Hon'ble Wolk.

J. No.

At a Court of the Foujdaree Adalut.

Hy: Jr. Waters Esquire — 1st Puisne Judge.
Malcolm Lewin Esquire — 2nd Puisne Judge.
J. E. J. Boileau Esquire — 3rd Puisne Judge.

Circular Order.
No. 177.

The Court of Foujdaree Adalut
deem it necessary, to notify that the
rule regarding the infliction of corporal
punishment contained in their
Circular Order dated 21st October 1830, is
applicable to sentences passed by the
Magistracy in the exercise of the addi-
tional powers delegated to them by
section XXV. Act XXVII of 1843.

(Sent following Circular Order to
Read Criminal Reports under
date the 15th Ultimo submitted by the
Subordinate Judges of Madura for the month
of September 1855.

(Vide enter F.C. No. 3055.)

The

3rd November 1845.

Case No 107. 1. The prisoners in this case were charged on two separate Counts, the 1st with the having purposed to distil Arrack without a license and the 2nd with having distilled the same.

2. The latter offence involved in the first part of the charge should have been merged in the greater mentioned at its close.

Cases No 111 and 112. 3. The prisoners in these cases should have been charged with "House breaking" the manner in which they respectively represented to have effected their entry into the Prosecutor's granary and house, viz, by scaling a wall having been ruled to constitute that offence.

4. Adverting to the rule laid down in the Circular Order noted marginally the Court observe that any sentences which may have been passed upon the 1st and 2nd prisoners in this case who were stated to be "old offenders" should have been specified in the report.

Circular Order 6th September 1821.

No 116

5. The Court observe that the

3rd November 1845.

omissions above adverted to may be now supplied.

Case No 118. 6. In order to enable the Court to judge of the propriety of the disposal of this case, the Subordinate Judge will be pleased to state in what manner the prisoners effected their entrance into the Prosecutor's house.

Case No 120. 7. Under the circumstances of this case as stated in the report the Court see no sufficient cause for the commitment of the prisoners who appear to have been convicted of a "simple theft".

8. The Subordinate Judge will therefore be pleased to state whether any special grounds existed which induced him to pursue the course of proceeding adopted by him, and in future will submit this information in all cases of a similar nature.

Case No 124. 9. The Court seeing reason to question the propriety of the manner in which this case has been disposed of, resolve to

to direct the Subordinate Judge to call upe the records and to pass such orders as he may think proper reporting the same for the information of the Foujdaree Udalut.

Cases Nos 128 132 and 141. 10. Adverting to the number of persons concerned in the commission of the crime charged against the prisoners in these cases, the Court observes that the offence should have been designated as "gang robbery" in the heading of the charge.

Case No 134. 11. The Court require an explanation of the apparent discrepancy in the dates observable in the report of this case the 2nd and 3rd prisoners in which are stated to have been forwarded thro' the Magistrate to the Criminal Court on the 5th September, whereas it appears in another column that they arrived at the Court on the 2nd idem.

Case No 137. 12. The Court desire to be informed for what reason the serious offence charged against the prisoners in this case, which they observe, should have been designated as "gang robbery" was referred for trial by

the Sheristadar Nuzzut.

Cases Nos 138, 143 and 153. 13. The Court have repeatedly denounced the use of the terms "Burglary" and "Burglariously" which they desire may be discontinued in future.

Case No 139. 14. The prisoners in this case were detained by the Head of Police from the 15th July until the 8th September.

15. The Magistrate will be pleased to submit an explanation of this delay by a direct communication to the Foujdaree Udalut and will adopt measures to prevent the recurrence of similar delays in future.

Case No 143. 16. The prisoner in this case having been charged with "purchasing stolen property," the same should have been expressed in the heading affixed to the statement of the charge.

Case No 147. 17. The Court require further information regarding the manner in which the prisoner in this case effected his entrance into the Prosecutor's house in order to enable them to judge of the propriety of the sentence awarded.

Case No 136. 18. The Subordinate Judge will be

3rd November 1845

be pleased to state for the information of the Fouzdaree Udalut whether the door thro' which the prisoner in this case effected his entrance into the Prosecutor's house was fastened, or not.

Laws. Nos. 160, 162 and 165.

19. The term "House breaking" should have been affixed as per heading to the statements of the charges preferred against the prisoners in these cases, the acts charged having been ruled to constitute that offence.

Case No. 162.

20. The explanations offered for the delay which occurred in the transmission of the prisoner in this case to the Criminal Court is insufficient.

Case No. 167

21. Adverting to the rule laid down in the Circular Order noted

C.O. 7th January 1822.

marginally the Court observe that the detention by the Head of Police of the 3rd prisoner in this case pending the apprehension of the other prisoners was extremely irregular.

22. Before passing from a review of these reports, the Court resolve to direct

3rd November 1845

the attention of the Subordinate Judge to the numerous errors observable in the "headings" affixed to the statements of charges; which they desire may in future be avoided.

Ordered, that Extract from these Proceedings, be sent to the Subordinate Judge of Madura, for his information; and for communication of paras: 11, 13 and 20, to the Magistrate for his information and for report direct to the Fouzdaree Udalut, by precept returnable within XX days from and after its receipt.

(Sent following precept No. /

Ordered also, that Extract of these Proceedings (para 9) be forwarded to the Sessions Judge of Madura by precept returnable within XX days from and after its receipt.

(Sent following precept No. /

Read Report under date the 19th July last of Persons apprehended in the separate tracts of Vizagapatam, and delivered

delivered to the Agency on the month of June 1845 submitted by the Agent to the Governor of Fort Saint George at Vizagapatam.

(Here enter F 76 No 7154)

Read also Miscellaneous Petition presented on the 28th July last by T Appiah Vakeel on behalf of Mr Thurlow of Villah Vizagapatam.

(Here enter F 76 M P No 638 of 1845)

1. The Petitioner complains of a sentence of four months imprisonment together with a fine of Rupees 20 awarded to his brother Alakoma Appadu Varu similar 2d prisoner in Case No 26 on the file of the Acting Principal Assistant Agents Court at Vizagapatam.

2. On a mature consideration of the matter of this Petition, with reference to the circumstances stated in the Criminal Report, the Court are satisfied of the correctness of the sentence passed, with which they accordingly refuse to interfere.

3. Adverting to the assertion of the Petitioner that "the witnesses for the prosecution were examined in the absence of his brother on leave, and that those nominated by him to disprove the charge were not examined by the Acting Assistant Agent, the Court direct that the Agent will report whether there be any foundation for the Petitioners statement; and if it be true, under what circumstances the alleged irregularities referred to, took place.

4. The Court are of opinion that it was incumbent upon the Agent, who is immediately vested with supervision over the acts of his Assistants, to have attended to the application for a review of the sentence, which is said to have been preferred three days after the case was disposed of; instead of referring the Petitioner for redress to the Court of Foujdaree Udalut.

Ordered, that Extract from these Proceedings, be sent to the

the Agent to the Governor at Vizagapatam for his information and guidance, by precept returnable within x days from and after its receipt.

Sent following precept No. /

Ordered also that Extract from these Proceedings be granted to Petitioner's Vakeel on his application.

Read Criminal Reports under date the 11th Ultimo, submitted by the Principal Sudr Ameen of Chingleput, for the month of September 1845.

/Here enter F. Vo. No. 3002/

Case No. 62. 1. The Principal Sudr Ameen refers to a former report regarding the case of a second individual concerned in the offence charged against the prisoner in this number.

2. The report of each case should be complete in itself, rendering unnecessary a reference to former reports, which entails much additional labor and inconvenience on the Judges of the

Zoujdaree Udalut.

Case No. 70. 3. The Court require an explanation of the contradiction in terms apparent on the face of this report regarding the 1st Prisoner, who is stated to have been sentenced to six months imprisonment with hard labor in irons on the 10th September last; whereas it appears in another part of the report that the same prisoner was again put upon his defence, and that a reference regarding his witnesses was made to the Tahsildar of Conjeveram on the 30th idem.

Case No. 75. 4. Adverting to the previous bad character of the prisoner in this case, the Court desire that the Principal Sudr Ameen will explain on what grounds he refrained from adjudging to that individual the full period of (2 years) imprisonment, awardable for the offence proved against him.

Case No. 78. 5. The Court seeing reason to question the propriety of the disposal of this case resolve to direct the

Sessions

3rd November

3rd November 1845

Sessions Judge to call up the records and to pass orders as he may think proper, reporting the same for the information of the Tanjore Udalut.

Case No. 81

6

The omission to enter in the report of this case the charge preferred against the 2nd 3rd 4th 5th 6th and 7th prisoners who were sent up by the Head of Cutcherry but were dismissed without examination, was irregular.

Ordered, that Extract from these Proceedings be sent to the Principal Sudr Ameen of Chingleput, for his information, by precept returnable within x days from and after its receipt.

(Sent following precept &c)

Ordered also, that Extract from these Proceedings be sent to the Sessions Judge of Chingleput, for his information, by precept returnable within XX days from and after its receipt.

(Sent following precept &c)

Read Miscellaneous Petition

F. U.

3rd November 1845.

presented on the 27th September last by Soolasee Odian of Tillah, Cuddalore.

(Here enter F. U. No 8 of No. 173 of 1845.)

1 The object of this Petition is to induce the Court to remit the sentence passed upon his Son Sreenavasan prisoner in Case No 60 of 1845 on the file of the Sessions Court of Cuddalore who was sentenced by the Tanjore Udalut to 14 Years imprisonment with hard labor in irons, and to receive 195 lashes with a Cat of nine tails, having been convicted by that Court of the crime of Robbery and Rape.

2 The Court have again referred to the record of this trial and are still of opinion that the crime charged against the prisoner Sreenevasan is clearly proved.

3. This Petition is accordingly dismissed.

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

Ordered

3d November 1845.

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

Sent in No

Read again Miscellaneous Petition presented on the 26th August last by Soobramanien of Villak Cuddalore complaining of a sentence of 4 years' imprisonment with hard labor in irons passed upon his brother Appavoo convicted by the Sessions Judge of Cuddalore in Case No 36 of 1845 on the file of that Court of perjury - and praying the Court after perusing the record of the trial, to order the release of his brother.

[Here enter No 9 No 15 of 1845]

Read also returns dated the 7th Ultimo, from the Sessions Judge of Cuddalore to the precept of the Singalore Udalut of the 27th September last, calling for an English translation of the record of trial in case No 36 of 1845 on the file of his Court.

3d November 1845.

1 The Court of Foujdaree Udalut having given the record of this case their most mature consideration are of opinion that there is no proof of "wilful and corrupt perjury" established.

2 The contradiction adverted to does not appear to be of much importance and as the Prisoner in his 2nd examination, dated the 19th July "does not persist in affirming error" but pleades forgetfulness the contradiction is not sufficiently clear to justify conviction of perjury; and the Court even doubt if perjury was intended - they accordingly resolve to annul the sentence of the Sessions Judge and to direct the immediate release of the prisoner.

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

[Sent following precept No]

Ordered also that Extract from

3d. November 1845.

from these Proceedings, be granted to Petitioner on his application.-

Read a Miscellaneous Petition presented on the 22d. September 1845 by Nagaswerganiengar of the Zillah of Tinnevelly-

/Here enter F. Vc. No. P. No. 177 of 1845./

The Petitioner who represents himself to be the master and owner of the prisoners in case No. 14 of 1845 on the Tinnevelly Calendar for the current year complains of the sentence passed by the Sessions Judge in the above case wherein the prisoners were all convicted of gang robbery and sentenced to 14 years imprisonment.-

2. The Petitioner prays the Court to call for the record and release the prisoners.-

3. The Court of Foujdaree Adalut observe that the record of the case in question was on the 17th July last called for on review of the Calendar and on the 18th August following an order for the

F. Vc.

3d. November 1845 release of the prisoners was issued.-

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

Read again a Miscellaneous Petition presented on the 26th. August last by Mahommed Ghouse of Zillah Cuddapah.

/Here enter F. Vc. P. No. 155 of 1845/

Read also communication under date the 21st Ultimo from the Superintendent of Government Boards at Guindy.-

/Here enter F. Vc. No. 3092./

1. It appears from Captain Worster's letter that the Petitioner was dismissed in consequence of insubordination of which he had been guilty in the presence of that officer.-

2. Under the circumstances stated the Court see no reason for their further interference in the matter of this Petition which is accordingly dismissed.-

Ordered that Extract from these

3d. November 1845.

from these Proceedings, be granted to Petitioner on his application.-

Read a Miscellaneous Petition presented on the 22d. September 1845 by Nagaswerganiengar of the Zillah of Tinnevelly.-

/Here enter F. No. Mo. P. No. 177 of 1845./

The Petitioner who represents himself to be the master and owner of the prisoners in case No. 14 of 1845 on the Tinnevelly Calendar for the current year complains of the sentence passed by the Sessions Judge in the above case wherein the prisoners were all convicted of gang robbery and sentenced to 10 Years imprisonment.-

2. The Petitioner prays the Court to call for the record and release the prisoners.-

3. The Court of Sudder Adalut observe that the record of the case in question was on the 17th July last called for on review of the Calendar and on the 18th August following an order for the

F. No.

3d. November 1845. release of the prisoners was issued.-

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

Read again a Miscellaneous Petition presented on the 26th August last by Mahommed Ghouse of Zillah Cuddapah.-

/Here enter F. No. P. No. 155 of 1845./

Read also communication under date the 21st Ultimo from the Superintendent of Government Roards at Guindy.-

/Here enter F. No. No. 3092./

1. It appears from Captain Worster's letter that the Petitioner was dismissed in consequence of insubordination of which he had been guilty in the presence of that officer.-

2. Under the circumstances stated the Court see no reason for their further interference in the matter of this Petition which is accordingly dismissed.-

Ordered that Extract from these

4th November 1845. these Proceedings be sent to the Superintendent of Government Roads at Laundy, for his information

/Sent in No. /

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

F.M.

Tuesday 4th November 1845. At a Court of the Poydarre Adalut

Present

G. S. Waters Esqre. ——— 1st Puisne Judge

Malcolm Lewin Esqre. ——— 2d Puisne Judge

T. C. S. Borlean Esqre. ——— 3d Puisne Judge

Read again letter dated the 16th September last from the Session Judge of Mangalore, submitting for the consideration and final sentence of the Poydarre Adalut, the record of the trial in case No. 60 on the Calendar for 1845.

/Here Enter No. 2728./

Read also return dated the 8th Instant, from the Session Judge of Mangalore to the Precept of the Poydarre Adalut under date the 30th September last returning the record of the trial in case No. 60, on the Calendar for 1845, for correction, and resubmission in a proper and complete form, and calling for further details, to be specified in a fresh letter.

/Here Enter No. 3115./

The Court of Poydarre Adalut

Mr. G. S. Waters.

on a deliberate consideration of all the circumstances of the Case as presented before them, being of opinion that the proof against the prisoner,

Patty Cooley,

is sufficient to warrant him of the crime of Murder committed on Thursday the 19th day of October last, under the provisions of the x Regulation VIII of 1802, do hereby sentence her to suffer death, by being hanged at the usual hour and place of execution.

Short following the Trial of

1 The Prisoner in the case was charged with having killed the Bundoo Gungee Doday by cutting her throat with a knife or some other sharp instrument.

2 The defence set up by the prisoner was that she was accompanied the murder of the deceased when it was committed by another person.

The Court recommended that sentence of death should be passed upon the Prisoner, but as the Second Commissioner proposed a different punishment of transportation for life

of the Murdered woman could not be considered that the Prisoner was not present at the time of the search for the Corpse that it appears doubtful by the evidence of the Police and Pogranee whether he had been at home for some time before that search took place that he voluntarily surrendered himself to the Subordinate Judge and that he has never confessed having committed the murder

After an attentive and deliberate consideration of the entire record of the case the Court fail to appreciate the force of the arguments advanced by the Sessions Judge in favor of the mitigation of the prescribed punishment now proposed by him.

3 The Court considers the charge

4 most satisfactorily proved against the Prisoner both by the evidence of his mother and Sister and by the corroborative testimony of the other witnesses.—

5 The statements of such near relations of the prisoner, who evidently gave their

received with the utmost unwillingness, may be most safely relied on, the more especially when corroborated by the depositions of the other witnesses and by strong circumstantial evidence.-

6 The Corpse of the woman, whom the Prisoner is charged with having drowned, having been seen and recognized by the Prisoner's Mother on the day following the murder the Court attach no importance to the fact that the body when subsequently exhumed, was in such a state as to preclude its being identified, nor do they see that any argument in favor of the prisoner can be deduced from his voluntary surrender of himself to the Subordinate Jusp. as he probably adopted this Course trusting that his relatives who were the principal witnesses against him, would do their best to screen him from the consequences of his crime, as indeed proved to be the case.-

7 The Court are at a loss to

F.H.

4th November 1845

conceive how the want of an English translation of the Police proceedings can be assigned as a reason for the evidence given in the Original investigation before the Police by the witness Imaum not having attracted the attention of the Sessions Judge until after the conclusion of the trial; as they suppose that that Officer did not commence the trial without the record of the proceedings held before the Police and Criminal Court having been previously read to him.-

8 The Sessions Judge will be pleased to submit an explanation on this point.-

9 It was incumbent upon the Sessions Judge to have gone more fully into the examination of the 2d witness the prisoner's sister, from which he appears to have been deterred by her tears.

10 The facts however to which she has deposed coupled with the evidence of her mother are quite sufficient to remove all

received with the utmost unwillingness, may
be most safely relied on, the more especially
when corroborated by the deposition of the
other witnesses and by strong circumstantial
evidence.-

6 The Corpse of the woman, whom
the Prisoner is charged with having murdered,
having been seen and recognized by the
Prisoner's Mother on the day following the
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can be deduced from his voluntary surrender
of himself to the Subordinate Magistrate who
probably accepted this course trusting
that his relatives who were the principal
witnesses against him, would do their best
to screen him from the consequences of
his crime, as indeed proved to be the
case.-

7 The Court are at a loss to

conceive how the want of an English trans-
lation of the Police proceedings can be adduced
as a reason for the evidence given in the
original investigation before the Police by
the witness Imaum not having attracted
the attention of the Sessions Judge until after
the conclusion of the trial; as they suppose
that that Officer did not commence the trial
without the record of the proceedings held
before the Police and Criminal Court having
been previously read to him.-

8 The Sessions Judge will be
pleased to submit an explanation on this
point.-

9 It was incumbent upon
the Sessions Judge to have gone more
fully into the examination of the 2d witness
the prisoner's sister, from which he appears
to have been deterred by her tears.

10 The facts however to which
she has deposed coupled with the evidence
of her Mother are quite sufficient to remove

all

all doubt of the Prisoners guilt.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Mangalore for his information by present post if conveniable within Ten days from and after its receipt.—

/Sent following precept No 1251/

Circular Order

No 170

The Foujdaree Adawlut wishes to direct the extension of their Circular Order No 169, that henceforward the rules which are therein laid down in respect of framing & recording the record of each offence, shall be applicable in all respects to the records given by subordinate who may be employed as Jurors in trials before a Sessions Court

/Sent following Circular Order No 170/

Read Extract from Proceedings in Case No 2832 of 1845 submitted by the Sessions Judge of Rajahmundry under date the 25th October 1845.—

/Vide Order No 2832/

The circumstances the charge on the

the part of a former conviction was irregularly and must be discontinued; And the attention of the Subordinate and Sessions Judges is recalled to Circular Order 6th September 1824; conformity with which would have saved the present remarks

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Rajahmundry for his information and for communication to the Subordinate

/Sent on No 1250/

Read Copy of the Calendar in Case No 52 of 1845 submitted under date the 24th September last by the Sessions Judge of Mangalore.—

/Vide Order No 2832 of 1845/

In order to enable the Court of Foujdaree Adawlut to form a correct judgment of the sentence passed in this case it is necessary that any Records which may have been made in conformity with the instructions of the Foujdaree Adawlut

contained

contained in Circular Order 10th April 1838
of the nature and degree of forgery sustained
by the Prosecutor, should be submitted for the
consideration.—

Ordered that Extract from
these Proceedings be sent to the Sessions Judge
of Mangalore for his information by first
returnable in 7 days from and after the re-
ceipt.—

/Sent following precept Dr 1831/

Read Return dated the 2nd
Instant from the Acting Sessions Judge of
Madura to the precept of the Tongdarree bea-
rer under date the 1st Instant directing him
to call up the records in Criminal Cases
Nos 93 and 94 on the Criminal Report sub-
mitted by the Subordinate Judge of Madura
for the Month of August 1845 and to point
out such errors as may seem to him to be
proper reporting on the same to the Court
of Tongdarree Adalut.—

/Here Enter Fth Nos 1041 of 1845./—

BDM
hm

5th November, 1845.

long and intricate investigation.—

Ordered, that Extract
from these Proceedings be forwarded
to the Sessions Judge of Calicut
for his information, and the commu-
nication of Paras from 63 to 71 to
Messrs Strange and Conolly.—

/Sent in No 1/

End 116.

Read letter dated the
8th April 1845 from the Sessions Judge
of Chittoor forwarding a Copy and
rough translation of the Fatwa in
trial No 14 on the Chittoor 4th Quarter
Sessions 1827.—

/Here Enter F.116 No 1061/—

Read Criminal Reports
under date the 9th July 1845 submitted
by the Sessions Judge of Chingleput
for the month of June 1845.—

/Here Enter F.116. No 1963/

Read return dated the 9th
July 1845 from the Sessions Judge of
Tellicherry to the precept of the Tongdarree
Adalut

contained in Circular Order 15th April 1838
of the nature and degree of injury sustained
by the Prosecutor, should be submitted for the
consideration.-

Ordered that Extract from
these Proceedings be sent to the Sessions Judge
of Mangalore for his information by prompt
returnable in 7 days from and after date of re-
ceipt.-

/Sent following precept No 1531/

Read Return dated the 2d
Instant from the Acting Sessions Judge of
Madura to the precept of the Tongadarce
last under date the 1st Instant directing him
to call up the records in Criminal Cases
Nos 95 and 96 on the Criminal Report sub-
mitted by the Subordinate Judge of Madura
for the Month of August 1845 and to pass
such orders as may seem to him to be
proper reporting in the same to the Court
of Tongadarce Cuddalut.-

/Vide Order Fk No 1061 of 1845./-

5th November, 1845.

long and intricate investigation.-

Ordered, that Extract
from these Proceedings be forwarded
to the Sessions Judge of Calicut
for his information, and the commu-
nication of Paras from 163 to 171 to
Messrs Strange and Conolly.-

/Sent in No 1/

End 16.

Read letter dated the
8th April 1845 from the Sessions Judge
of Chittoor forwarding a Copy and
Rough translation of the Putwa in
Trial No 14 on the Chittoor 4th Quarter
Sessions 1827.-

/Vide Enter Fk 16 No 1061/-

Read Criminal Reports
under date the 9th July 1845 submitted
by the Sessions Judge of Chingleput
for the month of June 1845.-

/Vide Enter Fk 16 No 1963/

Read return dated the 9th
July 1845 from the Sessions Judge of
Tellicherry to the precept of the Tongadarce
Cuddalut

5th November, 1845 - Udalut under date the 11th June 1845, calling for certain explanations connected with Case No. 19 of 1845 in the Criminal Report of the Sessions Court for March 1845.

/True Entry File No. 2051/

Read Supplemental return dated the 16th July 1845 from the Sessions Judge of Tellicherry & the proceedings of the Zillah Udalut under date the 11th June 1845 calling for explanations regarding Case No. 19 of 1845 in the Criminal Report of the Sessions Court for March 1845.

/True Entry File No. 2129/

Read Letter dated the 31st Ultimo from the Acting Sessions Judge of Trichinopoly forwarding a copy of proceedings held by the Principal Sudder Ameen on 3rd September on 2 Convicts in the Jail together with an authenticated copy of a return from the above Officer dated 29th October 1845 explaining the delay in submitting the above proceedings.

/True Entry File No. [illegible]

F. No.

Wednesday
5th November 1845.

At a Court of the Fouzdaree Adalut
Present.

G. J. Waters, Esqre — 1st Puisne Judge.
M. Lewin, Esqr — 2d Puisne Judge.
T. E. J. Boileau, Esqr — 3d Puisne Judge.

Read letter dated 7th March 1845 from the Sessions Judge of Calicut submitting for the consideration and orders of the Fouzdaree Adalut translations of the proceedings held concurrent on a Petition presented by a female complaining of her Husband the 2d Prisoner in Case No. 65 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.—

(Vide Entry F. No. 796 of 1845.)

Read return dated 30th April 1845 from the Sessions Judge of

F. 116.

Wednesday,
5th November, 1845.

At a Court of the Fouzdaree Udalut
Present.

G. J. Waters, Esqre — 1st Puisne Judge.
M. Lewin, Esqr — 2d Puisne Judge.
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(Vide Entry F. Ud. No. 796 of 1845.)

Read return dated 30th April 1845 from the Sessions Judge

of Calicut to the prompt of the Acting Dare Mahalut of the 3d Idem requiring the Magistrate at once to use his utmost endeavours to sift to the bottom the complaint which has been brought forward by a female / Vellaya / of the husband / Mootoran / the 2d Prisoner in Case No 65 on the Calendar for 1845, having been hanged in lieu of the 1st Prisoner / Nullen / who had been sentenced to suffer death

/ True Extr. No 1319 /

Read letter dated 8th. May 1845 from the Sessions Judge of Calicut forwarding returns & communications from the Magistrate of Calicut relative to the instructions 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 transportation "long ago"

/ True Extr. No 1405 /

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 a wrong prisoner had been hanged under his superintendence, and arguing for the falsity of the said representation.

/ True Extr. 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 on before he entered upon the inquiry of the Cherma Villayee's complaint that her husband had been wrongfully hanged.

/ True Extr. No 1479 /

Read letters dated 22d. and 23d. May 1845, from the Sessions Judge of Calicut, submitting copy of

5th November 1845.

of a letter from the Magistrate of Malabar wherein that Officer applies for permission to reply to the remarks contained in Mr Stranges letter of 10th ulto respecting the alleged transposition between the Prisoners in Case No 65 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 misstatements of fact. In consideration that Mr Strange will be called on to substantiate his charges against his Head Peon Raman Menon whose character and prospects Dr must materially suffer, if so very grave an imputation as that made by Mr Strange is allowed to lie on him without his having an opportunity to answer it.

/Were entered Nos 1533 & 1534/

Read letter dated the 26th May 1845 from the Sessions Judge of Calicut submitting a letter

F. 116.

5th November, 1845.

to Mr Strange's observations respecting the former's opinion about the alleged transposition between the Prisoners in Case No 65 on the Calendar of the Sessions Court for 1844.

/Were Entered No 1568./

Read letter dated the 20th June 1845 from the Magistrate of Malabar expressing his regret at the Court not having judged it proper to receive, and record, his rejoinder, to Mr Strange's remarks on his Chetlanur Slave Report and requesting the Court for reasons adduced, will receive it either in the way it has been already forwarded or thro' the Sessions Judge.

/Were Entered No 1811/

Read return dated the 5th, and Supplemental Return dated the 17th July 1845 from the Sessions Judge of Calicut to the precept of the Foujdaree Udalut of the 13th June 1845 requiring the Magistrate of Malabar

Malabar to extend his investigations to the Jail and test his opinions recorded in the 11th paras of his letter as to the period of the substitutions having reference to the Prisoners in Case No 15 on the Calendar of the Sessions Court for 1844.-

/Were Entered Nos 1999 & 2130/

Read letter dated the 31st May 1845 from the Magistrate of Malabar submitting his replies to the remarks contained in Mr Thomps the 10th Instant relative to the Cher Lemon slave case.-

/Were entered No 1610/

Read letter dated the 6th June 1845 from the Late Sub-Judge of Calicut submitting remarks on a letter from the Magistrate of Malabar to the Sessions Judge of Calicut dated the 26th March last, having attributed to that Officer an opinion on the merits of the petition of the

before entering on the enquiry therein to committed to him.-

/Were Entered No 1667/

Read letter dated the 23rd July 1845 from the same Officer forwarding copy of a letter received from the Sessions Judge of Calicut, on the subject of the Chelanoor Cherumar Case, and submitting some remarks founded upon further proceedings held in the said matter by the Magistrate of Malabar.-

/Were Entered No 2192/

On the 6th December the Court of Sessions Udalut in Case No 63 on the Calendar of the Session Court of Calicut for the present year, sentenced a Prisoner

1st Cherunan Wadakoomporatte Kuttan to be hanged for Murder, and the Prisoner

2nd Moottooran

to be imprisoned for 8 years for the crime of wounding, and they recorded

following remarks, which were communi-
cated to the Sessions Judge:-

"The Court cannot agree with
"the Sessions Judge that there are circum-
"stances connected with the case which
"palliate the crime of the 1st prisoner.
"The first Prisoner had deeply injured
"the deceased Rundan by having carnal
"intercourse with his wife."

"Rundan complained to the
"caste people who fined the prisoner
"three fanams, which was expended in
"the purchase of toddy and made to
"be drunk by the caste people and the
"parties. The first having drunk, it re-
"mained for the 1st Prisoner and the
"deceased to empty a cocoanut shell
"full of toddy in token of reconciliation
"when the deceased refused to give the
"pledge saying that he could have no
"intercourse with one who embezzled his
"sisters, alluding to the connection be-
"tween them, the sister being younger
"to the elder brother of the deceased.

"The Court

that it was the intention of the pris-
oner to kill the deceased."

2. All the witnesses throug-
out the trial, distinctly and repeat-
edly assert, that it was Nallan
that maintained the criminal inter-
course with the wife of the deceased
that he was proved to have been dis-
covered in the criminal act by the de-
ceased - that he was fined by the
Punchayet - that he was reproached
by the deceased; and that he was
seized by Tavian.-

3. On the 16th December ult
last the sentence of death was car-
ried into effect in the presence of
the Subordinate Judge Mr Strange
and return was made to the death
warrant on the 17th Idem.-

4. On the 20th February
the Magistrate forwarded to the
Sessions Judge a Petition presented
to the Tahsildar of Calicut by
one Tilly, stating that she had
heard that her husband Mootooran

following remarks, which were communi-
cated to the Sessions Judge.—

"The Court cannot agree with
"the Sessions Judge that there are circum-
"stances connected with the case which
"palliate the crime of the 1st prisoner.
"The first Prisoner had deeply injured
"the deceased Rundan by having carnal
"intercourse with his own bride".

"Rundan complained to the
"caste people who fined the prisoner a
"certain sum, which
"the purchase of toddy and mutton to
"be drunk by the caste people and the
"parties. The rest having drunk, it was
"ordained for the 1st Prisoner and the
"deceased to empty a coconut shell
"full of toddy in token of reconciliation
"when the deceased refused to give the
"pledge saying that he will have no
"intercourse with one who embraced his
"sister, alluding to the connection be-
"tween them, the sister being married
"to the elder brother of the deceased.

"The Court

that it was the intention of the pris-
"soner to kill the deceased".

2. All the witnesses throughout the trial, distinctly and repeatedly assert, that it was Nullan that maintained the criminal intercourse with the wife of the deceased—that he was proved to have been discovered in the criminal act by the deceased—that he was fined by the Punchayet—that he was reproached by the deceased, and that he was seized by Tamian.—

3. On the 16th December instant the sentence of death was carried into effect in the presence of the Subordinate Judge. Mr Strange and return was made to the death warrant on the 17th Idem.—

4. On the 20th February the Magistrate forwarded to the Sessions Judge a Petition presented to the Tahsildar of Coliant by one Tolly, stating that she had heard that her husband Mootooran

5th November 1845

the 2nd Prisoner in the case, had been
executed in lieu of the 1st Prisoner, Sullivan,
now, condemned to death, requesting
that an inquiry may be instituted
into the matter.

5. At the same time the
Magistrate recorded his opinion that
the story seemed incredible.

6. On the receipt of this
Petition which arrived late in the
evening, the Sessions Judge summoned
the Petitioner Tully and the then
Subordinate Judge, Mr Forsyth, to
there remaining the surviving prisoner
and on the following morning the
Sessions Judge examined the brother
and mother of the surviving prisoner
who had accompanied the said Tully

7. In this examination, the
Petitioner Tully declared herself to be
the wife of Mootooran, and that
the surviving prisoner was Sullivan

8. She woman Sullivan who
accompanied her, declared

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the wife of the surviving prisoner —
whom she called Sullivan; - but the
surviving prisoner and his mother,
both declared that his name was
Mootooran and that the Petitioner
Tully was the wife of the condemned
and executed Sullivan, and that Sulli-
-van was the wife of Mootooran. —

On the 21st February, a

9. Chenman and two Chenmen arrived
at the Court bringing the Petitioner
Tully's infant and when questioned,
they all denied any relationship to
either of the prisoners in the complaint
and one of the Chenmen asserted
that as the child had been left in
her house by the mother on her road
to Caliaut, she, fearing from the
delay that something had happened
went in search of her and accidentally
met with the others by the way.

10. These three persons were
named and identified by the prisoner
Mootooran as the mother of the
Petitioner, a girl who was brought up,

in her mother's House and the father of his wife - and they - Woodsgrant fully admitted the truth of the Prisoner's identification of them and the Chairman further stated that on his arrival at the gate of the Court Compound, he was met by a Peon and directed whither to proceed.

11. In addition to these persons there were two Constables and a Sepoy of the Court, the Jail Havildar, the Jailer and two Jail Peons who, to the extent, as Volunteers in her defence, the master of the Prisoners and as Chairman. The former all deposed to the surviving Prisoner being Mootoosamy the latter to his being Sullum.

12. Together with this examination the Sessions Judge forwarded a copy of a letter from the Acting Subordinate Judge, on whose views as to the futility of the Prisoners plea as that the wrong Person was executed I entirely agree.

13. The Sessions Judge considered the complainants plea of ignorance as to the particular person executed, to be false both on the grounds stated by the Subordinate Judge Mr Strange and because he considered her evidence as well as that of the deceased mother Moodera and of the Volunteers added to the Tahsildars return of the 16th December to Mr Strange's order of the 11th idem, to be all conclusive on that point. Both the Petitioner and her Mother-in-law pointed that the prisoner whom they saw in the condemned cell was Sullam and that Mootoosamy was outside in the Court yard and as it had been proved beyond all cavil that the man who was executed was the one they saw in that cell and the survivor the one seen in the Court yard, it followed as a matter of course in the Sessions Judge's opinion, that they were both fully aware of the individual so confined being sentenced to execution, and to any

in her mothers House and the father of his wife - and they all subsequently admitted the truth of the Prisoners identification of them and the Chuprassy further stated that on his arrival at the gate of the Court compound, he was met by a Talukdar Peon and directed whither to proceed.

11. In addition to these persons two Gomastahs and a Nazir of the Court, the Jail Sauk, the Jailer and two Jail Peons were examined as well as the Talukdar of Calicut, a Volunteer in his office, the master of the Prisoners and a Chuprassy. The former all deposed to the surviving Prisoner being Mootoo the latter to his being Nullan.

12. Together with this examination the Sessions Judge forwarded a copy of a letter from the late Subordinate Judge, on whose views as to the falsity of the Prisoners plea as that the wrong person was executed he entirely agreed.

13. The Sessions Judge considered the complainants plea of ignorance as to the particular person executed, to be false both on the grounds stated by the Subordinate Judge Mr Strange and because he considered her evidence as well as that of the deceased mother Moodera and of the Volunteer, added to the Talukdars return of the 16th December to Mr Strange's order of the 11th idem, to be conclusive on that point. Both the Petitioner and her Mother-in-law asserted that the prisoner whom they saw in the condemned cell was Nullan and that Mootoo was outside in the Court yard. and as it had been proved beyond all cavil that the man who was executed was the one they saw in that cell and the survivor the one seen in the Court yard, it followed as a matter of course in the Sessions Judge's opinion, that they were both fully aware of the individual so confined being sentenced to execution; and any

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that Wright on that head the Talook
dar - formerly[illegible] return would show
he answered, remove it, as he therein ex-
pressly declared that the Chowkeedar
mentioned in the order had been brought
before him and questioned and as they
had expressed a wish to see the persons
distinctly specified in the said order
as Wadeknows formerly Mr Williams, who
was sentenced to be hanged, they had
been directed to proceed to the Jail for
that purpose.

III. The late Subordinate Judge
Mr Strange stronged against the
probability of the transactions having
taken place before the prisoners ap-
peared before him. The motive for
he observed, he could hardly
Prisoners themselves the murdering of
hang to conjure himself for Whether
Rather than do this, they would be
supposed, have tried

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confessed their acts throughout the
trial. We goes on to observe that "The
device moreover is not such as could
have entered the head of slaves, the
most ignorant of people and the
least competent to conceive or carry
out such a scheme, nor can it be
believed that the one would really
consent to give his life for the other -
and to the transposition after the
trial the Subordinate Judge gave
an equally confident contradiction -
He observes that according to the
usual course the prisoners names
were called out in Court, first, that
of the one sentenced to death who en-
sured and had his sentence read
out to him aloud - then that of
the other who in like manner heard
his sentence. Having to report upon
the demeanor of such convicts at the
time that their sentences are made
known to them the Subordinate Judge
studied the countenance of the one

more than once in his cell and heard him confess his guilt there and again he was within five or six paces of him at the foot of the gallows where his name was again called out and answered to and the sentence proclaimed.

15. Again the condemned man expressed his wish to see his wife and relations and saw the Petitioner - of course he could have had no object in having an interview with the wife of the executed man unless they had seen him just before he was executed. Yet the writer of the Petition affects ignorance as to who was hanged and throws her accusation out as a matter of doubt. This too after an interval of two months after the date of the execution as if she would have been content to remain in doubt as to the subject for such a time.

16. The condemned man it appears asked the Subordinate Judge

that he might give the one he had on to his wife - and was told this could not be allowed - but that the Subordinate Judge would give her a cloth himself. On inquiry for the woman after the execution the Subordinate Judge found she had returned to her home and had her consequently sent for and as an act of charity ordered her the cloth.

17. Further than this the Prisoner said that as he was to be hanged and his brother imprisoned their families would be turned out by their master and perish for want. In consequence of this the Subordinate Judge sent for the parties and recommended the family to his protection in open Court.

18. At some one or other of the above occurrences the Subordinate Judge argues the substitution of one Prisoner for the other would have come to light had it been true unless all were accomplices in the deception.

The

19. The Court of Enquiry
Udalut saw any reason for censuring
in the opinion of the Sessions Judge that
the right man had been convicted.

20. Adverting however to the
testimony of the Tahsildar of the
Omeduar and of the masalar of the
prisoners, the Court deemed it advis-
able to direct that a thorough and full
inquiry should be made into the alleg
of the Petitioners by the Magistrate
and that he should ascertain and re
port if possible the cause of the
delay in bringing to light the offen
transmutation.

21. The Magistrate in his
return which he submitted in the
shape of a report thro' the Sessions
Judge states that the enquiry he
prosecuting manner he did
in order to prevent intrigue after
hearing with the parties examined
Udalut a Magis-

midnight on the 9th Instant. So as
to be sure of arriving at Chelanoor
the site in question about 8 miles
from Calicut before morning. They
were immediately to rouse up the
Adigharry of the place and under
the guidance of the people furnish-
ed by him, but by the agency of
his own Peons to collect in small
parties who were to have no commun-
ication with each other a number
of persons whose evidence was thought
would be of importance with regard
to the identity of the Prisoner now
alive - and who was sent with the
Peons &c. in a covered conveyance with
strict orders that no one should see
or converse with him without the
Magistrates knowledge - The Magis-
trate himself then went out the
next morning to Chelanoor very early
and commenced his enquiry which
lasted till after it was dark - a
little after 8 o'Clock A. M. 23 indivi-
viduals were examined by the Ma-

Magistrate, the greater part of whom were Chermas. two were Moplas, one a Tear and two were Nairs.

22. The greater part of their evidence is, the Magistrate bound, of one and the same tendency and strengthened as it is by the eventual confession of the prisoner himself who seemed unable to withstand the weight of the testimony brought against him, left no doubt on the Moonsiffs mind that a mistake had unfortunately occurred and that the man now alive is the one who ought to have been executed. The latter knew the mistake to have taken place with the perfect cognizance and by the free act of the prisoner. He considers that the account given by the prisoner of the way and time in which the substitution was effected is the true one viz. that assumed when the two prisoners Sullan and Motoman were

made. They had been after their trial and while awaiting their sentence from Madras a considerable time together in Jail. From their own apprehension or from the information of their Jail companions they are supposed to have pretty well conjectured the probable fate of the 1st prisoner the murderer and if one had preferred and resolved to take the dangerous place had had leisure to arrange their plans- and what the attempts to show might have occurred in some such way as this. On the name of the 1st prisoner Sullan being called out by the Duraskah of the Subordinate Court Motoman might have come forward and answered to it, and, as more than a month had elapsed since these parties had been in that Court, and that only for a short time in as much as the Tahsildar's proceedings were merely read and authenticated and the case committed to the Sessions Court,

expectation of such an exhausting case
as a voluntary substitution and as the
parties were merely poor ignorant slaves
from a somewhat distant locality to
whom no one then in the Court was
especially interested. The parties had
only to keep their secret two days and
all was apparently over.—

23. The Magistrate admits
that one man giving his life for
another is a remarkable occurrence
but not an unintelligible one and
adverting to the frequent suicides oc-
curring in this country in consequence
of feelings of injury or disgrace, he
considers Mortorana such feelings
arising from the supposed and suspected
knowledge that he instead of Sullivan
was the person degraded by being dis-
covered in connection with a man for
whose safe about leaving the coun-
try. The Magistrate does not doubt that
Sullivan was the murderer

the general impression that he
killed the deceased on account of
his brother and he accounts for the
different story related at the trial
in regard to the intrigue to the blun-
dering of the original examiners or
the waywardness of the ignorant
witnesses.—

Mr Conolly considers
24. this last a point involved in some
mystery but if true he considers it
to give additional reason for Morto-
rana devoting himself to death— as
in addition to morbid feeling there
would be the inducement to make
some compensation to his brother for
the gallantry displayed on his behalf.

In regard to the causes
25. which operated in preventing the matter
coming earlier to light he states
his belief that it was generally sup-
posed by those interested in the matter
that Sullivan had been hung as was
affirmed in the usual proclamation—
Wife of Mortorana he conceives knew

that he had been the native but he saw no reason to be aforesaid that she knew previous to his death that he was in mistake - Mootooran would have told her that he had been sentenced to death from Madras - sentence in the justice of which she from her ignorance would have acquiesced until duly told by her better informed Countrymen. This information in the report of fact that Sullan and not Mootooran had been sent with the Magistrates summons have given rise to inquiries which would take a long time among so low and unenlightened a class as the Cheruman in bringing it to maturity and might altogether have led away had they not been taken up by the Adigharry Magistrate is at a loss to explain the conduct of the Adigharry in the matter but supposes him to have acted at the instigation of some unknown makers tho he might have

26. The Magistrate also endeavours to overcome one of the minor difficulties which in his opinion encompass the case. Viz. the fact of Mootooran's wife having been sent to Calicut instead of Sullans - Sullan being as was supposed the man who wished to see his family before his execution. He thinks it natural that Mootooran under the feigned name of Sullan should wish to see his own wife and family and specified them and that the party in the Umrahom a Peon or Servant of the Adigharry who had to send the family thought it more likely that an error had occurred with regard to one than with regard to four persons and that as Velly and her children had been specifically mentioned he could hardly be wrong in forwarding them -

27. In forwarding the Magistrate's report the Sessions Judge declared that he found it impossible

to concur in the conclusion at which
that Officer had arrived and to repeat
his unhesitating conviction that the
surviving Prisoners were aware of no
change having taken place after the
sentence of death was passed found
to be altogether false. He mentioned
the fact of his having selected for
amongst those prisoners in the jail
who were provided with counsel in
cases of wounding the feelings
of his mind but declining him to
have been assigned before him
2nd Prisoner and alluded to the fact
the prisoner admitted he stood
when assigned before the Jury
and before Court on his last trial
that he must have been assigned
in both Courts as the 2nd Prisoner
Sessions Judge has urged against the
probability of Commutation for
the fact that Scullion not have been
effected without the

28. The cause assigned by the
Magistrate for the delay in bringing
forward the matter is considered by the
Session Judge to be neither forcible
nor conclusive and he feels convinced
that the Petitioner was put up by the
Adjutant for sinister purposes to pre-
sent her Petition tho' he is unable to
assign a motive for his conduct and
he utterly repudiates the idea that
either of the assumptions brought for-
ward by the Magistrate to account
for the substitution viz: a careless-
ness of leaving the world on the part
of Mostyn or a desire to compen-
sate for the supposed gallantry which
his brother had displayed in his be-
half could for an instant receive any
weight.—

29. In Mr Strange's com-
munication submitted with the Ses-
sion Judge's return as well as that
separately forwarded that gentleman
has in a labored and talented manner
expressed an opinion on the case at

total variance with that recorded by the Magistrate. Mr Connolly and does declared his belief that the whole was a plot contrived and matured against him by certain parties mentioned in his letter.—

30. The Subordinate Judge points out several inconsistencies and discrepancies in the examination both before the Magistrate and in regard to the testimony of the Tahsildar. He observes that this deposition appears that he had had any sufficient opportunities of becoming well acquainted with the prisoners person / the record of the examination finding / otherwise / and in attempting to do this he goes so far as to refer endeavoured to persuade the accused having committed. This is not like the caution generally observable in natives and [illegible]

the Tahsildars position in life in giving testimony provided the subject of the enquiry be one in which they are not interested.—

31. To the mind of the late Subordinate Judge there is not a particle of the Statements made by the surviving prisoner before the Magistrate which bears the impress of truth but throughout they seem to him characterized by the vagueness, the absence of detail, and the improbabilities amounting in this instance to impossibility so often attached to fabricated tales and there are moreover inconsistencies and amendments or patchings which plainly bespeak falsehood and taint.

32. Adverting to the time stated by the Magistrate as that at which the transposition is supposed to have occurred the Subordinate Judge asks whether it is to be believed that every one of those interested in the custody of the prisoners and in their identity / to say nothing of their fellow

prisoners

prisoners should with this intimated and continuous association with them for more than a month have at once been imposed upon by them found and have continued in this mistake without discovering it for the period of the ten days intervening between the receipt of the sentence and the time of the execution. Surely this he adds is one of improbability under which the confession labors. Another supposition offered to the Subordinate Judge to exist in the practice which he believed to exist in the Calicut Jail in regard to such cases viz: that the man found guilty of murder was kept in chains till the final sentence was passed while the other only omitted of wearing was not chained.

33. A third difficulty in the case appeared to be in the statement that after the transposition is said to have been made the Police

all and the true Mooteram outside which seemed to prove either that the transposition had not taken place or that these prisoners were allowed to go backwards and forwards in and out of the condemned cell either unobserved or unchecked.—

34. The only escape from these difficulties the Subordinate Judge argued rested in the supposition that the guard were tampered with a supposition he shewed to be monstrous — as well from the parties concerned as the dangers incurred in the step and which might have been avoided by the easier and safer expedient of aiding their escape from the Jail and he conceived the sending for the relatives and the master of the prisoners who were not parties to the plot the taking the survivor in the wrong of the execution to bury the corpse and the exhibiting the survivor on the public roads instead of keeping him within the walls of

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of the Jail for some time at least to tell strongly against this supposition.

35. Adverting to the presumption of his identity he remarks on the manner in which it was made but this portion of the confession the Magistrate knows has been badly translated and points out a remarkable inconsistency in his declarations tending to shew that the man who was spoken to was the murderer.

The Subordinate Judge then dwells at some length on the moral cause assigned for Mootooraw's confining himself for his brethrens the alleged intrigue between him and the wife of the murdered Randan and states his opinion that the new version of the intrigue involving the position that the superior Tribunals and Sir individual Superiors in a matter of life and death should one and all have fallen into and repeated the blunders seemed wholly unaccountable - but admitting the

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insufficient reason for the self devotion of Mootooraw. We doubts particularly the existence among Chermers of the high wrought feelings which would lead to such a sacrifice - and argues that an intrigue which could be patched up with a fanam's worth of liquor could not be supposed to entail such an indelible stain upon the offender in the minds of his compeers as to subject him to insupportable disgrace at the end of the 8 years imprisonment.

37. In regard to the only one of the minor difficulties which the Magistrate thought it necessary to allude to viz: the Petitioner Polly and her children being sent up as the family of Nullan taken in connection with the Magistrates solution of the difficulty arising out of the evidence of the 16th witness before the Magistrate that the wanted man may have taken to himself the petty dealings in which Nullan had been concerned just to keep up the delusion that he

and Nullan the subordinate Judge
expresses his disbelief that a man so
subtle and so much on his guard as
Nullan should in the very same moment in de-
claring his last wishes have omitted
so simple and most healthful a sentiment
what was vitally essential to his eter-
nal and not to have spoken himself of
the wife as well as the darlings of his
whom he was but upon the point
even to those [illegible] and he should
that it would have been most safe
and natural to send for the wife of
both prisoners.

38.

A striking instance of con-
trast between the witnesses exam-
ined by the Subordinate Judge in
the way in which they described the
personal features of the two prisoners
and the coincidence that the description
given by the 12th, 13th and 14th witnesses
in identifying Mootooroo as Nullan
is only attributable to the

With Mootooroo staring them in the
face they found it difficult to say
at once that he was Nullan and he
then sums up as follows:-

"Mootooroo has an in-
"trigue with Kunden's wife, a quarrel
"ensues, and a third party, Nullan,
"becomes so interested therein as to
"stab Kunden with a knife and
"kill him. Mootooroo joins in
"by stabbing and wounding Kunden's
"brother, who had seized Nullan."-
"Nullan and Mootooroo
"are brought to trial. The evidence, as
"in number, some how or other, and
"without a cause, agree in describing
"Nullan as the adulterer, as well as
"the murderer. Here is transpositive the
"first."

"Nullan is convicted of
"the murder, and Mootooroo of the
"stabbing and wounding - Nullan awaits
"his sentence in chains and Mootooroo
"without chains - After a time, the
"sentence arrives, and the jail guard is

was Nullan. The Subordinate Judge
expresses his disbelief that a man so
subtle and so much on his guard as
Nullan should in the very same moment in which
stating his last wishes have omitted any
so faintly and most heedlessly mentions
what was vitally important to his defence
guilt and not taken upon himself
the wife as well as the destroyer of him
whom he was but upon the
that it would have been more safe
and natural to wait for the wiring of
both prisoners.

38. A striking contrast
exists between the witnesses named
visible to the Subordinate Judge in
the way in which they described their
personal features of the two prisoners
and he considering that the resemblance
raised by the 12th, 13th and 14th witnesses
in identifying Mootooraman as Nullan
is only attributable to the

With Mootooraman standing there in the
face they found it difficult to say
at once that he was Nullan and he
then sums up as follows:-

"Mootooraman has an in-
"trigue with Kunden's wife, a quarrel
"ensues, and a third party, Nullan,
"becomes so interested therein as to
"stab Kunden with a knife and
"kill him. Mootooraman joins in
"by stabbing and wounding Kunden's
"brother, who had seized Nullan."-
"Nullan and Mootooraman
"are brought to trial. The evidence, not
"in number, some how or other, and
"without a cause, agree in describing
"Nullan as the adulterer, as well as
"the murderer. Here is transposition the
"first."

"Nullan is convicted of
"the murder, and Mootooraman of the
"stabbing and wounding. Nullan awaits
"his sentence in chains and Mootooraman
"without chains. After a time, the
"sentence arrives, and the Jail guard re-

"bring the prisoners to him in Mr. Mathe-
"rans, from over wrought feelings, owing
"to their undeserved adultery, steps
"forward as Sullan, and Sullan as
"Rama, and all, presents himself as
"Mathoran. Here is transposition
"the second".

"The Court and its attach-
"ment, and the guard, failed to detect
"the fraud. The prisoners are taken
"back to the Jail, and the Jailor, and
"those under him, in like manner
"mistake Mathoran for Sullan,
"and Sullan for Mathoran; not-
"withstanding their previous and
"intimate acquaintance with them for
"a month and more".—

"Mathoran's last wishes
"are taken down, as being the sentence
"Sullan's. He desires that his wife, his
"mother, and his master, should be sum-
"moned; tho' these are not parties to
"the plot, and would be sure to expose
"and defeat it".—

"He forgets what is due to

"his personification for a moment, and
"describes his own wife and children,
"as those of Sullan. Immediately
"he remembers his part again and
"gives an account of Sullan's money
"dealings as his own".—

"Mathoran's wife and
"children are sent as those of Sullan.
"By some mystery, all who could have
"exposed the mistake shut their eyes
"to it. The wife is herself unconscious
"of the part she is playing.— Here is
"transposition the third".—

"The wife &c. come to the
"Jail, but Sullan now takes Mathe-
"ran's place in the condemned cell.
"The guard look on, but are under
"a spell, and can detect nothing.
"Here is transposition the fourth".—

"In due time Mathoran
"resumes his place in the cell, and
"is executed. No one noticing this re-
"transposition the fifth".—

"Sullan being supposed
"to be the person hanged, his wife is

"sent

"sent for, to receive a charitable donation
"Singularly enough Mathews wife
"is again forwarded as Nullum. The
"Result is, as before, immediate of the
"blunder, and no one discovers it. This
"is transposition the sixth."

"After a while, but in a
"way that no one can account for, the
"mistake in hanging Mathews for
"Nullum becomes apparent. Bateley
"on the back of the marking of Mathews
"is no mark to be found upon him, but
"the full hand he now had is changed
"into the scanty hand of Mathews.
"This is the seventh and last, and perhaps
"the most wonderful of all the trans-
"formations."

39. The Magistrate will be asked to reply to the remarks of the learned Judge. Let it be taken to prove that there was no examination and no swearing of the witnesses in the case

guilty of anything more than neglect the a grave charge of negligence seems to attach to the Jailor whose duty he presumes it was to see the prisoners daily. he shews that Mr. Strange was in error in respect of the chaining the prisoners before the receipt of the sentence from the Foujdaree Adalut as it appears both were in chains and similar chains when called to receive sentence and remarks in regard to the statement that after the transposition the Petitioner was Tolly saw the said Nullum in the condemned cell and the true Mathura outsides that tho' there is a difficulty in this point yet that it may be accounted for by supposing the woman to have been confused with her long and trying examination and to have stated anything that came uppermost and by contrasting her declaration that she and her companions were taken within the ward to see the prisoner with the statement of the

Jailor that she was not to have visits but was only allowed to speak to him from outside the bars of the cell. He drew the conclusions that the whole account of what took place in the Jail was untrustworthy and therefore argues that it is quite unnecessary to assume that the whole Establishment of the Jail was corrupted.

40. The Magistrate supplies for the conjectures he made to account for the very considerable difficulty in reconciling the account given at the trial of the intrigue with the wife of Kundan with that given before the Magistrate stating that "He was undoubtedly the murderer. His "object to bring him to justice. There "was a difficulty in explaining why "he should have murdered the deceased "in the place of and on account of the "brother the Adultress, and it was "found to be advantageous to some "matters by

"quarrel with the murdered man. Being "guilty of the greater crime it might "have been argued there is no harm in "charging him with the smaller. Whether this was put into the Witnesses' "heads or whether they said it to meet "a harrassing cross examination is a "question, but the blunder having once "been made they would not improbably "have thought it best at the time "to stick to it. A change of evidence "they might have apprehended would "get them into trouble and for no "material End."

41. In regard to the difficulty of the Petitioner Kellaya being sent up instead of the wife of Kallan the Magistrate explains that "the "sympathy between the higher castes "in Malabar and the Cherumers is very "small. Affairs were not carried on so "solemnly as Mr Strange thinks; the "Tahsildar was desired by a, upwards "Yadhast from the Subordinate Court "it will be found among the evidence

"taken before the Sessions Judge to send
"the mother Medina, the wife Vellayan
"the three children of Kullan about to
"be executed if they chose to come. The
"Tahsildar gave a copy of the Yadhast to
"a common Peon with orders to deliver it
"to the Adigharry of Cholamur, the an
"Adighary, a great Brahmin who looks
"on all Chunnars as the refuse of the
"earth and suffers none to come within
"64 paces of him, desired the people
"who were wanted, to be sent for, and
"Kullan having no possible reason to
"suppose there had been any mistake,
"it was forwarded them to the Jail,
"making his return on the back of the
"Court Yadhast above stated to
42. The Magistrate does not
quite understand why the witnesses
should have differed in their style of
description of the prisoner before the
Sessions Judge and himself. It seems
most reasonable to suppose that there
was something in the

"is nothing he saw in the written question
"which led to the thought of beards a
"thought not likely, as attempted to be
"shewn to have been uppermost in the
"mind of a Chunnar" and the difficulty
about the beards is in his opinion
"very much exaggerated. The phrases
"full beard" or "scanty beard" is very
"significant when applied to an Mus-
"salman for instance. But with
"Chunnars who like most other of the
"lower and poorly fed castes of India,
"and indeed of the world generally,
"have nothing worthy of the name
"of beard, the phrase has little mean-
"ing to people in general. One Chunnar
"no doubt has more hair on his chin
"and upper lip than another, but not
"to such an extent as to make the
"difference generally and remarkably
"distinguishable. This fact may be
"verified any day by looking at a body
"of Chunnars collected indiscriminately.

As to the sums of [illegible]

became more and more indistinct with age / a fact that may be ascertained by an examination of the scar on the right temple of the surviving prisoner / and he sees no necessity therefore for attaching much importance to the non-appearance of a scar made a considerable time ago. But there is another way of solving this difficulty. Altho' there is no scar on the immediate back of the neck, there is one indistinct and unfinished but yet undeniable / so may any part of the body that will may well be presumed to have been the one alluded to by the parties who named it / Vide

x of 27th. May 1845. Dr Buchanan's Certificate and letter attached, in which he states that the mark might be said in popular language to be at the back of the neck tho' in reality such would not be a strict & correct designation / and he points out that there was not 4 marks of burning visible on the face of the man but only 2 on the face and 2 on some of a ball / on the back

towards the left shoulder blade, as per Dr. Buchanan's certificate.-

44. Adverting to the remarks of the Subordinate Judge on the hesitation evinced by the 4th. 13th. and 14th. witnesses, in identifying the prisoner he states that the only one who faltered was No. 13, the man of weak mind. Nos. 4 and 14 said at once it was Nullan, but he was not satisfied with their style of speaking and questioned them further. Their after answers satisfied the Magistrate that their evidence was valueless and he wrote Memoranda at the foot of their depositions accordingly.-

45. The Court of Enquiries Adalat adverting to the conflicting views held by the Magistrate and the judicial officers were unwilling to pass any judgment on the case till Mr Connolly should have extended his investigations to the jail and have tested his opinion recorded in the 18th. para. of his letter as to the period of the

substitution. If the substitution did take
place in the jail, it could not have hap-
pened without the knowledge of the jail
servants. For the reasons stated by the
Coroner, the Judge might be in perfect
ignorance of the act, but it is impos-
sible this should be the case with
the prisoner, and servants about a jail,
numbers of whom must have known
the right prisoner and they accordingly
directed. Mr Coroner to
report on the conduct of the jail offi-
cers in this most mysterious affair.

46. In his letter the Magis-
trate endeavours to shew from the con-
stitution of the jail establishment
their duties and the manner in which
those duties are conducted - that there
were no insuperable difficulties in the
way of the substitution taking place
at the time the prisoner was brought
to the Subordinate Court to hear the
sentence read - on the contrary it might
be thought how it had taken place easily
enough at that time

another time for the perfecting of this
plot viz: just before the parties sat
out to the Subordinate Court but
adds that on this point nothing beyond
the greatest probability can be appeal-
47. The Magistrate comments
on the evidence of the Jail servants as
to the frequency and nature of the
formal examination made of the pris-
oners chains and inclines to the
opinion that the evidence of the
Matron Chee and Peons Nos 4 and 8
that the formal examination is limited
to one day in the week viz: Tuesday
gives the true state of the case -
There are no observed no specific stand-
ing orders for the jail functionaries
to make constant personal examina-
tions and therefore he does not consid-
er it likely when there was no
peculiar cause for suspicion that such
incessant and harassing trouble as a
daily examination involves would
have been voluntarily undertaken -
48. We draw especial attention

to

to an answer given by the Acting Jailor
in which he says that the identity of
prisoners is ensured by the arrangements
made by the Subordinate Court with
the Nazir's distinguishing Caste and
expresses his opinion that this Officer
is unfit for the situation he holds—
49. Arguing from the detail
given by him of the running of the
Jail and from the manner in which
Sultan and Mootoo were kept for
the 25 days prior to their
up to receive sentence he deems it "partly
"clear there were none who had the opportu-
"nity of becoming intimately acquainted
"with them. The constantly changed pre-
"sence of them in company with their fellow
"comrades a few minutes in the morning
"when they were taken for natural pur-
"poses to the adjoining room and back,
"not many paces in all. Under these
"circumstances could have had a transitory
"view of them when they came to the
"door of their cell to receive and carry
"inside their food

Perhaps also in the Evening. Vide Separate Paper

F 46.

"have seen them more closely at the
"times when the weekly examination
"of fetters was made. But none of
"these opportunities were sufficient to
"give an intimate acquaintance with
"their persons or names to men who
"had no particular interest in their
"particular identity whatever they had
"in their custody."—

"The opportunities of the

"The Turnkey of an English" Mafsaljee or Turnkey's
"Jail must not be confounded with" were not much greater,
"the Turnkey of an Indian jail is a labo-" if at all, than those of
"rer of some rank and responsibility. The Subor-" the peons. Their duties
"Turnkey is a mere fag who simply opens the
"among other duties at the call of any superior" were more to examine the

"The rooms are examined and "prisoners rooms when their
"cleaned at this time. Vide evidence "inmates had temporarily
"No II. Answer 3."— "vacated them, than the

"prisoners themselves. They had to unlock
"and lock the door when the prisoners went
"out for, and returned after, their natural eva-
"cuations. And at the times the food was
"brought to the door of their cell but

"There were three men, one of whom was "two men who were not always
"detached to Pudyangady every 8 days. Of the
"two remaining men one or other was absent "stationary and who had to look
"at times for meals Vide evidence No 3 answer "after

to an answer given by the Acting Judge
in which he says that the identity of
prisoners is secured by the arrangements
made by the Subordinate Court with
the Nazir's distinguishing list and
expresses his opinion that this Officer
is unfit for the situation he holds.—
49. Arguing from the detail
given by him of the running of the
Jail and from the manner in which
Nullan and Mostrom were kept for
the 25 days prior to their
up to receive sentence he deems it "pretty
"clear there were none who had the opportu-
"nity of becoming intimately acquainted
"with them. The constantly changed pris-
"oners in company with their three
"comrades a few minutes in the morning
"when they were taken for natural pur-
"poses to the adjoining room and back,
"not many paces in all. Under plea
"there would have had a transitory
"view of them when they came to the
"door of their cell to receive and carry
"inside their food,

Perhaps also in the Evening. Vide Superintendent

"have seen them more closely at the
"times when the weekly examination
"of fetters was made. But none of
"these opportunities were sufficient to
"give an intimate acquaintance with
"their persons or names to men who
"had no particular interest in their
"particular identity whatever they had
"in their custody."—

"The opportunities of the

"The Turnkey of an English" Major Jyne or Turnkeys
"Jail must not be confounded with" were not much greater,
"the Turnkey of an Indian, ie of a Native" if at all, than those of
"Jail. The English Turnkey is an officer" the peons. Their duties
"some rank and responsibility - the latter"
"Turnkey is a mere fag who simply opens the"
"door & other duties at the call of any superior" were more to examine the

"The rooms are examined and" "prisoners rooms when their
"cleaned at this time. Vide evidence" "inmates had temporarily
"No 11. Answer 3."— "vacated them, than the

"prisoners themselves. They had to unlock
"and lock the door when the prisoners went
"out for, and returned after, their natural ne-
"cessities - and at the times the food was
"brought to the door of their cell but

"There were three men, one of whom was" "two men who were not always
"detached to Pookyoung every 8 days. Of the
"two remaining men one or other was absent" "stationary and who had to be
"at times for meals Vide evidence No 3 answer

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"after the arrangements, and lighting &c of
"the cells of about 250 prisoners besides
"having the charge and daily delivery of
"their working tools, could hardly have
"had much leisure or inclination to study
"the features of two unlikely characters in
"whose history or case there was nothing

"The case the murder was" / for Mathews whose stabbing
"devoted of any matter of" "is a matter of record to
"moment or importance" "commence / to attract peculiar
"Extract from Mr Stanger's letter to "his own attention"
"Young Judge of Calcutta 3/19th April 1845"

The Blacksmith who filed
"and the prisoners in the first place would
"probably remind them of the
"certain number of hours allowance and
"who finally struck off the fetters of the
"man about to be hung might perhaps
"be expected to have some better matter
"but the arguments and in favor of the
"Mussalman must have thus weighed in
"his favour. The man like the Mussalman
"in the next cell and the Magistrate sometimes
"and he thought

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"The Jailor and Jemadar had
"perhaps still less opportunity to be
"perfectly acquainted with the respective
"persons of Nullan and Motheran than
"any of the parties just named - They
"only saw the men closely per the Magis-
"trate believes at distant intervals when
"a formal examination took place -
both to have been "It does not seem likely
"that both would have
"thought it necessary to
"perform this not very agree-
"able duty together, and it
"may be presumed perhaps that
"it was performed by each
"alternately - If so the inter-
"vals for each would have
"been distant and very few
"for each, inasmuch as the prisoners
"were only 5 Sundays in jail altogether
"before one was hung"

"Even then
"it does not follow that
"the examination must have been
"as close as they individually
"were assumed to stand by and inspire
"to and now stand by and inspire
"what at least would
"not be unnecessary was made
"Chunder Vedanta Mukhopadhyay
"thought fit from his official
"position to ask but he would not
"ask more than was requisite -

On the whole the Magis-
50
trates were as prisons under the system
that prevails in the Jail which could

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of the identity of the prisoners as to preclude a detection of a voluntary substitution inevitable. We therefore committed on the evidence of the Naigue who removed the prisoners during the time they were under trial and also of another person who speaks to a previous knowledge of the identity of the prisoners - and then goes on to shew how easily the transmutation might have taken place before the prisoners were taken to receive sentence, by observing that "after a seclusion there of 35 days in a "room where, with the exception of three "three fellow prisoners, few or none saw

"Parties passing by N1 may or may not "them closely enough to "have a fateful glimpse of the prisoners the "the new two wearing as they happen to be" a mask, the 2 Chinamen "not to be near the and have little plan of the "room the Jailer's position of the prisoners" were sent for from the "knowledge to gained in this way is rather "prisoners. Tide his answer to query 20th Court - The Jailer on "Tide Jailer's evidence" receiving the Naigue's Memo, a slip of "Answer N7 on 31st

"paper merely containing the names and "number of the cases, asked the Naigue "Tide Answer 9- "on duty, who happened to be A. Thunder "Hair, to go and bring

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him - O. Thunder Hair went to the cell "No 1, opened the door by means of one "of the Turnkeys - there is much difficulty in ascertaining which, and called "the men out - They were taken from "the Jail yard to the next room, or "Court where the Jailor was sitting "Vide plan - The Jailor on seeing them "asked which is Nullan and which "is Mootheran, not as he says from "ignorance, but for assurance sake "Tide Answer 34- "and according to custom - the one man "answered to the name of Nullan "the other to that of Mootheran, and "they were then delivered over to the "Naigue and 4 peons to be taken to "the Court".

51. This supposition the Magistrate urges would remove some difficulties as to the mistake having been discerned when the parties returned from the Court but is overthrown by the primary evidence given by the surviving prisoner that the change took

place

of the identity of the prisoners as to render a detention of a voluntary substitution inviable - We therefore demurred on the evidence of the Naigue who removed the prisoners during the time they were under trial and also of another person who speaks to a previous knowledge of the identity of the prisoners - and then goes on to shew how easily the transmutation might have taken place before the prisoners were brought up for passing sentence, by observing that "after a seclusion there of 35 days in a "room where, with the exception of three "three fellow prisoners, few or none were

Parties passing by Nº1 may or may not "then clearly espy the two a partial glimpse of the prisoners the room has meeting as they happen to be at work, the 2 Chuprassies not to be near the door - this plan often resorted to - The jailer's station of the prisoners" was sent for from the knowledge he gained in his previous duties prisoners - Vide his answer to query 2d Court - The Jailer on receiving the Naigue's Memo, a slip of

Vide jailer's answer Nº 3 and 31.

"paper merely containing the names and "number of the cases, ordered the Naigue

Vide Answer 9 - "on duty, who happened to be Oathunden "Nair, to go and bring the

"him - Oathunden Nair went to the cell "Nº 1, opened the door by means of one "of the Turnkeys - there is much difficulty in ascertaining which - and called "the men out - They were taken from "the Jail yard to the next room, or "Court where the Jailer was sitting "Vide plan - The Jailer on seeing them "asked which is Nullan and which "is Mootheran, not as he says from

Vide Answer 34 - "ignorance, but for assurance sake "and accordingly to custom - the one man "answered to the name of Nullan "the other to that of Mootheran, and "they were then delivered over to the "Naigue and 4 peons to be taken to "the Court".

51. This supposition the Magistrate urges would remove some difficulties as to the mistake having been discerned when the parties returned from the Court but is overthrown by the primary evidence given by the surviving prisoner that the change took

place

place of the Subordinate Court but the
doubt whether the Jailor was took
the trouble to ask the prisoners
before they were taken to the Subordinate
Court and thinks that if they were taken
out of their cells carried to the Court
and placed in the dock without any
particular denomination. On the
of one being called out to the other
have come forward as he might
come forward just before in the
and then returned on to the
ing Jailor as the condemned
was in this view the Magistrate
few different than so far as the Jail
possible were concerned. The same
Vide Evidence No. 4 his brother and after a short delay
Evidence No. 5 and him the grand room, while No. 1
cleared of all other visitors
into that cell named on the day
made for execution. The
Lodged from No. 1 room named
Fill while the

"the Chairman could have been recognized
"by the only parties who could be said
"to be intimate with them, their fellow
"Prisoners in No. 1. Who then in the
"Jail would have imagined a mistake?
"Who knew when the condemned man
"was brought out for execution that he
"was not the person, who ought to be
"hung. None of them as I have shewn
"had had such opportunities of seeing
"them closely as to make it impossible
"they should not be acquainted with
"their respective identities. I may add
"that tho' not twins, they were two
"On father as well as uterine brothers, not very different
"one mother. Vide surviv-
"ing Prisoner's evidence" in age, both young men, and that it
"before the Subordinate
"Judge. 20th February" is not improbable there was some
"last Answer 4th."
"general family resemblance between
"them. The man who was hung was,
"it is true, 2½ inches shorter than the
"I speak of him merely
"to my personal recol-
"lection. I have seen" stoop, which makes him to look shorter
"him two different
"days."
" or than he really is".

"I may add still further,

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5th Novem

5th November, 1845.

"and it is a most important Evidence
"they were the very Ladies invited to
"Slaves, about whom we are speaking
"would be visited in any native Fam
"mind, and that the counting and
"which would naturally have taken
"in the case of a number of any
"note being known, was not taken
"given to an object over which
"looked and I am acquainted with
"of the Country as a most unfa

52.

Whatever difficu
that as to the time when the
taken counted the Bungalow
was taken that the Court
was of Opinion of his evidence
doubt as to the fact of the
Stress that the persons were
in Tellicherry when it was
being and not in the Thana
Stricken Jury [illegible]
remarks Mr Strange [illegible]
as that Gentleman [illegible]
informed [illegible]
application for a [illegible]

F. 116.

5th November, 1845.

53.

It is proved in the first
place he thinks by the
testimony of 17 or 18 wit-
nesses. The bulk of these
were examined in his imme-
diate presence and from
his observation of their style
of speaking, features &c.
he can speak with much
assurance of the credit due
to their respective state-
ments. Mr Strange's co
allegation of their having
been tutored the Magis-
trate thinks he has suf-
ficiently answered in his
rejoinder to that Gentle-
man's comments in his Original
Report, where he endeavours to shew,
from dates &c. that the tutoring was
as impossible as can well be. Three
of the witnesses, the two Jemmies, and
the Calicut Tahsildar, are men of
substance and respectability, who
had

15.

F.116.

1 N. 1 1812

5th November 1812

had no apparent object in spoiling their
game and fortune by giving deliberately
false evidence. Mr Strange's idea of
their being removed into a conspiracy
got up to injure him, the Magistrate
considers altogether visionary & cannot
be supposed to have entered into
Mr Strange's suspicions, nor does he
know of any fact which can in the
slightest degree support them.

In this Case it is impossible
to say to what extent the
witnesses may have been influenced
by the hope of reward, but
which would be little danger of their
intended victim. For, what good
can accrue to Mr Strange for not pur-
suing a prosecution against a
confessed murderer, the only
effect of his pressure, the murdering
of two prisoners, the one dooming him
to be hung in place of the other
No sort of evidence is brought for-
ward to prove that Mr Strange
blame did lie with that Gentleman
tho' of course it ought to have been
a fitter

"The Magis
Registry
there is
manifestly
fective and

plea be made by
of the murder
the Magistrate has indeed
shew, in his original report dated
April, para 7 and remarks on
Strange's comments dated 10th May
para 16, was within earshot of Mr
Crosby throughout the day of the
inquiry at Chelanna and could not
therefore in the Magistrates opinion
have been tampered with. His or
evidence then, on this point, / it
was repeated in the Jail before the
Sessions and the Acting Subordinate
Judges two days afterwards / he or
thinks may also be termed good.

"It is proved in the
"third and last place, by the
"facts on record of the personal
"appearance of both the prisoners

F. 16.

5th November, 1845.

"difficulty. In the Register book,
"he says "the scar is entered as situated
"in the second prisoner's left cheek which
"now appears a little above it. but it is more
"or less on the cheek". To which I can only remark
"that the Nazir must have had much effrontery to tell such
"a deliberate and palpable falsehood as a man of some education
"he could not but have known and seen the difference between
"the cheek and temple".-

"The non-discovery of the mark on the back of the surviving
"prisoner's neck at the original examination before the Sessions
"Judge is owing I presume partly to its not being very distinct
"and perhaps partly to the examiners having confined their attention
"to that part of the neck which immediately adjoins the head, in
"place of reflecting that the terms made use of
"by the Chemmar witnesses might in popular
"acceptation have a wider signification. The failure
"of Vellayo to point out the mark may have
"arisen from the indistinctness of it is indeed hardly visible if at
"all, in some light and in her inability to recognize it at the moment
"she may have taken refuge in the lie that she had not said before
"there was such a mark. The evidence of Nullayo seems to support this
"view. She says there was a mark which is not now. I beg to attract your
"particular attention to what I said on the subject of this scar in my rejoinder
"to Mr Strange's comments of the 10th May para 30 where I observed
"that if its presence was important, its absence considering the
"effaceable nature of these burnings would not have been so. I have
"just examined a young man (about 30) who was fired on the neck some
"years ago. The scar is distinguishable with the very greatest difficulty
"and would not be so at all unless he were very closely shaved."-

Pin-Kawa thoo by Vellayo. Pendle by Nullayo.

The

56.

The late Subordinate Judge Mr Strange in his remarks on the Magistrate's report, observes 1st with reference to the main question discussed in it - viz. whether it is within the bounds of possibility that one and all of the numerous individuals having charges of the various Crimes and Misdemeanors and Felonies preferred against them within a period of 36 days should have been so little acquainted with their respective features and voices as that the younger one should have been able to substitute himself for the elder and suffer death in his stead without detection, that he considers the substitution impossible. He enumerates 18 opportunities of recognition that would

"The first reception of the prisoner
"The daily visitation of the cells
"The more formal monthly Do "examination of the bathing
"The daily cleaning sweeping &c "and cleaning of the jail
"The daily lighting of the lamps "
"The daily administration of food "
"taken in the presence of the guard "
"with the doors being at that time "
"The taking the prisoners out for "
"their exercise"
"The putting on & taking off the irons
"

5th November, 1845.

"The taking the prisoners to Court, "Subordinate Judge -
"pursuant to their names & the particular
"cases in which they are concerned" both officers being of
"The examination of them when on" course attended in by
"ongoing trial" -
"The removing them from cell to cell" the chief functionaries
"according to the progress of their cases" of the jail, and the
"the prisoners in question having been"
"first lodged in No 5, then in No 2, the" Town Key and some of the
"in No 1 and the surviving prisoner" "peons" -
"finally in No 5."
"The detention of one of the prisoners
"for two days, while under sentence of death
"on a Writ of reprieve - that time of special interest,
"and observation" -
"The removal of the other prisoners to work -

We refer to the extraordinary

57.

capabilities in what relates to particular
and retentive time of recognition acquired
by those habitually exercised there as
witness by the Police of England and
by shepherds and considers it hard
to deny to officers of a Jail who are
placed in a position to call forth on
similar powers the commonest measure
of these faculties, especially as with but
one of the numerous opportunities professed
by them the Sessions Judge proved his
perfect acquaintance with the countenance

of

5th November 1845.

of the survivor by singling him out of a crowd after a lapse of more than three months.-

58. The case of the prisoner presented peculiar features likely to attract more than an ordinary degree of attention - They were separated with only 3 others from the body of convicts for 36 days during 25 of which the reference regarding them to the Supreme Court was pending and the fate to be expected for one and only one of the two was death.-

59. Adverting to the remarks of the Magistrate in the Gaol Register stating in the Gaol Mr Strange states that he had been at great pains to put matters on the best footing and that stringent orders had been issued about the time the transpositions in blocks to have occurred in regard to the introduction of contraband articles into the Jail Custom officers being held responsible from week to week for any

5th November 1845.

prohibited articles that might be found within the Jail during his course and adverting to the recent appointment of the Jailor and the Jemadar and the circumstances of their appointment he doubts whether they would have risked their prospects by any serious degree of inattention - he further considers the Jemadar a particularly efficient Officer.-

60. In regard to the call made upon him by the Sessions Judge for an interpretation of the words "Parada" and "Pinkarro-thoo", held by the Magistrate as descriptive of the position of a mark on the back of the surviving prisoner, situated "midway between the point of the shoulder joint and the spine" - he remarks that the said terms are of very common occurrence, and he has never known them to denote more than the nape, or back of the neck - he has observed also that the natives are far more

precise

precise in indicating different parts of
the body than we are. The Assistant
Surgeon, in stating that the mark
in question might be said in popular
language to be at the back of the neck
could not of course be called upon
reference to the language of Malabar,
with which he is unacquainted, and
as the occasion on which the existence
of the mark on the prisoner Nallen
was brought into question was one
accuracy of description as to particular
position. He thinks it would be singular that all who spoke thereto,
3 in number, should have described
it to be on one part of the body, when
it was on another. One of the witnesses
moreover, being subjected to the test
of having to look for this mark on
the deceased, was much surprised to find
where they said it should have been,
that the prisoner Nallen

Further he remarks that
the indistinctness of the mark, now
only discovered on the survivor, would
appear to be such, that it may be
doubted, upon this ground alone, whether
it could have been what the witnesses
spoke of as a feature of distinction.—
With reference to the time
62. of the alleged transposition the late
Subordinate Judge calls particular
attention to the position the prisoners
are shown to have been taken by the
evidence of the surviving prisoner
and that of the 4th, 5th and 6th witnesses
when brought before the Court as
totally subversive of the Magistrate's
hypothesis that the transposition occurred prior to the transmission of the
Prisoners to the Court to receive sentence
he dilates on the great care that is
always observed in placing the prisoners
and the necessity that exists for this
care and concludes by offering the following
explanation

5th November, 1845.

exhibition of the distinguishing marks of the prisoners taken from the Nazir's Registry and of the improved one made by the Sessions Judge:-

"Nullan — 5 feet high
"Mootheran 4 — 9 —
"The Survivor 4 — 11½."

"So far the survivor's correspondence is with Nullan's and not with Mootheran. The Nazir's registry however "has been carelessly made out, and the "measurements cannot be depended on "in the face of contrary evidence:-

"Nullan 30 years old
"Mootheran 22 ——
"Survivor — 25 to 28."

"Here the evidence is more with Mootheran. It is not "likely that a man with an insignificant "beard, who may be but 25, should have "been set down as ten years older, nor "that a difference of 13 years between "these two brothers should have been remarked "when there was no more than one of "from 3 to 6."

"Nullan — beard full —
"Mootheran — none —
"Survivor — beard [illegible] on the chin."

"This is an error likely to be futile, and the

5th November, 1845.

"record is strongly in favor of the "Survivor being Mootheran:-

"Nullan — a scar near the left ear.
"Mootheran — do — near the left cheek.
"Survivor — a large circular scar on the left temple — a small do upon the right eye-brow."-

"The Nazir's "Registry "here is "manifestly "defective and

"affords no evidence — That of the wit- "nesses who describe as being on Nullan, "marks such as are visible on Mootheran "look on as concocted for reasons al- "ready given":-

"Nullan — a scar on the nape of the neck according to evidence of witnesses
"Mootheran — none —
"Survivor — none"-

No remarks beyond what have already been submitted, are necessary

as regards this point":-

63. The Court of Foujdaree Udalut have given the matter contained in these papers, their most deliberate and serious consideration and having afforded to the Magistrate every

facility

of the Petition is false and shameless
by vagueness and absence of detail as
often Marking to fabricated tales. If
the charge of this plot had depended
merely on direct testimony, it would have
been certain - but whenever the witnesses
in its favor talk things from the main
points of asserting the identity of the
surviving prisoner, his wife and of
deposing to the supposititious cause
of the transposition - the testimony
is weakened and difficulties appear for
the removal of which it requires no
exciting ingenuity to devise even a prov-
able solution - Whenever the inadmis-
sible and inadmissible testimony given on
certain as it appeared evidently given
tions had strongly to support therein
taken by the Subordinate Judge. This
is particularly apparent in the inadmis-
sion of the surviving prisoner
to the fifth question before the Magis-
trate the answers by him and the
Silpkars in regard to the point

the prisoners in the dock before the
several Courts and the evidence in re-
gard to the money transactions by the
deceased - No proof has been given of
any change having been effected tho'
much has been hazarded as to the pos-
sibility and probability of such an
act having taken place - If other ar-
guments are wanting to prove the
falsity of the charge the strong and
not to be mistaken marks which
the evidence of Village, the Adigharry
and the Tahsildar and Onedewar in-
trinsically bear of falsehood would be
sufficient to prove the whole story
a gross fabrication and when the ob-
vious improbability of the thing is
considered and thrown into the scale
the Court do not think the assertions
made regarding the change deserve any
consideration - It is to be observed also
that the Sessions Judge has spoken
most positively and strongly in regard
to the identity of the surviving prisoner

and

5th November, 1845.

of the Petition is false and characterized by vagueness and absence of detail so often attaching to fabricated tales. If the issue of this plot had depended merely on direct testimony, it would have been certain - but whenever the witnesses in its favor stray from the main points of asserting the identity of the surviving prisoner or his wife and of deposing to the supposititious cause of the transposition - the testimony is weakened and difficulties appear for the removal of which it requires exercising ingenuity to devise even a probable solution - Whereas the incidental and involuntary testimony given is certain as it appeared incidental questions lead strongly to support the views taken by the Subordinate Judge. This is particularly apparent in the involuntary answer of the surviving prisoner to the fifth question before the Magistrate the answers by him and the Silpkars in regard to the provisions of

F. 116.

5th November, 1845.

the prisoners in the dock before the several Counts and the evidence in regard to the money transactions by the deceased - No proof has been given of any change having been effected tho' much has been hazarded as to the possibility and probability of such an act having taken place - If other arguments are wanting to prove the falsity of the charge the strong and not to be mistaken marks which the evidence of Vellaye the Adigharry and the Tahsildar and Onedewar intrinsically bear of falsehood would be sufficient to prove the whole story a gross fabrication and when the obvious improbability of the thing is considered and thrown into the scale the Court do not think the assertions made regarding the change deserve any consideration - It is to be observed also that the Sessions Judge has spoken most positively and strongly in regard to the identity of the surviving prisoner

and

faitity and effectual support of supporting his declared view of the matter, they feel much relieved in having it in their power to record their most decisive and unhesitating opinion that the accused prisoner is Matheran, and not Stella, as has been wickedly and falsely asserted by the Petitioner and those who support him by have put her forward as the tool of some sinister object, designed so far as the Tongdaree Mahal cause for no other purpose than to harass the officers presiding over the judicial Establishments at Calcutta.

64. The Court have not failed to mark with satisfaction the good entirely manifested by the Magistrate in supporting his view of the case, whatever opinion is due to the Court for the ability and talent displayed in the investigation of the matter the Court must acknowledge that a close reasoning and the power of

and positive declarations of Mr. Morris remain totally unanswered by the hypothetical and explanatory remarks of Mr. Cowdy.

65. The Court do not purpose to follow the Magistrate thro' all his arguments; such an attempt could answer no good object and would occupy much of the time of the Court already too long abstracted from their more legitimate duties by the lengthy communications now under notice; but they cannot omit to remark that the Magistrate has not only most signally failed to establish any motive for the alleged transposition, but has not in the Court's opinion even clearly proved the possibility of such a substitution being effected in the Jail without detection, while his several hypotheses throughout appear fraught with difficulties which the Court do not find that he has been able to remove. The evidence in support of

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his declared view of the matter, they
feel much relieved in having it in their
power to record their most decided and
unhesitating opinion that the accused
prisoner is Matheran, and not Miller
as has been wickedly and falsely asserted
by the Petitioner and those who openly
by them put him forward as the tool
of some sinister object, but for
for us the Englishmen Melbet was
for no other purpose than to harass
the officers presiding over the judicial
Establishments at Calcutta -

64. The Court have much pleasure
to mark with satisfaction the zeal
ability manifested by the Magistrate
in supporting his view of the case
whatever praise is due to Mr Colvin
for the ability and talent displayed
in the investigation of the matter
the Court must acknowledge that
close reasoning and the powerful

and positive declarations of Mr Morris
remain totally unanswered by the hypo-
thetical and explanatory remarks of
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to follow the Magistrate thro' all his
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hypotheses throughout appear fraught
with difficulties which the Court do
not find that he has been able to
remove - The evidence in support

of

5th November, 1845.

of the Petition is false and characterized by vagueness and absence of detail so often attaching to fabricated tales. If the issue of this plot had depended purely on direct testimony, it would have been certain - but whenever the witnesses in its favor stray from the main points of affirming the identity of the surviving prisoner or his wife and of deposing to the suppositious cause of the transposition - the testimony is weakened and difficulties appear for the removal of which it requires exciting ingenuity to devise even a probable solution - Whereas the incidental and involuntary testimony given on certain as it appeared incidental questions lead strongly to support the views taken by the Subordinate Judge. This is particularly apparent on the involuntary answer of the surviving prisoner to the fifth question before the Magistrate the answers by him and the Jail Peons in regard to the position of the

F 46.

5th November, 1845.

the prisoners in the dock before the several Courts and the evidence in regard to the money transactions by the deceased - No proof has been given of any change having been effected tho' much has been hazarded as to the possibility and probability of such an act having taken place - If other arguments are wanting to prove the falsity of the charge the strong and not to be mistaken marks which the evidence of Vellaya the Adigharry and the Tahsildar and Omedewar invariably bear of falsehood would be sufficient to prove the whole story a gross fabrication and when the obvious improbability of the thing is considered and thrown into the scale the Court do not think the assertions made regarding the change deserve any consideration - It is to be observed also that the Sessions Judge has spoken most positively and strongly in regard to the identity of the surviving prisoner

and

5th November, 1845.

and has proved his perfect acquaintance with his countenance by singling him out of a crowd of persons.

66. Stress has been laid by the Magistrate on the scar on the neck of the survivor but the evidence of the Surgeon and the remarks of Mr. Mair and of Mr. Strange on his last examination show this to be a very unsatisfactory point of proof both as to its nature and the previous point of its location.

67. The conduct of the Sheriff of Calicut has appeared in the most conspicuously disgraceful light. He is either guilty of taking a most active part in this detestable plot against the best patriotic officers in the country or of permitting the opposition of the Magistrate to be merely to save himself in his official capacity and in a case of life and death to be powerless with the evidence

5th November 1845

which had an existence and which is now declared to be false.

Taking the view the Court do of the case and impressed alike with the Magistrate and Judicial Officers that it was altogether beyond the capacity of the Cherumars to design — or carry into execution such a plot as the one now under consideration they have resolved to instruct the Sessions Judge to take such steps as he may consider advisable to bring the conspirators in the case to justice. It will rest with the Sessions Judge to determine whether any judicial proceedings should be adopted against any of the parties concerned, the Court considering that unless evidence can be obtained to establish a charge of conspiracy it would be advisable not to proceed in the case. The Sessions Judge will however report to the Zillah Court the course that he may pursue.

The

5th November 1845

69. The Court do not deem it necessary to advert to the reprehensible language which has been indulged in, in the course of this correspondence, it is hoped that the good sense of the Officers who have adopted it, has already pointed out to them the impropriety of its use and will prove the safest check against its future occurrence.—

70 It is much to be regretted that any feeling was exhibited on the occasion, as it could not but fail to stand in the way of just investigation the only object the Court feel assured which was paramount in the minds of the three gentlemen concerned.—

71. The Court cannot close these proceedings without expressing the high opinion they have entertained of the ability and judgment evinced by Mr. Strange and Mr. Morris in the trying and harassing position they have been placed throughout the

F. No.

Thursday 6th November 1845. At a Court of the Foujdaree Adalut.

Present.

G. I. Watson Esquire — 1st Pusne Judge.
Malcolm Lewin Esquire — 2nd Pusne Judge.
T. E. J. Boileau Esquire — 3rd Pusne Judge.

Read Calendar in case No. 32 of 1845 submitted by the Session Judge of Bellary under date the 21st Ultimo.

(Here enter F. No. 3166)

1 In this case wherein two prisoners are charged with breaking into and robbing the prosecutor's house, it is stated that the Law Officer convicted them of being accomplices in theft and declared them liable to Ootroobut. Hud being barred on account of their denial of the crime.

2 Both prisoners were sentenced by the Session Judge to 7 years imprisonment with hard labor in irons under Clause seventh Section XII Regulation XV of 1803.

3 The features of this case as detailed

7

5th November 1845

69. The Court do not deem it necessary to advert to the reminatory language which has been indulged in, in the course of this correspondence, it is hoped that the good sense of the Officers who have adopted it, has already pointed out to them the impropriety of its use and will prove the safest check against its future recurrence.—

70 It is much to be regretted that any feeling was exhibited on the occasion, as it could not but fail to stand in the way of just investigation the only object the Court feel assured which was paramount in the minds of the three gentlemen concerned.—

71. The Court cannot close these proceedings without expressing the high opinion they have entertained of the ability and judgment evinced by Mr Strange and Mr Morris in the trying and harrassing position they have been placed throughout the

F. No.

Thursday
6th November 1845. } At a Court of the Foujdaree Adalut

Present.

G. F. Waters Esquire ——— 1st Pusne Judge.
Malcolm Lewin Esquire ——— 2nd Pusne Judge.
J. E. J. Bardeau Esquire ——— 3rd Pusne Judge.

Read Calendar in case No. 32 of 1845 submitted by the Sessions Judge of Bellary under date the 24th Ultimo.

(Here enter F. No. 3166)

1 In this case wherein two prisoners are charged with breaking into and robbing the prosecutor's house, it is stated that the Law Officer convicted them of being accomplices in theft and declared them liable to Ootkoobut. Hud being barred on account of their denial of the crime.—

2 Both prisoners were sentenced by the Sessions Judge to 7 years imprisonment with hard labor in irons under clause seventh Section III Regulation XV of 1803.

3 The features of this case as detailed.

7

6th November 1845

detailed in the Calendar are similar to those of case No. 6 of Cuddapah Calendar 2nd Session of 1822 as described in Circular Order 11th October 1822 and should have been dealt with as therein directed

4. The Sessions Judge will now be pleased to amend his sentence by taking another fulwah to remove the bar to Hud and dispose of the case under the provisions of Section XXI Regulation VII of 1802.

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

/Sent following precept No. 1842/

Read Calendar on Case No. 26 of 1845 on the file of the Sessions Court of Nellore.

/Vernacular No. 3480/

4. The Prisoner in this case was charged with Highway Robbery and

6th November 1845

was convicted but the Sessions Judge being of opinion that the punishment prescribed by Clause third Section IV Regulation XV of 1803 is too severe recommends a mitigation thereof.

The Court of Foujdaree Adawlut having maturely considered the circumstances of the case represented in the Calendar, sanction under Section XXXV Act VII of 1843. the mitigated punishment recommended by the Sessions Judge and accordingly direct that the prisoner

Uchedausoo Raumoogaudoo

be imprisoned and kept to hard labour in irons on the public roads or other public works for and during the period of [8] eight years.

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

/Sent following precept No. 1843/

Read Calendar of Case No. 31

of

6th November 1845

of 1845 submitted by the Sessions Judge of Bellary under date the 22nd Ultimo.

/Here enter No. 3141/

To enable the Court clearly to understand the circumstances which distinguish the case of the 1st prisoner in this case from that of the 2nd it is necessary that the Sessions Judge should submit a fuller explanation of the facts of the case than is recorded in the Calendar.

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

/Sent following precept No. 744/

Read Calendar of Case No. 20 of 1845 submitted by the Sessions Judge of Honore under date the 9th Ultimo.

/Here enter No. 3154/

Adverting to the observations recorded by the Sessions Judge in this

F. No.

6th November 1845

Calendar of the undesirableness of re-employing the prisoners in the public service the Court desire that any remarks which he may have to make on this point be addressed to the Magistrate.

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

/Sent in No. 1945/

Read Calendar under date the 18th Ultimo of case No. 17 of 1845 submitted by the Sessions Judge of Nellore.

/Here enter F. No. No. 3078/

The Prisoners in this case were charged with having entered the Prosecutors house by making a hole through the wall, and stolen therefrom gold and silver ornaments valued at Rupees 24/- and were sentenced to 7 years' imprisonment with hard labor in

6th November 1845.

and after its receipt

Sent following precpt. No. 1946

Read Calendar under date the 22nd Ultimo of case No. 48 of 1845 submitted by the Sessions Judge of Combaconum.-

Here enter F. No. No. 3122

1. The prisoner in this case was charged with having in company with others armed with sticks and having lighted torches attacked the house of the Prosecutor and robbed him of property valued at Rupees 70-4-

2. The Sessions Judge concurring with the Jury in the conviction of the prisoner, on the ground; that the robbery had been established in a former trial, in which nine of the prisoner's accomplices were sentenced to 14 Years imprisonment; that the discovery of the stolen property in the Prisoner's house was proved on that occasion, that the prisoner's name had then been mentioned by the Prosecutor in his original complaint and also by

three

6th November 1845.

in point the authority quoted for the sentence being Clause 4 with Section II Regulation XX of 1817.

2. The offence charged against the prisoners in this case being such as would have subjected them to a specific punishment under the Mahomedan Law the sentence should have been passed under Section XXI Regulation VII of 1802 the extent of punishment provided having been previously stipulated by the second question.

3 The Court deem that the sentence be amended in accordance with the foregoing observations.

4. The Court also require an explanation of the delay of 31 days which occurred in forwarding the abstract of the Prisoner's witnesses after the depn had been taken

Ordered that Ordered that these Proceedings be sent to the Sessions Judge of Tellore for his information

by [illegible]

Recd from 11th August to 3rd October 1845

6th November 1845

[illegible] sheet of the proceedings and that the
the prisoner had never previously
been convicted of theft
as having been seen by him
on the night of the robbery, and
that prisoner to be dismissed
with a hard labour and severe
third section of Regulation XII of
The Court of
having power to quash
the proceedings
of the record, be submitted for
consideration, and that thereupon
to the Prisoner be discharged
final orders.

Ordered that Sohe
these Proceedings be sent to the
Judge of Tinnevelly for
orders by [illegible]
days from and after

(Sd) [illegible]

Judge

Friday
7th November 1845

Fds.

At a Court of the Foujdaree Adalut.

Present

G. S. Walers Esquire ——— 1st Puisne Judge.

Malcolm Lewin Esquire ——— 2d Puisne Judge.

Lt. J. Birleau Esquire ——— 3d Puisne Judge.

Read again the Criminal Report
submitted by the Principal Sudr Ameen
of Tinnevelly, for the Month of February 1845.
(Vide Entry No 782.)

Read also Communications*
from the Sessions Judge
subject of Case No 6 of 1845 on the file of
the Principal Sudr Ameen's Court.

(Vide Entry Nos 905. 1211. 1569. 2600
and 2910 of 1845)

In case No 6 of the above
Reports, five Prisoners were recommended
released by the Principal Sudr Ameen
as innocent, in that Jurors opinion,
of the charge brought against them severely
upholding and binding with costs the
Prosecution

* dated 17th March, 2d April, 27th May, 5th September, and 2d October 1845.

Prosecutor and proceeding to the proof of
the Articles in order to establish against
him, the guilty participation in the
robbery alleged by the 1st and 2d Charge
to have been committed on the night of
[illegible]

2

For the 1st and 2d Prisoners it
was urged, first that on their respective
the Prosecutor had admitted to them that
he had been concerned in the robbery
of three hundred and odd Rupees, a
considerable portion of the property
stolen, the receipt of which
Rupees, was denied by the Prisoners
Prosecutor himself, on also the evidence
original Owner of the robbed property
the Coolies had suffered at the hands of
the Prisoners (subsequently with the consent
of the 1st Prisoner) a sum of
money of about by the Prosecutor
Rupees, who recorded the fact that the
Prosecutor was a Thief, but that the
Coolies had

One Chamber
One Table by Sangle
one Stool by Sangle
one Stool by Sangle

to the assault were incredible"

The Principal Sudr Ameen

having closed his observations directing
the release of the Prisoners, an inadvertent
in terms of the most severe censure on
the "Gross misconduct" and dishonesty
of the Tahsildar and Royasum of Talook
Pimchamwal, whom he declared convicted
by the testimony on the trial of the
1st and 2d Witnesses, Talook Rows, of
having conspired fraudulently to make
away with two of the three Stolen articles

2 Tables by Sangle
and a Settee by Sangle

9th March 1845

The attention of the Tahsildar
Sudalut was attracted by the opinion
of the Principal Sudr Ameen expressed
in the language adverted to, and deeming
it desirable to ascertain the real nature
of the facts imputed to an officer
in the Magisterial department of the
rank of Tahsildar, and the Subordinate
the Royasum, they required the submission
of and have brought under their deliberate
consideration, the entire record of the proceedings
held

7th November 1848

by the Police and the Principal Sirdarars
in case No 6.

6 On a careful perusal of the Proceedings, the Court of Foujdaree Adaulut do not hesitate to declare that they differ altogether from the Conclusion arrived at by the Principal Sirdarars.

7 It is the belief of the Court that the story told by the Prosecutor, that he was violently beaten by the Prisoners, by them carried to the Tahseildars and there falsely charged with having robbed the house of the 1st Prisoner, a Chunam has been laid by them on his person in proof of a part of the property pretended to have been stolen by him having been found in his possession, is quite absurd.

8 The Court do not believe that any Robbery was committed in the house of the 1st Prisoner, and they are persuaded that the story of the robbery was a part of the conspiracy entered into by the Prisoners to be

7th November 1848

probably for the intrigue stated to subsist between him and the daughter of the 1st Prisoner.

9 It is declared by the ——— witnesses for the Prisoners that at the time they were conveying the Prosecutor to the Tahseildar, he confessed that he had buried the most valuable part of the property stolen by him from the house of the 1st prisoner near to the gate of a certain Pagoda, and that he offered to give it up if he were carried to the spot, but that ——— the Prisoners objected to take him there, and said that they would convey him afterwards to the Tahseildar. It cannot be doubted the Foujdaree Adaulut thinks, that if the prosecutor had made such a confession as the above, the Prisoners would at least have immediately informed the Tahseildar of it, and got him to search the spot, but it no where appears that any application was preferred to the Tahseildar for such search to be made, and the Foujdaree Adaulut Consider such an confession to be

sufficient

Tahsildar and Rayasam had left back the
remarks when forwarding the case to the
Court and had fraudulently made away
with them.

13. The person officially declared
by the Principal Sudr Ameen that the
Tahsildar and Rayasam had been guilty
of the misdemeanor above referred to having
been communicated to the Magistracy of
Immediately an investigation was made by
the Acting Head Assistant, the result
of which impressed that officer and his
superior, the first Magistrate then in
charge of the District, with the utter falsity
of the accusation brought against the
Tahsildar and Rayasam by the two Ryots
in question; and it having been pointed
out by the Acting Head Assistant Magistrate
for the Defendants consideration, that
the Principal Sudr Ameen should at once
have committed them both to take
trial for perjury, the Defendant Judge attended

prosecutions for perjury should originate
with the Court before which it occurs, he
did not regard himself as in a position
to offer any remarks on the subject to the
Principal Sudr Ameen.

14. On their perusal of the
entire records the Foujdaree Adalat
did not find it explained what might
have been the circumstances under which
the Principal Sudr Ameen was led to
make the second examination of these
witnesses referred to; neither could
they understand how these persons who
within so very short a space of time
had sworn in so completely opposite a
way, should have so readily obtained credence
from the Principal Sudr Ameen in the
charge which they preferred against the
Tahsildar and Rayasam; they therefore called
upon that functionary through the Sessions
Judge, to offer explanation regarding the
2d examination of the two Ryots, and also, to
state why, under the circumstances of this
deposition

7th November 1868

Tahsildar and Royasum had left back the ornaments when forwarding the case to the Court and had fraudulently made away with them.-

8 The opinion officially declared by the Principal Sudr Ameen that the Tahsildar and Royasum had been guilty of the misdemeanor above referred to, having been communicated to the Magistracy of Tinnevelly, an investigation was made by the Acting Head Assistant, the result of which impressed that officer and his superiors, the Joint Magistrate then in charge of the District, with the utter falsity of the accusation brought against the Tahsildar and Royasum by the two Ryots in question; and it having been pointed out by the Acting Head Assistant Magistrate for the Superior Judge's consideration, that the Principal Sudr Ameen should at once have committed these two witnesses for trial for perjury, the Superior Judge intimated to the Joint Magistrate that

Dated 1868

Till.
7th November 1868

prosecutions for perjury should originate with the Court before which it occurs, he did not regard himself as in a position to pass any orders on the subject to the Principal Sudr Ameen.-

14. On their perusal of the entire record the Foujdaree Adalat did not find it explained what might have been the circumstances under which the Principal Sudr Ameen was led to make the second examination of these witnesses above referred to; neither could they understand how these parties within so very short a space of time had thrown in so completely opposite a way, should have so readily obtained credence from the Principal Sudr Ameen in the charge which they preferred against the Tahsildar and Royasum; they therefore called upon that functionary through the Superior Judge, to offer explanation regarding the 2d examination of the two Ryots, and also, to state why, under the circumstances of the

disposition

7th December 1865

sufficient to show that the story of the robbery was altogether false.

The Foujdaree Adalat will not for the reasons above stated, think that the charge preferred against the Tahseildar and other Peons that they fraudulently made away with the silver ornaments said to have been taken up by the Prosecutor, and to have been found on his person at the time that he was made over to the Tahseildar, is altogether false and without foundation; the Court are satisfied that the Prosecutor did not give up these two silver ornaments, and that they were not on his person when he was delivered into the custody of the Tahseildar, and the whole story regarding these silver ornaments as invented by the Foujdaree Adalat to be a mere fabrication. — In which the Principal Sudder Ameen would seem to have taken a greedy part.

With respect to these ornaments it is [illegible]

7th December 1865

gave them up from his house, and that the Prisoners bound them on the person of the Prosecutor, and in that state conveyed him to the Tahseildar. The Foujdaree Adalat deem it highly improbable that they would have done so but at it is much less improbable that if done, one of them would have carried the ornaments for fear that their Prisoner should escape on the road and get away with the ornaments also.

The charge that the Tahseildar and Silver Peon made away with the two silver ornaments, depended on the testimony of the 1st and 2d witnesses, two Police Peons, who when first examined by the Principal Sudder Ameen on the 31st January swore that the silver ornaments were found on the person of the Prisoner, but who afterwards when being again examined by the same authority on the 12th March swore that they had been found by them and they then entered into a detail of the circumstances under which the Tahseildar

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them with certain witnesses for the 1st and 2d Prisoners and at the same time informed them of the difference between their statements and the evidence of the witnesses for the defence

19 In respect of her omission to commit the two witnesses for perjury, he submits that their evidence in the case was not at all essential to the decision of the guilt or innocence of the Prisoners as regards the charge against them; that their false swearing could not therefore be said to have been material to the issue of the principal proceeding in question, and in as much as their false swearing was not material to the issue of the charge preferred against the Prisoners in Criminal No 8 of 1865 and according to the law that failure of proof on any one of the points specified in the definition of perjury (as contained in section Order 31st January 1865 must be fatal to the Prosecution, a prosecution for perjury could not at appeared to the Principal Sub-ordinate Court against them.

20 He adds "if a regular charge had been preferred against the Talsildar and Police Rayasam with having fraudulently made away with the 2 Silver ornaments abovementioned, and in that case the 7th and 8th Witnesses had given 2 contradictory depositions as above stated, their false swearing might have been material to their issue, and of course they would have been guilty of perjury punishable by Law" and submits that in this view, he did not commit them.

21 The Court's consideration of the foregoing papers and the explanation of the Principal Sub-Assistant has shown them that Principal Sub-Assistant Principal Chary is unable satisfactorily to account for his neglect to notice the false testimony of the two Pons in a manner (even short of committment) which the ends of justice so imperatively demanded; and the Court regards the neglect as the more extraordinary, that the Principal Sub-Assistant's proceedings were a

them with certain witnesses for the 1st and 2d Prisoners and at the same time informed them of the difference between their statements and the evidence of the witnesses for the defence

19 In respect of his omission to commit the two witnesses for perjury, he submits that their evidence in the case was not at all essential to the decision of the guilt or innocence of the Prisoners as regards the charge against them, that their false swearing could not therefore be said to have been material to the issue of the principal proceeding in question, and in as much as their false swearing was not material to the issue of the charge preferred against the Prisoners in Criminal No 6 of 1865 and according to the law that failure of proof on any one of the points specified in the definition of perjury (as ordained in consideration Order 31st January 1865) must be fatal to the Prosecution of a prosecution for perjury unless it appeared to the Principal Sudr Ameen that such

20 He avers "if a regular charge had been preferred against the Tahsildar and Police Rayasum with having fraudulently made away with the 2 Silver ornaments above mentioned, and in that case the 7th and 8th Witnesses had given 2 contradictory depositions as above stated, their false swearing might have been material to the issue, and of course they would have been guilty of perjury punishable by Law", and submits that in this view, he did not commit them.-

21 The Court's consideration of the foregoing papers and the explanation of the Principal Sudr Ameen has shown them that Principal Sudr Ameen Criminal charge is unable satisfactorily to account for his neglect to notice the false testimony of the two Ryots in a manner (even short of commitment) which the ends of justice so imperatively demanded; and the Court regards the neglect as the more extraordinary that the Principal Sudr Ameen's proceedings evinced

a warrant to arrest and act in conformity against the District Police must endeavour the high position to which Ramalachetty has been advanced.

22

The Court has already made in the grave error in proposed employed by Ramalachetty in his disposal of cases to, and although it seems unnecessary to adopt measures for rectifying the error, ful considered to remove this belief that the consent of the Court in the confirmation great particularity upon his that it regarded but slight evidence of his having been guided by private feelings or feelings other than those which should actuate a Chief to arrive this Poy'dara Adalat to bring under the the propriety of divesting him of his present judicial functions.

23.

The Court wishes also to intimate to Ramalachetty that a repetition on his part of such errors will be regarded as against the Subordinate authorities

7th November 1848

jurisdiction, will form an additional reason for concluding that he is unfit for the responsible office which has been confided to him.

Ordered, that Extract from the Proceedings be sent to the Superintendent of Tinnevelly for his information and communication to the Principal Sudr Ameen and Magistrate.

(Sent as per /

Read return dated the 22d

the Superintendent of Tinnevelly submitting for the Precept of the Poydarce Adalat under date the 15th inst, directing him to call for the proceedings in Cases Nos 41 and 46 of 1848 of the file of the Principal Sudr Ameen, and to report such orders as may seem to him to be proper, reporting the same for the information of the Right Court.

(Com Letter No 3185 of 1848)

Read letter dated the 18th

letter from the Magistrate of Bellary, submitting with reference to the Extract from the Proceedings

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7th November 1846.

of the Foujdaree Adalat under date the 8th Instant
on the Bellary Criminal Report for August 1845.
explanation on Cases Nos 105 and 106
/ Here Enter F.M. No 309 of 1845 /
Read letter dated the 19th Octr
from the Superintendt of Chavadi, assigning
reasons for the non transmission of the statements
required by Circular Orders under date the 25th
August 1835, and 9th June 1837 for the Month of
1845.-
/ Here Enter F.M. No 310 of 1845 /

F.M.

Saturday,
8th November, 1845.

At a Court of the Foujdaree Adalut
Present

G.J. Waters, Esqr.—1st Puisne Judge.
M. Lewin, Esqr.—2d Puisne Judge.
T.E.J. Boileau, Esqr.—3d Puisne Judge.

Read report of Prisoners
apprehended in the District and deliv-
ered to the Magistrate of Masulipatam
during the month of September last
to be dealt with under the provisions
of Section VIII Regulation X of 1816.
/ Here Enter F.M. No 3097 of 1845 /

1. This report which is most
irregularly drawn up contains but one
case.—

2. In this one prisoner is
charged "with having stolen the cattle
"of the complainant P. Pedda Rama-
"swamy valued at Rupees 20. and has
"been sentenced to 3 months imprison-
"ment with labor in irons in the
"Zillah Jail under Section VIII Regulation X
"of 1816."

The

3 The Court of Pongalam Udalat observe that the subject of the charge in this case is very defective in as much as it fails to shew how many head of cattle were stolen the place from whence it was stolen and whether the theft was committed by day or by night and the Magistrate has also omitted in his Calendar dated 18th November 1845 to bring forward the grounds of the sentence imposed and should be remanded to the Magistrate of Madura for the appropriate enhancement of the Contending Court to judge of the property of the sentence

4 Further the Court observe that the sentence is illegal the Court having only the power of cattle stealing beyond the jurisdiction of Magistrates under Section XXXIII Regulation IX of 1816 are punishable by the Criminal Courts only under the provisions of Regulation XII of 1817 the powers of which Court

extended to Magistrates by Section XIV Act XVII of 1843.

5 The Magistrate will accordingly produce his sentence and will in future cases punished by him under Act XVII of 1843 specify the particular circumstances of aggravation which may have brought the case within those provisions.

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

Sent following precept No 1359

Read return dated the 21st Ultimo from the Acting Sessions Judge of Madura to the precept of the Pongalam Udalat under date the 27th September 1845 containing their remarks on the Calendar of case No 31 of 1845 submitted under date 15th August last by the Acting Sessions Judge of Madura and calling upon him

8th November, 1845.

him to submit an English translation of the records thereof.

(Here Enter No 31845)

1. In this case (6) six Prisoners are charged with having during the night in company with others made an opening thro' the wall of the Prosecutor's house entered therein and stolen therefrom property amounting in value to Rupees 24- and with having also stolen a box containing Documents.

2. The Acting Sessions Judge Mr Dowdeswell examining in the Factual of the Law Officers sentenced the 1st and 2d prisoners to 7 years imprisonment with hard labor in irons under Clause VI Section III Regulation VI of 1822; and released the other prisoners

3. The Court seeing strong grounds for doubting the propriety of the convictions of the 1st and 2d Prisoners called for the records of the trial and having considered the proceedings they are confirmed in their

F. 116.

8th November, 1845.

insufficiency of the evidence for the conviction of these 2 prisoners and accordingly resolve to issue orders for their release.

4. It does not appear that these Prisoners ever confessed to have been concerned in the robbery - None of the stolen property was found upon them and the translation of the Cadjan report made by the Village Monsiff of Paupanmandy to the Head Police of Parsibanore Talook marked No 2 in Police Record shews that they were not in company with the 3d, 4th, 5th and 6th Prisoners when they were apprehended by the Village Monsiff - Their conviction is made to depend on the bare assertion of the 1st and 2d witness that they identified them, and tho' this recognition is alleged to have been made on a dark night and by the light of the stars, yet no care seems to have been taken to test this assertion or to elicit the

truth

truth of it. Not a single question was put to them with a view on the part of the prosecution and the whole inquiry of the case has been conducted in a manner reflecting great discredit on the Officers presiding at the trial.

5. The witnesses have been examined in the most unjust and defective manner and the proceedings to have been conducted with a haste and precipitancy which, coming as it does from judicial functionaries and many flagrant and glaring mistatements and more in the Proceedings have passed unnoticed by both the Subordinate Court and the Sessions Judge.

The robbery is stated to have taken place on the night of the 5th July but it does not appear under what circumstances the Peingnee was not apprehended on the 30th

have formed a subject of enquiry both by the Subordinate and the Sessions Court, the more so as the Cadjan report of the Mooniff dated the 8th July, shews that the 3rd, 4th, 5th and 6th Prisoners had been apprehended by him on the road on that day on suspicion of having been concerned in a robbery, tho' it would not appear at the time that any complaint of the theft which had occurred in the Pradeniya Korale had been preferred. The Head of Police it is true in his warrant of the 15th July adverts to the Mooniff having made his report, because of the robbery and the resistance made by the robbers when running away but this is a mere fiction as the report makes no mention of any such circumstances. This point should have been duly noticed by the Subordinate Judge and the Session Court. The Magistrate will now be called on for an explanation of it and also be requested to state

8th November, 1845.

with reference to Circular Orders noted in the margin, why the 20th and 28th of July were reported to be the dates of apprehension instead of the dates on which the prisoners were actually first secured.—

20th January 1822.
20th February and 28th October 1820 and 1st March 1824.

The Calendar transmitted with a finding to the circumstantial state of the record and proceedings generally. The whole is indeed most unsatisfactorily and ill the Officers who have in any way been concerned in the case from the Village Siffs to the Sessions Judge have by their slovenly mode of procedure subjected themselves to censure.—

The indifference exhibited by Mr Dowdeswell in this case to the interests of justice have attracted the serious attention of the Court and impose upon them the duty of warning him that similar proceedings and misconduct will call for more severe notice.—

Ordered

F. No.

8th November, 1845.

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Madura for his information and communication to the late Acting Sessions Judge of Madura and the Magistrate of that District.—

/Sent in No 1351/

Read letter under date the 28th Ultimo from the Sessions Judge of Chittoor submitting an English Translation of the records in case No 26 of 1845 on the file of the Sessions Court for the consideration and final Orders of the Foujdaree Adalut.—

/Here enter F. No. No 3176/

Mr M. Lewis and Mr T. B. J. Botham

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 Iyasawmy,
2nd Para Verden,

are

8th November, 1845.

with reference to Circular Orders noted in the margin, why the 20th and 28th of July were reported to be the dates of apprehension instead of the dates on which the prisoners were actually first secured.—

24th January 1822.
20th February and
28th October 1823 and
1st March 1824.

7. The Circular terminates with alluding to the confused state of the record and proceedings generally. the whole is ended most unsatisfactorily and all the Officers who have in any way been concerned in the case from the Village Headmen right up to the Sessions Judge have by their slovenly mode of procedure subjected themselves to censure.—

8. The indifference exhibited by Mr Dowdeswell in this case to the interests of justice have already claimed the serious attention of the Court and improve upon them the duty of warning him that similar proceedings will not be allowed to pass unnoticed.—

F. No.

8th November, 1845.

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Madura for his information and communication to the late Acting Sessions Judge of Madura and the Magistrate of that District.—

/Sent in No 1751/

Read letter under date the 28th Ultimo from the Sessions Judge of Chittoor submitting an English Translation of the record in case No 26 of 1845 on the file of the Sessions Court for the consideration and final Orders of the Foujdaree Adalut.—

/Vide Entry F. No. No 3176/

Mr M. Lewis.
and
Mr T. B. J Burke

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 Iyasawmy,
2nd Para Verden,

are

are not convicted on presumptive or
proof, or on the evidence of credible
witnesses, or on their own confession
of the crime of murder; he must
them thereof, and direct that they
be unconditionally released.—
/Sent following letter No 1/

1. The 1st prisoner in this
case was charged with having killed
the Provincial Sowar Law by fract-
uring his skull with a large bam-
boo stick while he was sleep-
ing in a field.—

2. The 2nd prisoner was
charged with being an accessory to
the commission of the above murder.—

3. After a careful and delib-
erate consideration of the record
of this case the Court cannot refrain
from expressing their utmost aston-
ishment at the very unsatisfactory
grounds on which the Sessions Judge
has considered himself justified
in recommending

5th November 1845.

in this case should be adjudged to
suffer the extreme penalty of the
Law.—

4. The grounds advanced
in favor of a conviction mainly
depend on the depositions of the
1st and 2nd witnesses to whose test-
imony unsupported by other cor-
roborative evidence the Court can
not attach the slightest credit.—

5. It only remains to the
Court to pronounce sentence on
that both the prisoners in this
case be forthwith unconditionally
released.—

Ordered, that Extract
from these Proceedings be sent to
the Sessions Judge of Chittoor by
precept returnable within 5 days
from and after its receipt.—
/Sent following precept No 1207/

1206
1207

P. 11.

Predanp.

13th November 1845.-

At a Court of the Poydarce Adalut

Present

G. J. Walers Esquire ——— 1st Puisne Judge

Malcolm Lewin Esquire ——— 2d Puisne Judge

T. E. J. Boileau Esquire ——— 3d Puisne Judge.

Read letter dated the 18th August 1845 from the Sessions Judge of Cuddapah submitting for the consideration and final sentence of the Poydarce Adalut an English translation of the Record of the trial in case No 47 on the Calendar of the Sessions Court for the

/Here Enter No 3446./

Mr G. J. Walers
Mr M. Lewin and
Mr T. E. J Boileau

The Court of Poydarce 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

Thandesetty Venkataramadoo alias Venkatamaroo.

is sufficient to convict him of the crime of Wounding and Robbery, do convict him thereof

thereof and, with reference to the provisions of Clause 5th Section III Regulation XX of 1810 do sentence him to be transported to such place or places beyond Sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of his natural life.

1 The prisoner in this case was charged with wounding with intent to kill the Pramanick's daughter in law aged 10 years and robbing her of her jewels. It appeared from the circumstances of the case to be a most cowardly and wilful attempt of murdering the Pramanick's daughter in law and to have been accompanied with most revolting cruelty and barbarity.

2 The girl was on the 7th July enveigled by the prisoner by a promise of some honey to accompany him to a bathan where he deprived her of some of her ornaments and on her asking the cause of the

into her ear knocked her down, stamped upon her throat attempted to pull out her tongue. knocked out her teeth and stabbed her in the neck with the iron nail, and wounded her dreadfully with a stone about her head and left her for dead after carrying away her ornaments. In his declaration before the Police the Prisoner admitted that his intention was to murder the girl.

3. The certificate of the Medical officer dated 18th July is to the effect that the injuries inflicted on the throat the instrument used having passed thro' the wind pipe.

4 Yet in the face of such a declaration and aware as the Defence Counsel appears to have been of the state the girl was in, he on the 22d of July entered on the trial and proceeded with it to the close dispensing with the presence of the injured party who was too ill to appear before the Court.

5th

5 It is not known to the Court whether the girl has recovered from the severe injuries she has sustained or whether she has sunk under them; but it is hoped in absence of any information to the contrary that the former is the case. The Court however cannot fail to express their extreme surprise at the precipitancy displayed by the Sessions Judge in not awaiting the result of the wounds

6 It was his bounden duty to have postponed the trial until the fate of the wounded child was ascertained or her death reported, and in the latter case to have remanded the prisoner to the Magistrate to be put on his trial for Murder.—

7 The Court do not expect to have been called on to suggest to any person officer so diverse and unusual a course which it might have been supposed would have been suggested by the very circumstances of this most extraordinary and savage case in which it appears that the child was

smashed in the Jaws the face, throat head and neck fearfully wounded, and such severe injury inflicted that if the life of the girl be spared she will be disfigured during the remainder of her existence.—

8 The Court write not dwell further on this most unaccountable error on the part of the Sessions Judge but they would express a hope that his future proceedings will be marked with greater caution and regularity and be preserved from a similar error which cannot but lead to serious consequences to the public if not to total failure of Justice.—

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

(Sent in No 1956)

Read again Miscellaneous Petition presented on the 18th August last by Parvathy of Zillah Chittoor.—

(Vide Order Dated No 1514/1845)

Read also returns under date

10th Novr 10th November 1845

The 22d Affidavit from the Defendant Chief Justice

Letter B

of the Defendant dated

dated the 22d September last recording that a

full enquiry should be made into the state-

ments contained in the foregoing petition

and the result thereof reported through

the Defendant Chief Justice to the Court of Enquiry aforesaid

(Here Enter Fo. No 1351)

The Defendant Chief Justice

returns from the Acting Magistrate in which

that Officer states that the Petitioners Complaint

was fully enquired into by the late Chief

Assistant Mr A. Hall in October 1839 and

dismissed for want of proof, and that

no appeal was preferred from this decision

until the 31st October 1844 when the Petitioner

appeared before Mr Goldingham who on

consideration of the former proceedings and

of the great discrepancy apparent between

the Circumstances as then alleged and the

Original Complaint, decided that further

enquiry was unnecessary but sent for the Petitioner

in deposit in the Catchcan of the Land of

at Calabozo and delivered to the

10th December 1845

cost of them as she claimed as her property

The Acting Magistrate and

D

in the opinion that the ends of justice

would not be promoted by a renewal

of the enquiry after a lapse of seven years

which have transpired since the original

Complaint was preferred.

It appears from the return

of the Defendant Judge who reports having perused

the record of the proceedings held by the

late Chief Assistant Magistrate Mr Hall and expresses

his concurrence in the opinion recorded by

the Acting Magistrate as to the inexpediency

of instituting a fresh enquiry that of nine

Witnesses named by the Petitioner only

were examined, nor is any reason assigned

for this omission which appears the more

extraordinary as the witnesses who were ex-

amined having denied all knowledge of the

charge, it was incumbent upon the presiding

Officer to have deprived the Petitioner

of the power of attributing her failure

to the want of Justice by examining all

her witnesses.

The

6th November 1845.

4 The Court accordingly directs that the enquiry directed in their former orders be instituted without further delay and in reporting the result the Sessions Judge will be pleased to explain under what circumstances "the other articles" stated by the Acting Magistrate to have been returned to the Petitioner by Mr Golding Lane were in the first instance taken from him.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor for his information and guidance by precept returnable within XXX days from and after the receipt thereof following precept No 1297

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

Ld 7th.

F. Uc.

Tuesday 11th 12th November 1845.

At a Court of the Foujdaree Udalut.

Present

G. L. Waters Esqre ——— 1st. Puisne Judge.
Malcolm Lewin Esqre — 2d. Puisne Judge.
T. E. S. Boileau Esqre — 3d. Puisne Judge.

Read Calendar of Cases No 18 of 1845 submitted under date the 8th Ultimo by the Sessions Judge of Tellicherry.—

Were Enter No 2986/

1. The prisoner in this case is charged with house breaking and theft of property amounting to Rupees 345-8-0.

2. The Mahomedan Law Officer pronounced him guilty of theft on strong presumptive proof and liable to Ookoobut, and the Sessions Judge concurring in the futwa, sentenced the prisoner under Clause Seventh, Section II, Regulation XV of 1803, to three years imprisonment with hard labor in irons on the public roads.—

3. This sentence is illegal as it provisions of Clause Seventh Section

Recd from

Regulation XV of 1803 are applicable to cases of theft & housebreaking committed by the Law Officer. Under the provisions of Clause third Section II Regulation XV of 1803, the Sessions Judge must require the Law Officer to declare by a Moohulfutwa, to what specific punishment the prisoner would have been liable under the Mahomedan Law, if the fact had been proved by full legal evidence, and proceed thereupon to pass sentence according to such Moohulfutwa.

4. If the sentence provided by Section XXI Regulation VII of 1862 be ordered by the Sessions Judge to be carried is authorized to submit a report of the circumstances of the case, and of the punishment proposed by him to be inflicted, and by a statement of the grounds of the opinion that such mitigated punishment is fit.

Ordered, that Extract from this proceedings be forwarded to the Judge of Tellicherry.

after the receipt.—

(Next following precept No 1960)

Read communication under date the 13th Ultimo from the late Acting Sessions Judge of Madura.—

(Here enter F. No 3009)

The Acting Sessions Judge adverting to this Court's letter under date the 1st September last, directing him to call for and forward the record of the proceedings held by the Joint Magistrate of Madura, in a case referred to in certain proceedings of the Sessions Court on the Calendar No 2 of persons discharged by that officer, which were submitted to the Sudder Board, in a correspondence between the Acting Sessions Judge and Magistrate, forwarded by Mr Blackburne; submits copy of the remarks recorded by him on a perusal of the record of the case in question, in which he points out several irregularities apparent in the proceedings of the Joint Magistrate, and directs the dismissal of the case, a

Regulation XV of 1803 are inapplicable to cases of the 5th & 6th Clauses of the 45th Section of Regulation XV of 1803, the Sessions Judge must require the Law Officer to declare by a third Futwa, to what specific punishment the prisoner would have been liable under the Mahomedan Law, if the Kazi have acted by full legal evidence, and proceed thereupon to pass sentence according to such second futwa.—

4. If the sentence provided by Section XXI Regulation VII of 1862 be considered by the Sessions Judge to be one he is authorized to submit a report of the circumstances of the case and of the sentence prepared by him to be passed accordingly by a statement of the grounds of the belief that such mitigated punishment is

Ordered, that Extract from these proceedings be forwarded to the Judge of [illegible]

after its receipt.—

Sent following precept No 1960/

Read communication under date the 13th Ultimo from the late Acting Sessions Judge of Madura.—

/Herewith File No 3009/

The Acting Sessions Judge according to this Courts letter under date the 1st September last, directing him to call for and forward the record of the proceedings held by the Joint Magistrate of Madura, in a case referred to in certain proceedings of the Sessions Court on the Calendar No 2 of persons discharged by that officer, which were submitted to the Sudder Court, in a correspondence between the Acting Sessions Judge and Magistrate, forwarded by Mr Blackburne; submits copy of the remarks recorded by him on a perusal of the record of the case in question, in which he points out several irregularities apparent in the proceedings of the Joint Magistrate, and directs the dismissal of the case, a

the evidence from the records of the Magistrate's office of the remarks entered in the Calendar "that the guilt of the Defendants appeared proved".—

2. On a perusal of the Acting Sessions Judge's communication, this Court sees every reason to concur in the propriety of that officer's order directing the dismissal of the case, to which his remarks bear reference.—

3 It is not however competent to the Acting Sessions Judge or to any other Judicial authority to order the evidence of an opinion officially recorded although he may be fully authorized to annul any order founded on the opinion to which he takes exception.—

4 It appears from the remarks of the Acting Sessions Judge that the charge investigated by the Joint Magistrate in this case had been formerly decided in Appeal by the Magistrate, that three individuals were included in the charge

named in the original complaint; and that three material witnesses were produced who had not been alluded to in the original enquiry nor in the appeal which followed that no cause was assigned for the original omission of such material evidence; and lastly that the Joint Magistrate declared the charge to be "proved", without having received evidence to the Defence of the accused.—

5 Before passing from the consideration of this matter, the Court resolves to direct that the Joint Magistrate be called upon to submit to the Superior Court through his official superior any explanation he may have to offer with regard to the various irregularities above adverted to, explaining particularly under what circumstances he felt himself required to reopen a matter once disposed of by a competent authority.—

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

11th November 1865.

the transmission of the prisoners in this case to the Criminal Court, the Court desire to be informed by a direct communication from the Magistrate of Trichinopoly, what notice he may have taken of the gross misconduct imputed to the Village Monsiff, who, if the charge alleged against him be true, should be removed from his situation forthwith.—

Ordered, that Extract from the proceedings be sent to the Principal Sudder Ameen of Trichinopoly for his information and for communication of para. 6 to the Magistrate by precept returnable within 15 days from and after the receipt.—

/Sent following precept No. 1424/

Read again Calendar of Case No. 13 of 1865, submitted by the Sessions Judge of Tellicherry under date the 15th August 1865.

/Here enter F.H. No. 2886/

Read also returned under date the 1st Ultimo from the Sessions Judge of Tellicherry to the precept of the Sudder Court dated the 17th September last and

F.H.

11th November 1865.—

remarks on the foregoing Calendar, and calling for a detailed report of the circumstances of the case together with a fresh sentence.—

/Here enter F.H. No. 2881/

1. The Sessions Judge in his return submits a Summary of the evidence taken in this case, together with an amended sentence containing a recommendation that a mitigated punishment of three years imprisonment with hard labor in irons should be awarded to the 1st, and of one year to the 2nd and 3rd prisoners.—

2. Under the circumstances of the case as represented in the Sessions Judge's return which involves no charge of a very serious nature, the Court of Sudder Adawlut do not resolve to reduce the prescribed period of imprisonment to Six Months in the case of the 1st, and of three months in the case of the 2nd and 3rd prisoners, being of opinion that these sentences will sufficiently meet the ends of justice.—

Ordered, that Extract from these proceedings be sent to the Sessions

Judge

Sessions of Tellicherry for his information
(Sessions No. 1963)

Read letter dated the 30th
Ultimo, from the Sessions Judge of Cal
forwarding the translation of the proce
Case No. 6 of the Calendar for 1845.
(Other letter No. 3151)

Mr. H. S. Waters
Mr. H. Lewin

The Court of Sudder Dewa
on a deliberate consideration of all the cir
stances of the case is unable to differ
being of opinion that the proof against
prisoners

1st Cheekatee Vencatadrogandoo

and

2nd Cheekatee Lutchegandoo

is sufficient to convict them of the crim
Murder, & duly convict them thereof
under the provisions of Section X
VIII of 1802, sentence the prisone

1st Cheekatee Vencatadrogandoo

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

prisoner

2nd Cheekatee Lutchegandoo

is liable under the provisions of Section X
Regulation VIII of 1802, in this
instance, the Court do, under the provisions
of Clause Second, Section VII. Regulation I of
1825, sentence him to be transported to
such place or places beyond seas, as the
Governor in Council shall appoint, there to
be imprisoned and kept to hard labor in
irons, on the public roads or other public
works, for, and during the period of his
natural life.—

After a careful and attentive
perusal of the record of this case, the Court
of Sudder Dewanee Adawlut fully concur with
the Sessions Judge in the conviction of both
the prisoners, but viewing the guilt of
the 2d Prisoner as far less aggravated than
that of his brother Cheekatee Vencatadro-
gandoo, and taking into consideration the
fact that another brother has already
suffered death for the same crime, the
Court are of opinion that in the case of
the

the 2d prisoner a sentence of transportation for life will sufficiently meet the ends of justice.—

2. The Court observes that the statement & depositions proved by the Law Officer to the evidence contained in the dying declaration of the murdered man which he found his recollection of the 2d prisoner should have been received as 2d Question.—

Ordered that the proceedings be sent to the Sessions Judge of Chittagong for his information and guidance in passing the sentence.

Read Calendar dated the 28th October 1845 submitted by the Sessions Judge of Chittagong in Case No. 48 of 1845.

(Here enter No. 2811)

The Prisoner in the above Calendar, was charged before the Sessions Court with having by night in company with others armed with offensive weapons, broken into the Prosecutor's dwelling house and stolen therefrom property estimated to be worth Rupees 114-12-0. He was however convicted by the Sessions Judge, who concurred with the Law Officer assisting at the trial, of having received stolen property knowing it to have been stolen, and under Clause 2nd, Section IV, Regulation VII of 1822, was sentenced to imprisonment with hard labour for a period of two years.—

Wednesday, 12th November 1845.

J. 86.

At a Court of the Foujdaree Udalut.

Present

G. S. Waters Esqr.—1st Puisne Judge

Malcolm Lewin Esqr.—2d Puisne Judge

J. E. P. Beikie Esqr.—3d Puisne Judge

2. If the facts eventually proved against the Prisoner were apparent from the records of proceedings on which the Acting Subordinate Judge based the commitment of the case for trial by the Sessions Court, it was the opinion of the Panjavara Court that he should at once have been acquitted by the committing officer with the offence appearing capable of substantiation.

3. The mistake of the Acting Subordinate Judge was, it is observed, rectified by the Sessions Judge's order directing the preparation of an indictment entitling a second court and the mode of proceeding has the approval of this Court, the second court might however be omitted in the Calendar.

Ordered, that Extract from these proceedings be forwarded to the Sessions Judge of Coimbatore for his information and communication to the Acting Subordinate Judges.

Petition No. 946/

of 1845 submitted by the Sessions Judge of Coimbatore under date the 3rd October 1845.

(Here enter No. 3049)

In this case the 1st Prisoner was declared by the Mahomedan Law officer to be convicted of theft on strong presumptive proof and liable to discretionary punishment and the Sessions Judge after taking a second Fatwah under the provisions of Clause third Section II Regulation XV of 1803 sentenced him under the provisions of Clause first Section V Regulation XV of 1803 and Section XXI Regulation VII of 1802 to (7) seven years' imprisonment with hard labor in irons.

2. The Court of Sunjavara Wadut observe that the citation of the 1st of these provisions was unnecessary and that an abstract of the 2d Question and Answer of the Law Officer should have been entered in the Calendar.

Ordered that Extract from these proceedings be forwarded to the

Read Calendar dated the 27th Ultimo submitted by the officiating Sessions Judge of Masulipatam in Case No 9 of 1845.

/Here enter No 3184/

Read return dated the 28th Ultimo from the Subordinate Judge of Cuddapah to the precept of the Sunjaras Vakeel under date the 25th Ultimo conveying their remarks on the Monthly Report for the Month of September 1845.

/Here enter No 3185/

Read Calendar dated the 29th Ultimo submitted by the Sessions Judge of Madura in Case No 52 of 1845.

/Here enter No 3191/

Read report dated the 1st Instant submitted by the Sessions Judge of Chittoor of Cases pending on the 31st October 1845 before the Sessions Court.

/Here enter No 3192/

Read report dated the 1st Instant submitted by the Sessions Judge of Salem, of Cases pending on the 31st October 1845 before the Sessions Court for

in excess of 25 days from the date of commitment.—

/Here enter No 3204/

Read Calendar dated the 29th Ultimo submitted by the Sessions Judge of Cuddapah in Cases No 5 and 6 of 1845.

/Here enter No 3205/

Read return dated the 7th Instant from the Sessions Judge of Salem to the precept of the Sunjaras Vakeel under date the 25th Ultimo requiring the Sessions Judge to inform the date of apprehension of the Prisoner in Calendar No 4th of 1845 and the cause of its omission in the Police report.

/Here enter No 3215/

Read report dated the 1st Instant submitted by the Sessions Judge of Cuddapah of Cases pending on the 30th September and committed for trial during the Month of October 1845 before the Sessions Court.—

/Here enter No 3217/

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

12th November 1845.

Rajahmundry Cases pending trial before Assizes Court on the 30th September and committed for trial during the month of October 1845.

/Here Enter No 3219/

Read return dated the 30th Ult from the Subordinate Judge of Rajahmundry to the precepts of the Superintendant dated the 27th Ultimo requiring the returns of Criminal Cases for September 1845.

/Here Enter No 3220/

Read letter dated the 30th Ult from the Assistant Judge of Cuddapah transmitting the Warrant issued for the execution of the sentence of death passed on the Prisoner in Case No 33 of 1845 on the Calendar of the Assistant Judge and the endorsement of the Sheriff thereon.

/Here Enter No 3221/

Read return dated the 2d Instant from the Assistant Judge of Guntoor to the precepts of the Superintendant dated the 12th November 1845.

Judge to call for the proceedings held in Case No 2 of the Supplemental Report submitted by the Magistrate on the 15th September last, and to pass such orders thereon as might appear to be called for.

/Here Enter No 3232/

Read report dated the 28th Ultimo submitted by the Magistrate of Nellore of Cases tried by the Magistracy under the provisions of Section 6 IV Act VII of 1843 during the Month of September 1845.

/Here Enter No 3235/

Read return dated the 4th Instant from the Assistant Judge of Combaconum to the precepts of the Superintendant dated the 8th Ultimo directing to make the sentence passed by the Mahomedan Law Officer in Criminal File No 32 of 1845 and pass such orders as may appear to be proper.

/Here Enter No 3237/

Read return dated the 4th

J. U.

Thursday,
13th November 1845.

At a Court of the Tongadarce Udalut—

Present,

George I. Waters Esquire 1st Puisne Judge,
Malcolm Lewin Esquire 2d Puisne Judge,
T. C. I. Boileau Esquire 3d Puisne Judge,

Read Calendar under date the 31st Ultimo of Case No: 30 on the file of the Session Court of Trichinopoly for 1845.

(Here enter J. U. No: 3208.)

The Court of Tongadarce Udalut observe a discrepancy in the dates assigned for the commitment of this Case by the Principal Sudr Ameen and for the commencement of the trial by the Session Judge the 17th of October being it would appear recorded as the date of the commitment by the Principal Sudr Ameen, whereas the trial is stated to have been commenced by the Session Court on the 15th idem.

2. The Court require an explanation of the apparent discrepancy above adverted to.

Ordered

2nd November 1845.

to the precept of the Tongadarce Udalut under date the 30th Ultimo sanctioning the imposition of the fine of Rupees forty on the Head of Police of Banpatla Thanah for his misconduct—

(Here enter No: 3240)

Read report dated the 1st Instant submitted by the Sessions Judge of Maruphur of Cases pending trial before the Sessions Court for the Month of October 1845—

(Here enter No: 3245)

Read report dated the 1st Instant of Cases pending before the Sessions Court up to the 31st October 1845 in which the Trial has been delayed beyond 25 days—

(Here enter No: 3246)

Read returns dated the 5th Instant from the Principal Sudr Ameen of Trichinopoly to the precept of the Tongadarce Udalut under date the 31st Ultimo calling for the manner in which the Prisoner in Case No: 161 of 1845 effected his entry into the Government House &c

(Here enter No: 3253)

13th November 1845.

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Trichinopoly for his information by French returnable within 8 days from and after its receipt

(Sent following precept - No 1973

Read Calendar of Case No 93 of 1845 submitted by the Session Judge of Mangalore under date the 8th Ultimo

(Here enter S. D. A. No 3103/1)

This Case has not been tried in the Extract of proceedings appended to it taken into consideration in the trial of Case No 578 of 1845

2.

The Court of Foujdaree Adawlut do not understand on what principle a sentence of Transportation for life has been passed in this case, and they accordingly direct the Session Judge to further explain the grounding which such sentence is imposed.

Ordered that Extract from these proceedings be forwarded to the Judge of Mangalore for his information & precept returnable

13th November 1845.

its receipt.

Sent following precept - No 1974

Read Calendar of Case No 25 of 1845 on the file of the Session Court of Nellore submitted under date the 28th Ultimo by the Session Judge of Nellore.

(Here enter S. D. A. No 3174)

1. Three prisoners in this Case are charged with murder and after commencing on the trial the Session Judge has staged proceedings until the result of an enquiry caused to be instituted by him to ascertain whether the charge has not originated in a conspiracy shall be known.

2. The Court of Foujdaree Adawlut consider such a course of proceeding to be altogether unwarrantable - If the suspicions of the Session Judge in regard to the innocence of the accused are so strong as represented in the Calendar, the prisoners are entitled to a release, and the Session Judge will either record an order to that effect immediately or will proceed with the trial and at its close act as laid down in the Regulations

13th November 1845.

3. The ulterior proceedings directed by the Session Judge can only legally be instituted on the pleasure of the accused.

Ordered that Extracts from these proceedings be forwarded to the Session Judge of Nellore for his information by precept returnable in 2 days from and after its receipt.

(Sent following precept No 575)

Read again Calendar dated the 17th September last submitted by the Acting Session Judge of Madura in Case No 36 of 1845.

(Home enter No 2770)

Read also petition dated the 1st Instant from the Session Judge of Madura to the precept of the Foujdaree Adalut of the 3d Ultimo calling for an English translation of the Record in Case No 36 of 1845 on the file of the Session Court

(Store enter No 3229)

1. Before passing final orders on the subject of the above record, the Court perceive to call for a translation of the record

2.

F. H.

13th November 1845.

of the Case in Calendar No 33 of 1845 on the file of the Session Court at Madura (with which the matter originates which is now before the Foujdaree Adalut) and to intimate that all reports from the village police and early complaints are particularly necessary and should be submitted with the record.

2. The Court would also point out that the arraignment of the Prisoners and Futwa of the Law Officer in this Case (No 36) do not appear upon the records and must be sent up.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Madura by precept returnable without delay.

(Sent following precept No 576)

Read letter dated the 29th Ultimo, from the Session Judge of Honore, submitting for the consideration and final sentence of the Foujdaree Adalut, the record of the trial in Case No 19 of 1845, on the Calendar of the Session Court.

(Home enter No 3236.)

The

13th November 1845.

345

Mr. M. Levien
vs
Mr. T. C. S. Bidlen

The Court of Zemindaree [illegible] on a deliberate consideration of all the circumstances of the Case, in accordance with [illegible] them, being of opinion that the proof [illegible] the prisoner

Vizarata

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 place of execution.

1.

The prisoner in this case stands charged with having murdered the Deceased Kephew by shooting him with a gun [illegible]

2.

After an attentive perusal of the record the Court are unable to discover a single feature in the case which would justify the mitigation of the [illegible] ordered punishment.

3.

The Court utterly fail to discover the force of the arguments advanced by the Session Judge in favor of [illegible] a sentence of transportation [illegible] of chain[illegible]

13th November 1845

of the convict on which that Officer lays great stress, is in any way intended by the Legislature to be the result of the punishment awarded.

Ordered that Extract from these Proceedings be sent to the Session Judge of Honore for his information and guidance.

(Sent in No. 1977)

Read return dated the 20th Ultimo from the Subordinate Judge of Ballaut to the precept of the Zemindaree Udalut under date the 11th Idem conveying their observations on the Criminal Reports for the month of August last.

(Here enter F. A. No. 31591)

Read return dated the 23d Ultimo from the Session Judge of Tellicherry to the precept of the Zemindaree Udalut under date the 11th Idem calling for certain explanations in Cases Nos. 61, 63 and 71 of the Criminal Reports for August 1845.

(Here enter F. A. No. 31641)

Read return dated the 27th

Ultimo

Mr. M. Lewin
and
Mr T. C. S. Bolton

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

Venata

is sufficient to convict him of the crime of Murder, do convict him thereof, and under the provisions of Section X Regulation VIII of 1803, sentence him to suffer death by being hanged at the usual place of execution.

1.

The prisoner in this case charged with having murdered the Deceased by pushing him with a pointed bamboo

2.

After an attentive perusal of the record the Court are unable to discover a single feature in the case which would justify any mitigation of the prescribed punishment

3.

The Court accordingly fail to affirm the sentence passed by the Sessions Judge in favor of obtaining

of the convict on which that Officer lays great stress, is in any way intended by the Legislature to be the result of the punishment awarded.

Ordered that Extract from these Proceedings be sent to the Session Judge of Honore for his information and guidance.

(Sent in a/c 1977)

Read return dated the 20th Ultimo from the Subordinate Judge of Calicut to the precept of the Foujdaree Udalut under date the 11th Idem conveying their observations on the Criminal Reports for the month of August last.

(Here enter F. A. a/c 31591)

Read return dated the 23d Ultimo from the Session Judge of Tellicherry to the precept of the Foujdaree Udalut under date the 11th Idem calling for certain explanations in Cases a/c 61, 63 and 71 of the Criminal Reports for August 1845.

(Here enter F. A. a/c 31641)

Read return dated the 27

13th November 1845.

Mr. M. Lewin
and
Mr. T. C. S. Birkett

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

Vizarta

is sufficient to convict him of the crime of Murder, do convict him thereof, and under the provisions of Section X Regulation XIII of 1803, sentence him to suffer death by being hanged at the usual time and place of punishment.

1.

The prisoner in this case charged with having murdered the Deceased by stabbing him with a pointed

2.

After an attentive perusal of the proceedings the Court are unable to discover a single feature in this case which could justify any mitigation of the prescribed punishment

3.

The Court entirely fail to appreciate the force of the arguments advanced by the Session Judge in favor of a sentence of

13th November 1845.

of the convict on which that Officer lays great stress, is in any way intended by the Legislature to be the result of the punishment awarded.

Ordered that Extract from these Proceedings be sent to the Session Judge of Honore for his information and guidance.

(Sent in a/c 1977)

Read return, dated the 20th Ultimo from the Subordinate Judge of Calicut to the precept of the Foujdaree Adalut under date the 14th Idem conveying their observations on the Criminal Reports for the month of August last.

(Here enter F. A. a/c 3159)

Read return, dated the 23d Ultimo from the Session Judge of Tellicherry to the precept of the Foujdaree Adalut, under date the 11th Idem calling for certain explanations in Cases a/c 61, 63 and 71 of the Criminal Reports for August 1845.

(Here enter F. A. a/c 3164)

Read return, dated th

13th November 1845.

Ultimo from the Senior Judge of Colombo to the precept of the Tongdara Udalut under date the 24th Instant sanctioning the mitigation of punishment recommended by him in Case No 17 of 1845.

(Records F.C. No 3165)

Read return dated the 25th Ultimo from the Subordinate Judge of Salem to the precept of the Tongdara Udalut under date the 18th Instant forwarding their remarks on the Criminal Reports for the month of August 1845.

(Records F.C. No 3167)

Read return dated the 25th Ultimo from the Subordinate Judge of Chilaw to the precept of the Tongdara Udalut under date the 24th Instant forwarding the Criminal Reports for the month of September last.

(Records F.C. No 3170)

Ent'd

S.W.C.

Friday, 14th November 1845.

At a Court of the Tongdary Udalut.

- Present -

George J. Waters Esqre — 1st Puisne Judge.
Malcolm Lewin Esqre — 2d Puisne Judge.
J. C. J. Boileau Esqre — 3d Puisne Judge.

No return having been received from the Sessions Judge of Nellore to the precept of this Court under date the 29th September last, requesting the transmission of an English translation of the record of the trial in Case No 20 on the Calendar of the Sessions Court for 1845.

Ordered, that the Sessions Judge of Nellore, be required to make a return to the precept aforesaid, without further delay.

(Sent in No 1881)

Read Report dated the 1st Instant submitted by the Sessions Judge of Madura stating Cases pending on the 30th September and committed for trial during the month of October 1845.

(Hereinafter No 3256.)

Read letter dated the 6th Instant from the Sessions Judge of Madura submitting the warrant issued by the late Acting Sessions Judge

to

14th November 1845.

to the Subordinate Judge of Madura for
examination of the Prisoner Hormisdas Xavier
Calendar Case No 34 of 1845 with his return
thereto and separate letter.

(Head notes No 3265.)

Read Report dated the 4th Inst
submitted by the Magistrate of Madura of Case
tried by the Magistracy under Section 3 Act XI
of 1843 during the month of October 1845.

(Head notes No 3267.)

Read Letter from the Sylvain Judge of Ramnad
dated the 4th Inst in reply to the proceedings of the 27th ultimo requiring him to forward a second
report of the circumstances of case No 12 of 1845 on
the Sylvain Calendar pointing out the particular
features of the evidence which have led him to form
an opinion in favour of the Prisoners innocence
together with a statement of particulars circumstances
to which he alluded regarding the character of
the Zamindary of Sivagunga and any suggestion
that may occur to him regarding the better mode
of taking of the Police of the District.

(Head notes

3. U.

Saturday 15th November 1845.

At a Court of the Sinjidary Adalut.

Present

George J. Waters Esqre — 1st Puisne Judge
Maleolm Lewin Esqre — 2d Puisne Judge
J. E. J. Boilleau Esqre — 3d Puisne Judge.

Read report dated the 1st Instant submitted by the Sessions Judge of Combaconum, of a case pending in the 30th September and committed for trial during the month of October 1845.

(Here enter No 3203.)

The Court of Sinjidary Adalut observe that the submission of the above Report was not required under existing orders, the only case to which it refers appearing not to have been before the Session Court a period of 25 days.

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

(Sent in at No 1982)

Read again Extract a Minutes of Consultation dated the 4th September 1845, No 653, ordering a further and searching enquiry to be instituted into all the circumstances of the robberies

15th November 1845.

robberies perpetrated at Paumbum by the Prisoners
in the Suit and a report of the results to be obtained
that for the information of Government.

(Here enter No 3097)

Read also letter dated the 30th
September 1845 from the late Acting Sessions
Judge of Madura submitting for the information
of the Temporary Adalut a copy of a letter from the
Dated 3d Septr 1845. Magistrate of Madura representing the inability
in accordance with the instructions of the Tem-
porary Adalut to depute a
conduct the inquiry required by Government into
the robberies perpetrated by the convicts and stating
his reasons for thinking that his presence at
Paumbum at the present juncture would be
of Government and forwarding a return of the
Convicts at Paumbum.

(Here enter No 3098)

(Read also letter dated 8th Octr
from the Subordinate Judge of Madura sub-
mitting a return of the Convicts sent to Paumbum
stating his inability to punish them both with the
Suit under his charge and

15th November 1845.

works at a distance from the Suit of Madura.

(Here enter No 3098)

Read also letter dated the 3d
Instant from the Subordinate Judge of Cambaum
forwarding a report of the number of Convicts employed
at a distance from the Zillah Suit.

(Here enter No 3233)

Adverting to the orders of Govern-
1.
ment in respect of the conduct of the prisoners
and guard employed at Paumbum and the inability
29th ultimo Rec. of the Magistrate, as shewn by him in his letter,
personally to conduct the necessary investigation
at Madura by the Subordinate Judge, who
will be furnished by the Sessions Judge with
copies of the orders of Government and of the former
proceedings in the case, and that he be instructed
to spare no pains efficiently and fully to carry out
the wishes of the Government.

Adverting however to the inconven-
2.
ience which would necessarily arise from the return
to the Suit at Madura of the body of Convicts
now employed at Paumbum which is shewn
by the Magistrates Return to consist of 125
originally received from Madura, 1 from Tinnivelly

11

15th December 1865.

41 from Coimbatore and 19 from Cuddalore the Court of Sessions directed the change the transfer of the 19 and 41 Convicts in question to Salem and Coimbatore respectively, of the former to proceed to the Gaols at Tinnevelly and Madura and of the remaining 28 to the Gaol at Madura.

3. In consideration however of the present strength of the Gaol at Coimbatore it will remain for the Subordinate Judge to charge to the Gaol under charge of the Convicts now ordered to be sent to Coimbatore, for the removal of Zillah Gaol he will report to the Sessions what he may do.

4. The Judge of the Sessions has further requested that in the arrangement required for the removal of the Convicts from Coimbatore the rule in force will be carefully and rigidly observed by the Officers on whom rests the responsibility of carrying out the recent transfer.

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

12th December 1865.

Ordered that Extract from these proceedings (paras 2 and 4) be sent to the Sessions Judge of Tinnevelly, Coimbatore, Chittoor and Cuddapah.

(Sent in A.Nos. 1984, 1985, 1986 and 1987)

Ordered also that Extract from these proceedings (paras 2, 3, and 4) be sent to the Subordinate Judge at Coimbatore.

(Sent in A.No. 1988)

Read the Criminal Reports for the months of May last submitted by the Sessions Judge of Guntoor under date 11th June 1865.

(Here enter A.No. 1697)

Read report dated the 11th September last submitted by the Acting Sessions Judge of Trichinopoly of casualties and of Prisoners released in the Zillah during the months of August 1865.

(Here enter A.No. 2672)

Read letter dated the 28th ultimo from the Magistrate of Canara forwarding copy of a letter from the Assistant Magistrate relative to the subject of the omission to attend to Circular Order A.No. 33 as pointed out in the proceedings in Case A.No. 146 of the Criminal Reports of

18th November 1845.

Hamara. -

(Hrd infra No 3168.)

Read letter dated 25th Ultimo from the Acting Subordinate Judge of Mangalore annexing copies of letters from the Magistrate explaining the cause of the exhibit of Sundry Duffadars in Case at No 182 of 1845 in the Criminal Report for the Month of October last. -

(Hrd infra No 3171)

Entd

F. U.

Monday,
17th November, 1845.

At a Court of the Foujdaree Udalut.

Present,

George L. Waters Esquire 1st Puisne Judge,
Malcolm Lewin Esquire 2d Puisne Judge,
T. C. L. Boileau Esquire 3d Puisne Judge,

Read Miscellaneous Petition presented on the 22d September 1845. by Menatchy Ammay of the Tillah of Coimbatore.

(Hereunder F. U. M. P. No 176 of 1845.)

1. The Petitioner repeats the prayer of her former petitions which have been rejected by the Foujdaree Udalut in their proceedings of the 4th August and 8th September last.

2. To these proceedings the Petitioner is referred, and informed that no other orders can be passed in her case.

3. In regard to the application of the Petitioner to be furnished with copies of the orders of the Magistrate of Madura and of those of the Foujdaree

Udalut

17th November 1845

Udaled as well as one framed by the Session Court of Madura the Court of Tongaree Udaled shows that there is liberty to take copies of the proceedings of the Court held on the Petition of the Session Court or Magistrate the Petitioner in conformity with the rule of the Court in Board's Order 28th June 1833 dispose of her request.

Ordered that Extracts from these proceedings be furnished to the Petitioner on his application

Read Miscellaneous Petition presented on the 15th and 20th October by Shanmukha Setty of Tillai Cuddalore

(Rupees Fifty Two and Annas Three only)

The Petitioner prays the Court to direct the restoration to him of one Emerald valued at Rupees 80 which he alleges was mortgaged to him by one Sadhaya Chetty and on a claim having been subsequently preferred by one Soobbaroya Chetty made over to the

17th November 1845.

of South Arcot, the proceedings of that Officer having been subsequently confirmed by the Session Judge of Cuddalore.

2. The Petitioner must be well aware that if the Emerald to which he prefers is the property of Shanmaghery Moodely (a fact of which the Magistrate and Session Judge have certified themselves) Soobbaroya Chetty had no power to mortgage it to him.

3. Under these circumstances the Court would suggest to the Petitioner the propriety of adopting the course pointed out to him by the Session Judge viz: that he should file a suit against Soobbaroya Chetty for the sums due to him.

4. Petition is dismissed.

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

(Sent in No.

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

Read

17th November 1845.

Read Miscellaneous Petition presented on the 20th Ultimo by Mannen Kutten Naiken father-in-law to Sangnadha Padayatchy Prisoner in Case No 162 of the Cuddalore Calendar for 1844.

(Here enter F.M.P. No 187 of 1845.)

1. The Petitioner complains against the proceedings of the Session Judge at Cuddalore, sentencing his son-in-law the Prisoner in the above mentioned Case to 4 years imprisonment with hard labor in irons on conviction of Robbery committed on a Cart

2. The Petitioner avers that the Prisoner was drunk when he was last examined before the Sudr Ameen and then deposed in contradiction of what he had previously stated. He prays the Court to call for and peruse the record of the trial and then order the Prisoners release.

3. On referring to the Calendar forwarded by the Session Judge the Court see no reason to doubt the propriety of the sentence passed upon the Petitioners son-in-law they therefore refuse to interfere in his

F.M.
17th November 1845

the manner solicited.

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

Read Miscellaneous Petition presented on the 27th Ultimo by T. Appiah Vakeel on behalf of Rajah Damara Venkatappa Naidu Zemindar of Calastry.

(Here enter F.M.P. No 198 of 1845.)

Adverting to the arrangements said to be in contemplation by the authorities in the District of North Arcot, the Petitioner requests the Court will grant to him copies of certain letters which have reached them he supposes by this time respecting the future police management of Calastry.

The Foujdaree Udalut decline

2. to furnish to the Petitioner copies of any communications which have reached the Court, and direct that this Petition be dismissed.

Ordered that Extract from these

these proceedings be forwarded to the Petitioner on his application.

Read again letter dated the 1st Ultimo from the Acting Session Judge of Tinnevelly requesting the decision of the Fouzdaree Adalut whether in all cases of the offences specified in Section XXXIII. Act XVII of 1837, the parties must necessarily be committed for trial before the Session Court, without reference to the amount of the fraudulent appropriation being in excess of or below Rupees 300.

(Herewith - No 2879)

Read also letter dated the 31st Ultimo from the same Officer reporting in detail two Cases referred to in the above letter and remarking that there appears to be doubt in either of them to found their being disposed of by the Principal Sudr Ameen, and that the term of imprisonment which may be awarded under Section XXXIII. Act XVII of 1837 exceeds the powers of the Principal Sudr Ameen, also that the above mentioned does not specify any punishment

It is clear, the Court think, that the offences specified in Section XXXIII. Act XVII of 1837 must be tried before the Judge of the Session Court because their punishment involves the exercise of discretional powers, beyond the competence of a Principal Sudr Ameen.

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

(Sent in No

To Interpretation.

of Section XXXIII. Act XVII of 1837.

A reference having been made to the Fouzdaree Adalut for instructions, whether in all instances of persons being concerned in the commission of the offences specified in Section XXXIII. Act XVII of 1837, they must necessarily be committed for trial before the Session Court, without adverting to the amount of the fraudulent appropriation being in excess of, or below Rupees 300/- the Court have declared

their

17th November 1845

their opinion that such cases must be tried before the Judge of a Session Court because the punishment of the offence involves the exercise of discretional powers beyond the competence of a Subordinate Judge or Principal Sudr Ameen.

(Sent to the Fort St George Gazette Press)

Read return dated the 17th Ultimo from the Session Judge of Honore to the Receipt of the Tongdarce Nizalut dated the 10th idem requiring explanation why Cases Nos 76 and 81 were not inserted in the Criminal Returns of his Court for the Month of August 1845.

41 (Recd entered No 3119)

The Session Judge states that the Cases referred to were tried before the Session Court, not before the Subordinate Court, and therefore were not inserted in the Criminal Returns of Cases tried by the Subordinate Court according to the usual practice in this Court ever since its institution, but that the Calendars of the two Cases were forwarded to the Tongdarce Nizalut

J. U.

17th November 1845.

2. The Monthly Criminal Returns being obviously incomplete without information regarding the mode of disposal of those Cases which do not appear therein but to which, from the break in the numerical arrangement of the Return it is clear that Nos have been assigned, they should of course be entered in the return with a statement showing that as they fall under the jurisdiction of the Session Court, they have been transferred to it without trial in the Subordinate Court.

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

(Sent in a No)

Read again letter dated the 27th September 1845 from the Magistrate of Rajahmundry forwarding translations of Proceedings held regarding two charges of Gang robbery preferred against Boggoola Kreeta Ram Reddy Dora Hill Chief of Juddumghy, affording certain information thereon and proposing the offer of a reward for his apprehension and that of his Sirdar Sommata Nooramah.

(Recd entered No 2903.)

17th November 1805

Read also letter dated the 18th Ultimo from the same Officer, reporting the attachment, in accordance with the provisions of Clause Second, Section XVIII Regulation IX of 1816, of the lands of the Hill Chief of Juddumgherry in consequence of his having not only failed to appear within the time specified in the proclamation requiring his attendance at the Magistrate's Office, but adopted measures to prevent the Magistrate from taking possession of his talook, by blocking up the approaches to Juddumgherry

(November No 3187)

The Magistrate adds that the Chief has detained up his brother Sommala Nooramah, and that the latter has confessed he was a party to each of the Gang robberies which formed the subject of the Magistrate's letter above recorded, the Magistrate also reports that he has sent Sommala Nooramah to Vizagapatam to be tried before the proper authorities there for the crimes committed in the village of Pandua in that District, trusting that in the mean time, he will be discharged by the Zillah Adalut to prosecute

7th November 1805

of the Gang Robbery which occurred in the Rajahmundry District.

The Magistrate concludes

2. by urging the necessity, as before suggested, of offering a large reward for the apprehension of the Chief.

The Court of Foujdaree Adalut

3. see nothing in the circumstances now represented to induce a modification of the views expressed in their proceedings dated 17th Ultimo regarding the policy of offering a reward for the apprehension of the Hill Chieftain; and, in respect of the proceedings held in charge of Gang Robbery committed in the District of Rajahmundry by Sommala Nooramah and the Chief's adherents, it is observed that the Court have declared to Government their opinion regarding the disposal on the 25th June last, by the Session Judge of Rajahmundry, of the appeal made against the proceedings of the late Acting Magistrate in respect of that Gang robbery as affecting the Hill Chief and it remains for the Magistrate to report to measures (which circumstances as they arise may suggest) on his own

17th November 1845.

own responsibility.

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

(Sent in No.

Read communication under date the 27th Ultimo from the Magistrate of Tinnevelly.

Here enter F. H. No 3192.

The Magistrate submits by communication from the Acting Head Assistant Magistrate in which that Officer requests that the sanction of the Foujdaree Adalut may be granted for the offer of a conditional pardon to one Nulla Sheran Asary, a goldsmith, in order to the conviction of the parties concerned in the commission of a daring Robbery to which that Individual is charged with having been "an accessary after the fact"

2. Before passing any final orders on the matter involved in this communication the Court resolve to direct that a translation of the statement made by the

Ordered 21st October 1845.

F. H.

17th November 1845.

Goldsmith Nullasheran Assary may be permitted for their consideration.

Ordered that Extract from these Proceedings be sent to the Magistrate of Tinnevelly for his information by precept returnable within X days from and after its receipt.

(Sent following precept No

Read letter dated the 29th Ultimo from the Session Judge of Chicacole submitting the Record of the trial in case No 8 on the Calendar of the Session Court at Chicacole for 1845.

(Here enter No 3284)

Mr. Waters and Mr. Boileau.

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them [illegible] of opinion that the proof against the prisoner "Vadavala Paulendoo" 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 -

17th November 1845

1. The Prisoner in this case was charged with wilful Murder in having killed his wife by striking her on the head with a stick, and in also having killed his mother in law by stabbing her with a knife.

2. After an attentive consideration of the record of this Case the Court are fully satisfied of the Prisoners guilt and are of opinion that any punishment short of death would be insufficient to meet the ends of justice.

3. Admitting the assertion of the Prisoner that his wife had been guilty of Adultery to be true, (which however is by no means proved) the subsequent murder of the Mother in law and the cool and deliberate manner in which he proceeded to effect it must in the opinion of the Court deprive the Prisoner of the benefit of all those extenuating circumstances on which the Session Judge founds his recommendation of a mitigated sentence of transportation for life.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tchicacole for his information and guidance.

(Sent following

F.C.

17th November 1845.

Read return dated the 6th Instant from the Session Judge of Tinnevelly to the precept of the Foujdaree Adalut under date the 13th October 1845 forwarding copies of Petitions presented by Iyavien and directing him to pass such Orders as the circumstances of the Case may appear to require reporting the same to the Foujdaree Adalut.

(Here enter F.C. No 3291)

Ent'd

Ill.

Wednesday 10th December 1845 — At a Court of the Tonjdaree Adalat

Present.

C. S. Wahab Esquire ——— 1st Principal Sudr

Malcolm Lewin Esquire ——— 2nd Principal Sudr

R. J. Botham Esquire ——— 3d Principal Sudr.

Read Sessions Court Report for October 1845 received from the Sessions Judge of Noakholy.

(Here Entered No 3196)

Read again also Sessions Court Report for July 1845 received from the same Officer.

(Here Entered No 2230)

Read also again return dated the 3d Ultimo from the same Officer to the precept of the Tonjdaree Adalat under date the 27th September 1845 communicating that he was to be informed under what circumstances the transmission of the record of the trial of Case No 18 of 1845, set down for reference on the 25th July ca-

Cash

last has been charged by him
(Rec'd Letter No 2067)

In a note appended to the
Report for October the Superintendent
states the 21st Ultimo remarks in respect
of the record of Case No 18 of 1865 at down
for reference to the Tongdaw Assistant on the
25th July last that the translation was
ready for his (Superintendent's) examination, by the 16th September.

In the Return of Cases
and Examinations sent in by the
Superintendent in respect of the duty which
has occurred in the absence of the
Head of the Local in question of the
31st Ultimo and the Tongdaw Assistant
was in expectation that the explanation
asked for to the Superintendent on the subject
would have induced expedition in each
part of the duties of preparing the papers
as involved on himself but it is a matter
of surprize to the Court that the papers
not on the 16th Instant had been handed to

them; they accordingly resolve to request
the Superintendent to explain the further delay
now noticed and to state to the Tongdaw
Assistant whether he cannot suggest or
accept measures for avoiding in future
the lamentable delays by which the pro-
ceedings of the Court under his charge are
so generally characterized.

Ordered that Extract from
these Proceedings be sent to the Superintendent
Jaggi Settee by precept returnable
in 7 days from date

(Subjoining precept No 2000)

Read Calendar under date
the 3d Instant of Case No 18 of 1865 sub-
mitted by the Superintendent of Chingleput
(Rec'd Letter No 2066)

The Prisoner in this case
was charged with Highway Robbery in
having beat the hands of the Prosecutrix
on the Highroad between Conjeveram
and Arcaud and stolen from her hands
the sum of Rupees 16:- - -

18th November 1845

2 The Superintendent of Police reports that the Law Officer in the Carnatic of the Court when he has accordingly sentenced to six years imprisonment with hard labor & more under Section III Regulation III of 1832 but recommends that the prescribed period of imprisonment be reduced to 3 years

3 Under the circumstances of the Case as stated in the Sentence the Court of Tinjdarew Adalut are pleased to reduce the prescribed period of the punishment to 3 years being of opinion that the crime of Robbery should be distinguished from theft by a punishment higher than that which is awarded for the latter offence

Ordered that Extract from these Proceedings be sent to the Superintendent of Police for his information & guidance

(Sent as per Endt No 2991)

Read letter dated 27th October 1845 from the Register to the Court of Sudder Adawlut transmitting for the information of the Court the Proceedings of the Court of Circuit in the Case of Mahomed Ismail Khan charged with Murder & Robbery & directing the Court to pass such sentence on the prisoner as the Court may think proper

Ordered that Extract from these Proceedings be sent to the Superintendent of Police for his information & guidance

(Sent as per Endt No 2992)

Read letter dated 27th October 1845 from the Register to the Court of Sudder Adawlut transmitting for the information of the Court the Proceedings of the Court of Circuit in the Case of Mahomed Ismail Khan charged with Murder & Robbery & directing the Court to pass such sentence on the prisoner as the Court may think proper

(Sent as per Endt No 2993)

F.C.
18th November 1845

Tinjdarew Adalut of the 11th August last calling for an English translation of the records of the trials in Cases Nos 15 and 18 of 1845 on the file of the Superior Court of Madura

(Here Entered No 3039 of 1845)

1 The Court of Tinjdarew Adalut desire to be informed whether the prisoners in these Cases were arraigned for trial as no arraignment is found in either of the records submitted.

2 If arraigned copies of the indictment must be forwarded and explanation offered of the reason of their not having been sent up with the records.

Ordered that Extract from these Proceedings be sent to the Superintendent of Police of Madura by precept returnable in 5 days from and after its receipt.

(Sent following precept No 2002)

Read return dated the 1st Instant from the Superior Court of Mangalore to the precept of the Tinjdarew Adalut under date the 15th Ultimo directing him to call up the record in Case No 132 of 1845 on the Criminal File of the Subordinate Court and to pass such orders as he may think proper, reporting the same for the information of the Tinjdarew Adalut

(Here Entered No 3246 of 1845)

Read report dated 3d Instant submitted by the Magistrate of Machinopoly & Coimbatore

9th November 1845

tried by the Magistracy under the provisions of Section XXXV Act VII of 1843 during the Month of October 1845.-

(Vide Cutcherry File No 3350 of 1845)

Read return dated the 5th Instant from the Sessions Judge of Calicut in obedience to the precept of the Foujdaree Adawlut under date the 16th Ultimo directing him to call for the record of Cases No 147 and 164 of 1845 in the Criminal Reports of the Circuit Court for August last and to report thereon as he may think proper.

(Vide Cutcherry File No 3346 of 1845)

Read report dated the 5th Instant submitted by the Sessions Chief of Cuddapah of Convict Labor for the Month of October 1845.-

(Vide Cutcherry File No 3348 of 1845)

Read return dated the 6th Instant from the Acting Sessions Judge of Mangalore in obedience to the precept of the Foujdaree Adawlut under date the 18th October 1845 calling explanations of remarks in certain Cases of the Criminal Report for the Month of August 1845.-

(Vide Cutcherry File No 3349 of 1845)

Read return dated the 5th Instant from the Sessions Judge of Canara in obedience to the precept of the Foujdaree Adawlut under date the 21st Ultimo on perusal of the Calendar for the Month of 1845 omitting the sentence passed on

9th November 1845

Judge and directing the prisoner Narrayana Shet to be unconditionally released.- Adawlut

(Vide Cutcherry File No 3301 of 1845)

Read Statement, dated the 8th Instant submitted by the Officiating Sessions Judge of Masulipatam, shewing the instances in which the powers created by Regulation X of 1832 have been exercised.- Punishment

(Vide Cutcherry File No 3302 of 1845)

Read report dated the 8th Instant submitted by the Officiating Sessions Judge of Masulipatam, of Convict Labor for the Month of October 1845.-

(Vide Cutcherry File No 3303 of 1845)

Read report dated the 8th Instant submitted by the Officiating Sessions Judge of Masulipatam of Casualties and of Prisoners released in the Zillah of Masulipatam in the Month of October 1845.-

(Vide Cutcherry File No 3304 of 1845)

Read return dated the 8th Instant from the Sessions Judge of Madura in obedience to the precept of the Foujdaree Adawlut under date the 25th Ultimo desiring to be informed what measures have been adopted for the apprehension of the persons named by the 1st and 2d Complainants in Calendar Case No 39 of 1845 on the file of the Sessions Court of Madura and what success has attended the efforts of the Magistrates to bring them and other parties concerned

19th November 1845

concerned in this robbery to trial.—

[Here Entry No 3507 of 1845]

Read report dated the 9th Instant from the Magistrate of Salem of cases tried by the Magistracy under the provisions of Section XIII Act VIII of 1843 during the month of October 1845.

[Here Entry No 3508 of 1845]

Read Return dated the 11th Instant from the Sessions Judge of Combatore to the precept of the Foujdaree Adalut under date the 31st Ultimo, containing the remarks of the Court on case No 19 on the Calendar of the Sessions Court for 1845 and returning the accompanying Petition of the Prisoner in the case.

[Here Entry No 3509 of 1845]

Read report dated the 13th Instant submitted by the Sessions Judge of Combatore of Commitments and of prisoners released from the Jail at Combatore during the month of October 1845.—

[Here Entry No 3510 of 1845]

2nd

by

Pm.

Wednesday 19th November 1845. At a Court of the Foujdaree Adalut

Present.

G. J. Waters Esquire —— 1st Puisne Judge

Malcolm Lewin Esquire —— 2d Puisne Judge

J. L. J. Borlen Esquire —— 3d Puisne Judge

Read again Extract from the Minutes of Consultation dated the 18th August 1845, No 512, transmitting for the information of the Foujdaree Adalut certain correspondence received from the Magistrate of Rajahmundry with a request that they will call for all the papers connected with the proceedings of the Sessions Court of Rajahmundry dated the 25th June 1845 and report whether they consider the case of Gang robbery therein referred to as having been committed by the Head Chief of Suddumghy, to have been properly disposed of.—

[Here Entry No 3546]

Read also return dated the 6th Ultimo from the Sessions Judge of Rajahmundry to the precept of the Foujdaree Adalut of the 1st instant directing that Officer to forward all the

the Papers connected with the Proceedings dated 25th June 1845 in the case of Gang Robbery said to have been committed by the Adda Vidane Saddaneghe

(True Extract)

The Court of Sujawa having called upon by Command to state whether the Sessions Court of Regalle in the proceedings dated 30th June last properly disposed of a case wherein Bissaka Vankabaraandy the Adda Vidane of Saddaneghe was charged with having placed himself at the Head of a numerous body of his armed dependants and attendants and caused them to lie in wait on the night of the 31st January last the Court of Bissaka Vidane with a present of Rebel upon him with his corps and upon the plaintiff also three of their servants with consequent prosecution

2d

The Sessions Court in the dismissal of the charge

leaving it open to the Magistrate to adopt such further measures as his better information should suggest and it appears to the Sujawa Adalut on a consideration of the record that in so deciding the Sessions Court acted judiciously and did all that he was required to do. If error has been committed it was in the power of the Magistrate as well as his duty to correct it, and the Court are of opinion that the fault if any has been in the Magistrate not acting promptly and with energy where it was his duty to take such measures as the peace of the district called for without looking to the Sessions Court or any other authority for the commencing of Proceedings which the law requires should originate on his own responsibility.—

3 The 1st Court does not concur in the opinions above expressed — Law recorded minutes

Ordered that Extract from these Proceedings be sent to the Secretary to Government in the Judicial Department for submission to the

Court

19th November 1825

Most Noble the Governor in Council

/Sent in No 2013/

Ordered also, that Extract from these Proceedings be sent to the Superintendent of Rajahmundry for his information and guidance.

/Sent in No 2045/5

for the

by

Thursday 24th November 1825

At a Court of the Foujdaree Adalut

Present.

G. S. Waters Esquire 1st. Puisne Judge.

Malcolm Lewin Esquire 2d. Puisne Judge.

J. C. S. Boileau Esquire 3d. Puisne Judge.

Read communication under date the 3rd. Instant from the Magistrate of Nellore.

/Have entered F. C. No. 3227/

The Magistrate reports the amendment of the wording of the charge in Case No. 58 of the foregoing Criminal Reports, and submits an explanation of the circumstances under which the Head of District Police considered himself justified in committing the above case to the Criminal Court.

Adverting to the Statement of the Head of Police that on an examination of the Prisoner neither

20th. November 1845.

was found on her breasts" the Court observe that this fact is flatly denied by the 2nd. witness the midwife who examined the prisoner by the direction of the Principal Police Ameen.

3. The Magistrate will therefore be pleased to intimate to the Head of Police who committed this case the necessity of exercising greater caution in ascertaining the sufficiency of the grounds for the commitment of prisoners previous to sending them up to the Criminal Court.

Ordered that Extract from these Proceedings be sent to the Magistrate of Chittoor for his information and guidance.

(Sent in &c.)

Read Calendar of Case No. 22 of 1845 on the file of the Sessions Court of Guntoor submitted under date the 3rd. Instant by the Sessions Judge of Guntoor.

(Here enter

No.

[illegible] as far as the Court can

20th. November 1845.

Adverting to the opinion expressed by the Sessions Judge in this case viz: "that the Prosecutor and his "Witnesses have fabricated the charge one "of Murder, against the prisoners out of "enmity." The Court of Foujdaree Adalut resolve to direct Mr. Horsley to adopt such the necessary measures for bringing all of the parties concerned in prosecuting to the flagitious a design to trial for conspir- acy, if in his opinion a charge of the this nature is sustainable.-

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

(Sent following precept &c.)

Read Criminal Reports red of under date the 1st. Instant submitted ordinat by the Subordinate Judge of Chittoor for that by the month of October 1845.- A- [illegible] ppeared

(No. 3234)

20th November 1845. Udalut seeing reason to question the propriety of the disposal of this Case resolve to direct the Sessions Judge to call up the record and to pass such orders as he may think proper reporting the same to the Sooddaree Udalut.

Case No. 132. 2 The Court direct that a clerical error observable in the concluding para of the report on this case by which the term "witnesses" has been substituted for "prisoners" may be

Case No. 163. 3 In order to enable the Court to judge of the propriety of the disposal of this case the Subordinate Judge will be pleased to state in what manner the prisoner effected his entry into the house of the Prosecutor.

Case No. 165. 4 The Court desire to be informed on what grounds the Mof. by Sudr Ameen who tried this case considered the evidence for the Prosecution to preponderate over that for the

S. W.

20th November 1845. Prosecution which as far as the Court can judge from the Statement of the case contained in the Report, would appear to substantiate the charge.

Case No. 166. 5 Adverting to the exceedingly irregular grounds on which the sentence passed in this case, since annulled by the Sessions Judge, was founded, the Court direct that the Pundit Sudr Ameen will in future be careful to dispose of cases before him with reference to the evidence adduced, irrespective of any opinion he may entertain regarding the proceedings of the Magistracy.

Case No. 171. 6 The Acting Magistrate will be pleased to submit direct to the Sooddaree Udalut an explanation of the great delay which occurred in the transmission of this case to the Criminal Court.

Case No. 173. 7 Under the circumstances of this case as stated by the Subordinate Judge the Court are surprised that the Acting Magistrate (to whom it appears

appears to have been sufficiently
should have directed the commitment
of the prisoner.

8. That reasons assigned by the
Head of Police for the delay which
curred on the transmission of the
to the Criminal Court are entirely
satisfactory.

Case No. 178

9 Assuming the Prisoner in
this case to have been a Slave the
ence of offence that
culpable negligence in omitting to
proper precautions to prevent the
of the recognizants under his charge

10. Under the circumstances of
the case the offence charged against
the prisoner should have been charg-
ted allowing the escape of prisoner
the Court direct that the wording of
fined to the statement of the charge
be amended accordingly

Ordered that Extract from
these Proceedings be sent to the

information and for communication of
paras 6, 7 and 8 to the Acting Magistrate
by precept returnable within XV days
from and after its receipt.

(Sent following precept No.)

Ordered also that Extract
from these Proceedings (paras 1) be sent
to the Sessions Judge by precept re-
turnable within XX days from and
after its receipt.

(Sent following precept No.)

appears to have been unnecessarily op-
should have directed the commitment
of the prisoner.

8.

That reasons assigned by the
Head of Police for the delay which o-
curred in the transmission of the ca-
to the Sessional Court are entirely s-
satisfactory.

Case No. 170

9

Assuming the Prisoner in
this case to have been a Slave the
are of opinion that he
culpable negligence in omitting to
proper proceedings to procure the rem
of the individuals under his charg

10.

Under the circumstances of
the case the offence charged against
the prisoner should have been charg-
ted following the words of Section 10
the Slave Act that the wording of
be amended accordingly.

Ordered that Extract fr
these Proceedings be sent to the

information and for communication of
paras 6, 7 and 8 to the Acting Magistrate
by precept returnable within XV days
from and after its receipt.

(Sent following precept No.)

Ordered also that Extract
from these Proceedings (para 1) be sent
to the Sessions Judge of Chittoor by precept re-
turnable within XX days from and
after its receipt.

(Sent following precept No.)

Ent

P.M.

Friday
21st November 1845

At a Court of the Foujdaree Adalut

Present

G. J. Walters Esquire ——— 1st Puisne Judge.

Malcolm Lewin Esquire ——— 2d Puisne Judge.

F.C.J. Moreau Esquire ——— 3d Puisne Judge.

Read Calendar of Cases to 50 of 1845 on the file of the Sessions Court of Combaconum submitted under date the 31st October 1845.

(Here enters Decl. No 1977 1845.)

1 In this Case the 1st prisoner is charged with having falsely deposed before a Head of Police in a charge of affrauth and robbery preferred before that officer, that he was Vyapoory Moodelly and Signed his deposition as such, and the 2d Prisoner is charged with having instigated the 1st Prisoner to appear and personate Vyapoory Moodelly

2 The Sessions Judge remanded the Case back to the Subordinate Court on the ground that the Complaint in which the

P. W.

Friday
21st November 1845

At a Court of the Tondaree Adalut

Present

C. J. Waters Esquire ——— 1st Puisne Judge.

Malcolm Lewin Esquire ——— 2d Puisne Judge.

T. E. J. Boileau Esquire ——— 3d Puisne Judge.

Read Calendar of Cases &
50 of 1845 on the file of the Sessions Court
of Combaconum submitted under date the 31st
October 1845.

(Here Calendar No. 1979 1845)

In this Case the 1st Prisoner
is charged with having falsely deposed before
a Head of Police in a charge of affrauth
and robbery preferred before that officer, that
he was Vyapoory Moodelly and signed his
deposition as such, and the 2d Prisoner is
charged with having instigated the 1st Prisoner
to appear and personate Vyapoory Moodelly

The Sessions Judge remanded
the Case back to the Subordinate Court
on the ground that the Complaint in which
the

the 1st prisoner persuaded by expressly threatening
murdered only a petty offence within the Cognizance of the Magistrate as Regard and
taking away 4 Rupees worth of goods, so that
any Grand Jury sitting out of such case would
not find it to be one within the Cognizance of the Sessions Court

3 It appears to the Court of
Sessions Record that the Sessions Court
should have disposed of the case without
recommending on the charge amounting to a
power to prove a false charge of Assault and
Robbery

4 It is not possible from the
manner in which the calendar is drawn
up to ascertain what the amount of goods
charged as lost or taken by the Complainant
that in case could have a record to support
the demands of the offence charged against
the 1st Prisoner, and that a more petty Grand
and theft should have been supported by
Witnesses for the

5 The Sessions Judge will accordingly call for and submit an abstract of the charge preferred and supported by the prisoners against the 1st witness and of the evidence by which it was attempted to be proved.-

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

/Sent pr Ct/

Read return dated the 4th to the Precept of the Tondaman Adalut under date the 30th October 1845, recommending the mitigated punishment recommended in favor of the 2d and 3d Prisoners in Case No 79 of 1845 on the Calendar of the Sessions Court of Tellicherry to 9 years' imprisonment with hard labor in irons.-

/Here Enter No 3371 of 1845./

Read report dated 1st Instant submitted by the Agent to the Governor at Rajapalaiam, of Cases pending on the 31st September committed for trial during the month of October 1845, and which have been before the Court of

2nd November 1845

the Agent to the Governor of Prince of Wales
Island for a period of 28 days
Calculated from the date of Commitment.

(Here enter No. 3272 of 1845)

Read Criminal Report sub-
mitted by the Sessions Judge of Chingleput
under date the 3rd Instant, for the Month of
October 1845.

(Here enter No. 3282 of 1845)

Read Criminal Report
submitted by the Sessions Judge of Tanjore
under date the 3rd Instant, for the Month of October
1845.

(Here enter No. 3268 of 1845)

Read Calendar of Cases No. 70 of
1845, submitted by the Sessions Judge of Trichinopoly
under date the 7th Instant.

(Here enter No. 3288 of 1845)

Read Calendar of Cases No. 71
of 1845, submitted by the Sessions Judge of Chingleput
under date the 6th Instant.

(Here enter No. 3282 of 1845)

F. 80.

Saturday
22nd November 1845.

At a Court of the Foujdaree Adawlut.

Present

G. J. Waters Esqre. — 1st Puisne Judge
Malcolm Lewin Esqre. — 2nd Puisne Judge
J. E. I. Boileau Esqre. — 3rd Puisne Judge.

Read Calendar of Cases Nos. 70, 71,
72 and 73 of 1845 submitted by the Sessions Judge
of Cuddalore under date the 27th Ultimo.

(Here enter No. 3173)

Adverting to the offences proved
against the prisoner charged in these 4 Cases with
robbery by open violence attended in some instances
with aggravating circumstances. The Court are of
opinion that the prisoner clearly rendered himself
liable to the penalty of imprisonment and transpor-
tation for life prescribed by Clause Second Section IV
Regulation XV of 1803, and that the sentence awarded
on him by the Sessions Judge of 14 Years imprisonment
was too lenient.

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

(Sent in No. 207)

Read letter dated 28th Ultimo from
the

The Sessions Judge of Madura.

(Here enter No. 3283)

No. 1
of Petty offences

1. With the above commitment the Sessions Judge has transmitted the Statement annually required by the Magistrate of Madura in the manner required by the Court's letter dated 20th Ultimo but the Magistrate is not satisfied of the propriety of the instances which the commitments have been made, that he does not know how it stands to the credit of a Prisoner sentenced to four months imprisonment for theft found in the possession of property believed to have been stolen, to be omitted for in Column 33 of the Statement inflicted, Letter E. but "Imprisonment" in future entered as in the present instance in Column 17 of such Statement supplies the information.

2. The Court of Register directs that in arranging the form of the Magistrate's Statement the Sessions Judge should have exactly complied with the portion of the above quoted.

3. Prisoner placed under a charge of theft in a dwelling house, originally charged with the offence charged in the Statement

mode in which charges have been disposed of by the Police and Magistracy of a District, they could not with any regard for correctness be included, as the Magistrate desires they should be, in column F. No. 33 which shows the aggregate of Persons on whom punishment has been inflicted in the form of imprisonment.

The mode of preparing the statement under observation should therefore be henceforward drawn up in the mode indicated in the Court's letter dated 20th Ultimo.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Madura for his information and communication to the Magistrate of Madura.

(Sent in No. 2018)

Read Calendar in Case No. 10 of 1845 submitted by the Acting Sessions Judge of Masulipatam under date the 5th Instant.

(Here enter No. 3283)

The Prisoner in this case was committed by the Law officer of House breaking but declared liable only to Corrected inconsequence of there being no confession on the part of the Prisoner and no eye witness to the Burglary, on a second question being put to remove the bar to

Had

Had the Law officer ordered that Rod. was upon
in consequence of the surrender of the stolen pro
by the Prisoner on apprehension.

2. The objection being removed
were rebutted and the prisoner was sentenced by
Acting Superior Judge to imprisonment with
labor for (7) seven years under clause 3rd Sec
Regulation VII of 1832 and Section XV Regulation
of 1802.

3 The attention of the Law Of
the case is called to Sections 3 of Regulation
July 1832 and he is requested to explain why
neglected to observe the instructions therein
failing to specify in the first paragraph of
grounds which render in the case in the
paragraph of this.

4 The Court wrote for the
and for the further information of the Act
Judge that I was unwilling to give the
of Regulation VI of 1832 and by law
previous to my affirming the sentence
in the case.

Read and

Read Extract from the Minutes of
Consultation dated 5th Instant, No. 814, forwarding
18th October 1845 copy of a communication from the Secretary to
Government at Bombay requesting information
regarding the rules and practise observed at Madras
in regard to the forfeiture of the property of Felons
and desiring that it be furnished by the Judges
of the Foujdaree Adalut.—

(Here enter No. 3273)

On reference to the records of the
Court it is found that it has never been the
custom of the Courts under the jurisdiction of
the Foujdaree Adalut to apply any proceeding to
the property of Convicts, which has been disposed
of according to the wish, if expressed, of the
Convicts themselves.—

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. 2020)

Read return dated 13th Ultimo from
the Subordinate Judge of Madura, to the precept
of the Foujdaree Adalut under date the 1st idem
covering the Criminal Reports for the Month
of

of August 1845.-

(Here enter F. C: No. 3035 of 1845)

Read return dated 16th Ultimo from the Subordinate Judge of Cumbaconum to the precept of the Foujdaree Adalut under date the 8th idem forwarding remarks held upon the Criminal reports for the month of August 1845.-

(Here enter F. C: No. 3064 of 1845)

Read letter dated 15th Ultimo from the Magistrate of Canara intimating that no cases were disposed of by the Magistracy under Section LIV Act VIII of 1843 during the month of September last.-

(Here enter F. C: No. 3067 of 1845)

Read letter dated 13th Ultimo from the Magistrate of Salem informing that the powers vested by Section LIV Act VIII of 1843 were not exercised by the Sub-Magistracy in this District during the month of September last.-

(Here enter F. C: No. 3068 of 1845)

Read Criminal Report dated 1st Instant submitted by the Sessions Judge of Tinnevelly for the month of September 1845.-

(Here enter F. C: No. 3069 of 1845)

Read return dated 11th Ultimo from the Sessions Judge of Mangalore to the precept of the Foujdaree Adalut under date the 3rd idem directing the

the omission of the Acting Subordinate Judge to state in his report accompanying the Return to the Death Warrant in Case No. 86 of 1845, whether any confession of his crime was made by the prisoner Dooma or not, should be supplied.-

(Here enter F. C: No. 3060 of 1845)

Read letter dated 14th Ultimo, from the Sessions Judge of Mangalore forwarding Warrant signed by him for the execution of the sentence of death passed by the Court of Foujdaree Adalut on Purdasy prisoner in Case No. 75 of 1845 on the Mangalore Calendar, and Copy of the Subordinate Judge's report certifying the execution of the sentence.-

(Here enter F. C: No. 3061 of 1845)

Read letter dated 17th Ultimo from the Sessions Judge of Salem submitting the return to the death warrant in trial No. 41 on the Calendar of the Session Court for 1845 and the letter required by the Circular order of the Court of Foujdaree Adalut of the 30th September 1830.-

(Here enter F. C: No. 3063 of 1845)

Read return dated 18th Ultimo from the Principal Sudr Ameen of Bellary to the precept of the Foujdaree Adalut under date the 15th idem containing their observations on the Criminal Reports for the month of August 1845.-

(Here enter F. C: No. 3068 of 1845)

Read

22d November 1845.

Read letter dated 15th Ultimo 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 Foujdaree Udalut on Kunja prisoner on Case N.59 on the Mangalore Calendar for 1845, with the endorsement of the Subordinate Judge certifying due execution thereof, and copy of the report made by him according to the Foujdaree Udalut Orders 3d May and 30th September 1830.

(Here enter F. U. B. No 30 of 1830).

Read letter dated 17th Ultimo from the Head Assistant Magistrate in charge of Gunteor in reply to Para 3 of the Foujdaree Udalut Court's Proceedings of the 29th September last that the Principal Sudder Ameen of Gunteor, explaining the delay of 6 days which occurred in the transmission of the case in N.89 by the Head of Police of Timmerellah Tanah, and of the steps taken to prevent a similar occurrence

(Here enter F. U. No 3073 of 1845)

Read Calendar in Case No 86 of 1845 submitted by the Sessions Judge of Cuddapah under date the 18th Ultimo.—

(Here enter F. U. No 3074 of 1845).

Entd

1

Monday.
24th November 1845.

F. U.

At a Court of the Foujdaree Udalut.

Present

The Honble George Jenkens Waters Esqre 1st Puisne Judge
Malcolm Lewin Esqre 2d Puisne Judge
Thomas I. Boileau Esqre 3d Puisne Judge

Read Petition presented by Dasee ca. Meenatchee with four enclosures.

(Here enter F. U. No. 158 of 1845.)

1. The Court in conformity with the request now preferred by the Petitioner have sent for and carefully considered the translation of the record referred to by the Sessions Judge in his return of the 17th of July last to the Precept of the Court of Foujdaree Udalut dated the 23d June but are still of opinion that the Petitioner has failed to produce proof of the robbery of her Jewels, the object of enquiry.—

2. The record fully establishes that the Petitioner her maternal Uncle Coopado and his relative Narasoo with one Kristnarow, have long been at variance with the Petitioner's two daughters Soondaram and Vandoo, together with one Chella Soobien and Colla Sheshia who are stated to have kept them, also that the latter party preferred a complaint of robbery of Jewels &c against the former on the 10th of September 1845 which was dismissed as not proved.—

Meenatchee

22d. November 1845.

Read letter dated 13th. Ultimo from the Sessions Judge of Mangalore forwarding the Warrant issued by him for the execution of the Sentence of the 3 prisoners in Case No 39 on the Mangalore Calendar for 1845, with the endorsement of the Subordinate Judge certifying due execution thereof, and copy of the report made by him according to the Foujdaree Udalut Circular Orders 3d. May and 20th. September 1830.

(Here enter F. U. No 3069 of 1845)

Read letter dated 17th. Ultimo from the Head Assistant Magistrate in charge of Gunttoor enclosing in Para 2 of the Foujdaree Udalut Court's proceedings of the 30th. September last that the Principal Inhabitants of Gunttoor, complaining the delay of 6 days which occurred in the transmission of the case No 269 by the Head of Police of Tenmenattah Tandah, and of the steps taken to prevent a similar occurrence

(Here enter F. U. No 3072 of 1845)

Read Calendar in Case No 86 of 1845 submitted by the Sessions Judge of Cuddapah under date the 18th. Ultimo—

(Here enter F. U. No 3074 of 1845)

Sd.

1

Monday.
24th. November 1845.

F. U.

At a Court of the Foujdaree Udalut.

Present

The Honble. George Jenkins Waters Esqre. 1st. Puisne Judge
Malcolm Lewin Esqre. 2d. Puisne Judge
Thomas J. Boileau Esqre. 3d. Puisne Judge

Read Petition presented by Dasseen Meenatchee with four enclosures.

(Here enter F. U. No. 158 of 1845.)

1. The Court in conformity with the request now preferred by the Petitioner have sent for, and carefully considered the translation of the record referred to by the Sessions Judge in his return of the 17th. of July last to the Precept of the Court of Foujdaree Udalut dated the 23d. June but are still of opinion that the Petitioner has failed to produce proof of the robbery of her Jewels, the object of enquiry—

2. The record fully establishes that the Petitioner her maternal Uncle coopadee and his relative Naraseo with one Kristnarow, have long been at variance with the Petitioner's two daughters Soondaram and Vanoo, together with one Chella Soobien and Colla Sheshia who are stated to have kept them and Colla Sheshia who are stated to have kept them, also that the latter party preferred a complaint of robbery of Jewels &c. against the former on the 10th. of September 1844. which was dismissed as not proved—

Meenatchee

Mendakee in her turn became the Complainant and
as before observed the record fails to shew either that
Lukea or Sudea carried off her Daughter with their
jewels contrary to their will and by force or that they
subsequently with a common Band of Men with lighted
Torches and Guns carried off her Jewels at night from
the House of the Chengulroy Naidoo a Communicant
Son after breaking down his door and violently
beating him.

2. It is evidently undoubtedly that
the Natives should (for no reason assigned) have
entrusted 2000 Rupees of property with Chengulroy
Naidoo instead of their Immediate or nearest Relations
or that if such a robbery had occurred that the Police would have discovered (as should
of them) to have happened with the latter as has they
greatly differs as to the Hour and room as to the House
whom which this robbery was committed and it is
improbable in the highest degree if it actually occurred
as the state in one Place as the night of the robbery
subject when defending himself against the charge for
fence in that by agreed to by the opposite Party
and beats by a Gang of robbers and the Doors
broken and forcibly as the charge followed, it is
certain that he would have mentioned which

he never did. He asserts positively in his depositions
made before the Session Judge who did right to examine
him that no property was given into his charge and that
no robbery was committed in his House. there are
indeed two Persons that is Narasoo and Goroovee
the wife of Cupadee (formerly accused with the
Petitioner and to whom they are relates of robbery
by the opposite Party) who assert that they witnessed
the offence but it is only necessary to read their depo-
sitions to be assured of their untruth.

The more unsupported assertion of
4. Vydalinga Moodely to the Effect that Chengulroy Naidoo
told him of the robbery goes for nothing and may be
utterly false, this is the whole of the Evidence.

There is no proof that the Magistrate
5. Rose by Search warrant discovered any Jewels &c.
proved to be plundered (and as to certain Pillows and Bed
Clothes &c. the propriety right to the same is disputed
by the Parties) it is true that the Daughters and their
Party produced certain Jewels &c. when a search was
being made or enquiry instituted, but it is not shewn
that they admitted them to belong to the Petitioner
or that they had been plundered, some of these it is
said are still in deposit, and some returned, those in
deposit to remain it would appear, until the pro-
priety right is established by Civil proceedings,
the Court think that the Lower authorities have in
this matter judiciously determined, it is impossible

without

November 1845

without such precept to say to whom the funds belong,
a suit should accordingly be instituted and the funds
remain in custody till a Decree be passed or be otherwise
to the Suitor upon good and sufficient security

b. Certain of the Petitioners' Affidavits may
be bad characters as affirmed by her, and documents
have been presented in support thereof, their Character
not however indifferent being this nothing known to
them, nor will the Letter attributed to Ragoonad
the Magistrate's Moonshee avowing as affirmed the re-
moval of the disputed property from the cognizance of
the learned Officers, prove it without direct evidence
however discreditable it may be to Ragoonad —

The Petitioners admitted before the
Sessions Judge that she had nothing to add or
in addition to what her Vakeel Goondo Buttee had
advanced and the Court are perfectly satisfied from
the proceedings of the Sessions Judge that he has done
all that could have been expected of him, and that
to have protracted the enquiry would have been
needless —

Ordered that a Copy of this
proceedings be sent to the Sessions Judge of Chittoor
for his information —

/ Sent on 3rd Dec /

Ordered also that a Certified Copy
of these proceedings be furnished to the Petitioners
for application —

Read

2. J. C.

26th November 1845

Read a Miscellaneous Petitions of
presented on the 13th October 1845 by Allootoosamy and
two others of Madura —

/ Here enter F.C. M. P. Nos 185 & 193 of 1845 /

1. The petitioners representing themselves
to be relations of the 1st three prisoners in case No. 38.
on the Madura Calendar for 1845, complain of the
sentence passed in the case and pray for the release of
the prisoners —

2. In the case in question 12 prisoners were
charged with assembling in a mob contrary to a proclama-
tion issued to them by the Magistrate and resisted his
warrant —

3. The Law Officer convicted 9 of the
prisoners acquitting the 8th, 9th & 10th and the Sessions Judge concurring in this finding sentenced
the 1st and 7th prisoners as the leaders to 10 years impri-
sonment and the 2d, 3d, 4th, 5th, 6th, 11th and 12th to 3 years
imprisonment under Section III Regulation III of 1821 —

4. The Petitioners maintain that the
charge originated in spite because the 3d and 12th prisoners had
tendered security in a suit preferred by Ekambareter
Nauchear against the Zemindar and that the charge
against the prisoners was not proved —

5 The Court of Foujdaree Adalut having
referred to the Calendar see no reason either to ques-
tion the propriety of the Conviction of the prisoners
or the justice of the sentence passed upon them —

The

without such proof to say to whom the funds belong, a suit should accordingly be instituted and the funds remain in custody till a Decree be passed or be delivered to the Suitor upon good and unexceptionable security.

6. Certain of the Petitioners Opponents may be had characters as affirmed by her, and documents may have been presented in support thereof, their Character may not however indifferent bring this robbery home to them, nor will the Letter attributed to Ragoonath the Magistrates Moonshee advising as affirmed the removal of the disputed property from the cognizance of the Zemindar Officers, prove it without direct evidence however discreditable it may be to Ragoonath.

7. The Petitioner admitted before the Sessions Judge that she had nothing to adduce in addition to what her Vakeel Goonda Butler had advanced and the Court are perfectly satisfied from the proceedings of the Sessions Judge that he has done all that could have been expected of him, and that to have protracted the enquiry would have been needless.

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

/ Sent on 28th /

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

F. R.

24th November 1845.

Read a Miscellaneous Petitions as presented on the 13th October 1845 by Montoosamy and two others of Madura.

/ Here enter F. R. No. 186 & 193 of 1845 /

1. The petitioners representing themselves to be relations of the 1st three prisoners in Case No. 38. on the Madura Calendar for 1845, complain of the sentence passed in the case and pray for the release of the prisoners.

2. In the case in question 12 prisoners were charged with assembling in a mob contrary to a proclamation issued to them by the Magistrate and resisted his warrant.

3. The Law Officer convicted 9 of the 12 prisoners acquitting the 8th 9th and 10th and the acting Sessions Judge concurring in this finding sentenced the 1st and 7th prisoners as the leaders to 4 years imprisonment and the 2d 3d 4th 5th 6th 11th and 12th to 3 years imprisonment under Section III Regulation III of 1834.

4. The Petitioners maintain that the charge originated in spite because the 2d and 12th prisoners had tendered security in a suit preferred by Ryeganoodoo Nauckar against the Zemindar and that the charge against the prisoners was not proved.

5. The Court of Foujdaree Adalut having referred to the Calendar see no reason either to question the propriety of the conviction of the prisoners or the justice of the sentence passed upon them.

The

1. The Petition is accordingly re-
-jected.

Ordered that Extract from these
proceedings be furnished to the Petitioners on their
application.

Read Miscellaneous Petition for-
-mitted on the 12th September last by Sait Appoo
on behalf of Sait Sevaloul & Zillah Puttee

(Here enter P.P. & No. of Petition)

Read also translate Petition filed
on the 23rd ultimo by Ghoolam Ahmed Vakeel on
behalf of Rayah Vapareddy Ramanadha Row
Bahadur & Zillah Puttee

(Here enter P.P. & No. 180 of 1846)

The Petitioners state that they
by the decree of this Court dated the 23d March
were directed to bring their claim
belonging to the Vapareddy family before
Petitioners have of course not brought
the decision of this Court that the peti-
-ning claim to the property in question was
by the Petitioners Vakeel states that
-court of a Special Commissioner to
the debts of the Zemindars of the
-trict, he appeared before that Officer
-ed him to cause the liquidation of

due to him by Rajah Vapareddy Jaggannatha
Baboo (elder brother of the Counter Petitioner) by
the sale of the property above referred to; in consequence
of which the Special Commissioner held certain pro-
-ceedings and referred him to a Civil Suit.—

2. The Petitioner concludes by praying
the Court to order the liquidation of the debt due
to him in conformity with the arrangements made
by the Special Commissioner regarding the other
debts of the Vapareddy Family.—

3. The Counter Petitioner sets forth
various objections to the claim advanced by Sait
Sevaloul and brings forward a Counter claim on the
part of his elder brother Rajah Vapareddy Jaggannatha
Baboo.—

4. The object of the Former of these
Petitions appears to be to induce the Court to alter
its orders under date the 23d of March 1840 in conse-
-quence of certain proceedings held before the
Special Commissioner Mr. W. Elliott.—

5. The Vakeel who presented this
Petition must have been well aware that the
nature of the proceedings adverted to was not such
as would justify the Court in pronouncing in
favor of the Petitioners' Claims.—

6. The Petition of Sait Sevaloul is
accordingly dismissed.—

Ordered

The Petition is accordingly dismissed.

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

Read Memorandum Petition dated the 1st September last by Tallapragada on behalf of Sait Sevalaul praying (Here enter Petn & Nos of 1846)

Read also Counter Petition of the 29th ultimo by Ghoolam Ruzak Saheb on behalf of Rajah Vaseredy Ramanadoo Babadoo & Lakshmi Ammah (Here enter Petn & Nos of 1846)

The Petitioner Sait Sevalaul by the Counter proceedings under date the 23d March and the 6th September 1845 praying the cancellation of the Kaipatah of Chintadrepettah belonging to the Vaseredy family kept in Petitioner Sait's Agency at Ramanadoo for the decision of the Court and to refrain the parties any claim to the property in question pending by the Zillah Adalut, states that on the report of a Special Commissioner to investigate the debts of the Zemindary of the late Rajah Vaseredy Venkatadry Naidoo, he applied to the Court to cause the liquidation of the debt due to him by Rajah Vaseredy Jugganatha Babaroo (elder brother of the Counter Petitioner) by the sale of the property above referred to; in consequence of which the Special Commissioner held certain proceedings and referred him to a Civil Suit.

2. The Petitioner concludes by praying the Court to order the liquidation of the debt due to him in conformity with the arrangements made by the Special Commissioner regarding the other debts of the Vaseredy Family.

3. The Counter Petitioner sets forth various objections to the claim advanced by Sait Sevalaul and brings forward a Counter claim on the part of his elder brother Rajah Vaseredy Jugganatha Baboo.

4. The object of the former of these Petitions appears to be to induce the Court to alter its orders under date the 23d of March 1840 in consequence of certain proceedings held before the Special Commissioner Mr. W. Elliott.

5. The Vakeel who presented this Petition must have been well aware that the nature of the proceedings adverted to was not such as would justify the Court, in pronouncing in favor of the Petitioners' claims.

6. The Petition of Sait Sevalaul is accordingly dismissed.

Order

24th November 1845.

Ordered, that Extract from these proceedings be sent to the Commissioner in Question for his information.—

/ Sent in No. 2123 /

Ordered also, that Extract from these proceedings be furnished to the Petitioner Vakeel on their application.—

Read Miscellaneous Petition presented on the 20th ultimo by Abdul Kareem of Tillah Coimbatore.—

/ Here enter F.H. Vo. 9 No. 194 of 1845 /

The Petitioner adverting to those of the circumstances stated in his address, complains of justice not being rendered him in his present state of suspension from Office, details the many grievances under which he and his family are suffering, and prays the Court to take favorable notice of his case.—

The Court of Tanjore Udalut see no reason to alter the resolution formerly recorded, and accordingly refer the Petitioner to the Proceedings of this Court dated 29th September last.

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

Read Miscellaneous petition

presented

F.H.

24th November 1845.

presented on the 10th November 1845 by Samavien of the Tillah of Chittoor.

/ Here enter F.H. Vo. 9 No. 212 of 1845 /

1. The Petitioner represents that he preferred a complaint to the Head Police of Vellore charging 7 persons with the murder of his Son in Law, and that the Police Officer only forwarded two of them to the Criminal Court. He endeavors to raise an unfavorable opinion of these prisoners by sundry allegations and prays the Court as he has been unable to obtain redress from the lower Courts to order their Commitment.—

2. The Court resolve to direct that a copy of the foregoing Petition be forwarded to the Sessions Judge who will take such notice of it as it may appear to him to deserve.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chittoor for his information by precept returnable in 10 days from and after its receipt.—

/ Sent following Precept No. 2084 /

Ordered also, that Extract of these proceedings be granted to the Petitioner on his application.—

Read return dated the 8th Instant from the Sessions Judge of Cuddalore to the precept of the Tanjore Udalut under date the 3d November 1845 directing the release of the Petitioner

on

in Case No. 81. of 1845 on the file of the Session Court of Cuddalore

/ Here take up K. No. 3296 /

Read letter dated the 28th Ultimo from the Session Judge of Combaconum submitting at the instance of the Subordinate Judge of Kiv... a correspondence between himself and the latter Officer regarding the propriety of committing an individual for perjury under Regulation III of 1826

/ Here take up No. 3361 /

It appears from the proceedings before the Panchayet that the alleged perjury has been committed by one Naranapien who misled the Court in the Civil Court regarding a matter related to the

2.

The question before the Court is whether a certain agreement executed on the 29th May 1843 by K, a party to a Civil Suit then pending in the Register Court, to H, had been extorted from K by the Duress of himself on the part of H his agent, and D duress before the Judge, after mock examination, that a deed of sale by him to K on the 30th May 1843 made the same Before entered in the abovementioned Agreement executed on the 29th when on being thus actually put and duress before the Subordinate Judge while investigating a charge of Perjury against H for order of the Civil Judge the

24th November 1845

had passed the bond of the 30th May 1843, to K, on account of a demand made by K, on the plea that the land was more than it originally was thought to be, upon H for an extra sum."

3. It is shown that the Subordinate Judge himself in the first instance, called the attention of the Session Judge to the deposition of one Naranapien who, he considered, had committed coal and deliberate Perjury and whose trial, under Regulation III of 1826, he felt disposed to recommend.

4. The Session Judge intimated to the Subordinate Judge that he was at liberty to commit Naranapien as suggested, but an immediate difficulty subsequently presented itself to the Subordinate Judge from the circumstance of the indictment laid down in the Circular Order noted in the margin as containing no provision for charging Perjury upon contradictions given upon two distinct charges, it being necessary in the case of Naranapien to allege that he had made one Statement before the Civil Court touching an enquiry into the conduct of Doraisamy Moodely and secondly to state that the 2d Deposition had reference to a fresh charge against Subbaramien before the Subordinate Court for Perjury alleged though springing out of the former was a new matter of charge altogether and with reference to the difficulty in question and the opinion of the Register Adalut in their proceedings dated 4th March last

Dated 23d Dec. 1845

1835

all penal enactments are to be construed strictly, and the bias of doubt to be allowed to operate in favor of the accused, it is to be remembered that the basis of the charge now brought forward, is a mere contradiction on a point material to the issue before the Civil Court; whereas the contradiction in the 2d inquiry is not material to that issue, because it is contradictory of a deposition in an inquiry which leads to another issue - and that both issues may be the same, yet there are two issues, and the contradiction cannot be material to more than one of them - The Prisoner should accordingly be discharged from the bar -

Ordered that Extract from these proceedings be forwarded to the Session Judge of Combaconum for his information and for communication to the Subordinate Judge -

(Sent in No. 2025)

Read letter dated the 6th Instant, from the Subordinate Judge of Combaconum, submitting translation of a Muharunamah, a document which forms the groundwork of a charge of Forgery put up by the Magistrate and requesting to be informed whether, as the document contains nothing but the unsworn statements of certain private individuals and could not, for reasons shown, be admitted as evidence by a Court of

Justice,

1835, which was discovered by the Subordinate Judge in his search for precedents, he suggested the abandonment of the prosecution he originally wished to undertake -

5. The Session Judge however, did not assent to the later view of the matter taken by the Subordinate Judge on the ground that Narrainapien had committed perjury by giving contradictory depositions in regard to one and the same charge and not as the Subordinate Judge considered, two different charges. The Subordinate Judge having adhered to his view of the point, it has come before the Sudder Adalut for determination -

6 The Court consider the Subordinate Judge to have correctly applied the former sentence of the Sudder Adalut to the matter under which Narrainpien has now been arraigned, as referred to by the Session Judge they deem it conclusively shown that the contradiction charged against the Prisoner (as a simple contradiction material to the issue) must be in one and the same judicial or inquiry, which is not the case in the matter now set before the Court and that only the charge of perjury can be sustained on the ordinary ground of perjury, (in which case the truth must be first ascertained) the charge of perjury cannot fail to the ground - Independently of the truth that

24th November 1845

Justice, the provisions of clause third Section VI Regulation VII of 1831, as explained by Circular Order Fort St George Udalut No 185, apply to the case, and that whether the Mahomedan Law makes the fabrication of such a deed a misdemeanor

/ Here ends No 8285 /

1.

The Subordinate Judge submits that pleasing the case in the very strongest light against the Prisoners, it amounts to the following, on the 9th October 1839, transferred by the deed, B, of his claim upon an award of the Commissioners, to the 2d Prisoner, who knowing the Prisoners, on the 11th of the same month, executed a false Instrument to be drawn out, that purport to, that four individuals had given the award; whereas one of the 1st Prisoners and the brother of the Prosecutor, and the latter's mother and father had left while that they or none entitled to a moiety of the deceased be passed under the award referred to, he consequently should possess a half share

2.

The Subordinate Judge submits that although they then forged the signature of them to promissory to the Instrument, the 3 others, who were still in of the real contents of it, and [illegible] made to other individuals to [illegible]

24th November 1845

to it as having witnessed its due execution, although they knew nothing whatever of the matter; that the Statement was then taken to Madras and reference made to it in a plaint filed by the 1st Prisoner in the Supreme Court, but that it was not produced before that Court and subsequently remained in the 1st Prisoner's possession, amongst his other papers, until brought to light in August last, by a Survey of the 1st Prisoner's property ordered by the Civil Judge when investigating certain charges of corruption preferred against the 2d Prisoner.—

3

The Subordinate Judge submits for reasons assigned, that assuming all the circumstances above stated (which he points out are the worst features the charge will bear) to be judicially established, it appears to him that the document on which the Magistrate, under instructions from the Civil Judge, has committed the Prisoner to the Subordinate Court, cannot be treated as a Forgery with reference to clause third Section IV Regulation XI of 1816. He doubts, also, how far a paper, although containing a false account of a transaction which never did in truth occur, and which individuals openly avow that, from one cause or other, they have signed in ignorance of the facts detailed in it, can be termed a Forgery, and that all signed this Statement, the Subordinate Judge submits he has not the slightest

Doubt

Section, the provisions of Clause third Section 8th Regulation XII of 1810, as expounded by Clause 3rd Section 4th Regulation XI of 1813, apply to the case, and further whether the Mahomedan Law makes the fabrication of such a deed a misdemeanour.

/ Here ends at No 2205 /

1.

The Subordinate Judge observes that placing the case in the very strongest light against the Prisoners, it amounts to the 1st having on the 9th October 1839, transferred the deed, No 1 of the claim after an award of the Commissioners, to the 2d Prisoner, subsequently to the 2d Prisoner, on the 11th of the same month, with a false endorsement to be drawn out of the Court's record, that four individuals had given the award, instead of the 1st and that the brother of the Contender, about the time of his mother and father had left which the 1st was entitled to a moiety of the deed that he should be prosecuted under the award referred to, he consequently should possess a half share.

2.

The Subordinate Judge observes that it appears they then forged the signature of one of them to a petition to the Board of Revenue, enclosing the 3 others, who were still in ignorance of the real contents, to sign it, and finally forged to the endorsement to the petition that they had

to it as having witnessed its due execution, altho' they knew nothing whatever of the matter; that the Statement was then taken to Madras and reference made to it in a plaint filed by the 1st Prisoner in the Supreme Court, but that it was not produced before that Court and subsequently remained in the 1st Prisoner's possession, amongst his other papers, until brought to light in August last, by a seizure of the 1st Prisoner's property ordered by the Civil Judge when investigating certain charges of corruption preferred against the 2d Prisoner.—

3.

The Subordinate Judge submits for reasons assigned, that assuming all the circumstances above stated (which he points out are the worst features the charge will bear) to be judicially established, it appears to him that the document on which the Magistrate, under instructions from the Civil Judge, has committed the Prisoner to the Subordinate Court, cannot be treated as a Forgery with reference to Clause third Section IV Regulation XI of 1810. He doubts, also, how far a paper, altho' containing a false account of a transaction which never did in truth occur, and which individuals openly avow that, from one cause or other, they have signed in ignorance of the facts detailed in it, can be termed a Forgery, and that all signed this Statement, the Subordinate Judge submits he has not the slightest

Doubt,

Jail Guard as charged with having assisted the two Convicts named Cutta and Kunatan to escape from the yard of the Cutcherry and on apprehended by the 1st Peon and also in charge of the 1st Prisoner and that the 2d Prisoner with being employed in and interfering his authority to prevent the escape of the aforesaid by the 1st Prisoner he being Defendant and the 1st forenamed Defendant

2.

The 2d prisoner was employed by the 1st prisoner Chinna Swamy Cutcherry Peon to assist him in guarding the 3 Convicts

3

Referring to the nature of the assault which was committed the 1st prisoner has been found guilty and not attempting to offer any defence and was ordered to undergo the punishment according to the custom of the Country 12 months and the charges of diet as stated by the Court and the 2d prisoner on the face and order not to be the head shall abide

4

The Court consider that the conduct of the 1st prisoner merits the approbation of the Court as he was in the execution of his duty

(Vide 1.

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

(Sent in No. 2028)

Read return dated the 16th October 1845 from the Session Judge of Honore to the precept of the Foujdaree Udalut of the 3d. Instant conveying their remarks on the statements of batta paid to prosecutors and witnesses attending before the Session Court of Honore for the half year ending 30th June 1845 and requiring explanations in certain cases.

(Here enter No. 3118 of 1845)

Case No. 32 of 1845. 1.

In this case batta is charged for 8 persons for 13 days attending and 3 days returning for 4 persons for 2 days attending and 2 days returning and for 1 person for 24 days attending.

2.

In the column of remarks appended to the batta statement it is explained that the detention of 8 witnesses for 13 days, and of the prosecutor for 24 days, was owing to one day having been taken up in the preparation of the Calendar 6 days in the trial of the case. 10 days in procuring the attendance of the witnesses for the defence 6 being Civil Court days. 3 Sundays 1 new years day and 1 Pentine holiday.

3.

Taking this Explanation to be free from all error the Court put upon it the only construction

Jail Parish of charge with having assaulted two Convicts named Carlos and Kunalan on escape from the grass of the 6th multiply and apprehended by the 1st multiply and others and bound in charge of the 1st Prisoner and that the 2d Prisoner with being employ the 6th in and interfering his authority & assault of the assault by the 1st Prisoner he being Defendant and the 1st prisoner Complainant

2.

The 2d prisoner was employed the 1st was sentenced by the Session Court Chavakachcheri to Regulation XI of three years imprisonment

Referring to the nature of this assault which was committed by prisoners has been learned and was just and not attempting to offer any and was used as to endanger the life of the Multiply according to the testimony of 12 witnesses and the danger of life as stated by the Court as and the figures on the face and could not of the trial should

3

The Court wonder that enclosed with this by the Assistant Commissioner with the Assistant The trial should have been referred to the Udaiket

24th November 1845.

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

(Sent in No. 2028)

Read return dated the 16th October 1845 from the Session Judge of Manaar to the precept of the Faujdaree Udalut of the 3d. Instant conveying their remarks on the statements of batta paid to prosecutors and witnesses attending before the Session Court of Manaar for the half year ending 30th June 1845 and requiring explanations in certain cases.

(Here enter No. 3118 of 1845)

Case No. 32 of 1844. 1.

In this case batta is charged for 8 persons for 13 days attending and 3 days returning for 4 persons for 2 days attending and 2 days returning and for 1 person for 24 days attending.

2. In the column of remarks appended to the batta statement it is explained that the detention of 8 witnesses for 13 days, and of the prosecutor for 24 days, was owing to one day having been taken up in the preparation of the Calendar. 6 days in the trial of the case. 10 days in procuring the attendance of the witnesses for the defence. 6 being Civil Court days. 3 Sundays 1 new years day and 1 Native holiday.

3. Taking this Explanation to be free from all error, the Court put upon it the only construction

Jail Clerk is charged with having detained two Convicts named Peter and Kunaloon respectively from the grass of the 6th instant and not apprehended by the 15th instant and also with having in charge of the 1st Prisoner and that the 2d Prisoner with having employed the 1st in and interfering his authority to prevent the escape of the 1st Prisoner he being a Peon Dafferdar and the 1st personal Peon

2.

The 2d prisoner was employed by the 1st prisoner to assist him in his escape

3.

Referring to the notice of this appeal which was served on the Prisoners has been heard and was found guilty and not attempting to offer any plea and was dealt with by the Court according to the Regulations 12 of 1816 and the charges of the Jail Clerk was found to be true and the Prisoners were sentenced to pay the Court fees and the Jail Clerk to be fined in the sum of Rupees Fifty each

1.

The Court considered that the conduct of the Jail Clerk was highly reprehensible in having connived with the Prisoners and allowing them to escape. The Court should have referred to the Circuit

Ordered that Extract from these proceedings be forwarded to the Session Judge of Chittoor for his information—

(Sent in No. 2028)

Read return dated the 16th October 1845 from the Session Judge of Honore to the precept of the Foujdaree Adalut of the 3d Instant conveying their remarks on the statements of batta paid to prosecutors and witnesses attending before the Session Court of Honore for the half year ending 30th June 1845 and requiring explanations in certain cases—

(Here enter No. 3118 of 1845)

Case No. 32 of 1845. 1.

In this case batta is charged for 8 persons for 13 days attending and 3 days returning for 4 persons for 2 days attending and 2 days returning and for 1 person for 24 days attending—

2.

In the column of remarks appended to the batta statement it is explained that the detention of 8 witnesses for 13 days, and of the prosecutor for 24 days, was owing to one day having been taken up in the preparation of the Calendar 4 days in the trial of the case. 10 days in procuring the attendance of the witnesses for the defence 4 being Civil Court days. 3 Sundays 1 new years Day and 1 Pentine holiday

3.

Taking this [illegible] to be free from all error, the Court put upon it the construction

2. 2. 24th November 1845

Jail Clerk is charged with having detained two Convicts named Carlin and Sivaratnam respectively from the grass of the 6th instant and 9th apprehended by the 1st instant and where they found in charge of the 1st Prisoner and the 2nd Prisoner with having assisted the said in and interfering his authority & prevented the apprehension of the 1st Prisoner, he having Desertion and the 1st sentenced to Rigorous

2.

The 2d prisoner was employed the 1st was sentenced by the Supreme Court Clause fourth Section XI Regulation XII of 1806 seven years imprisonment with Labour

3.

Referring to the nature of this offence which was committed the prisoners have been bailed and were put grant and not attempting to offer any and was ordered to undergo the like of the Philips according to the sentence of Court 12 months and the charges to defray the to put up the Guard as and when figured in the face and could not at the the last shall charge

4

The Court consider that the sentence inflicted by the inferior Court is commensurate with the offence and sufficiently The last should have been referred to the Collector

24th November 1845.

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

(Sent in No. 2028)

Read return dated the 16th October 1845 from the Session Judge of Nellore to the precept of the Foujdaree Udalut of the 3rd Instant conveying their remarks on the statements of batta paid to prosecutors and witnesses attending before the Sessions Court of Nellore for the half year ending 30th June 1845 and requiring explanations in certain cases.

(Here enter No. 3118 of 1845)

Case No. 32 of 1845. 1.

In this case batta is charged for 8 persons for 13 days attending and 3 days returning for 4 persons for 2 days attending and 2 days returning and for 1 person for 24 days attending

2.

In the column of remarks appended to the batta statement it is explained that the detention of 8 witnesses for 13 days, and of the prosecutor for 24 days, was owing to one day having been taken up in the preparation of the Calendar 6 days in the trial of the case 10 days in procuring the attendance of the witnesses for the defence 6 being Civil Court days. 3 Sundays 1 new years day and 1 Pongal 1 days

3.

Taking this [illegible] to be free from all error the Court put upon it the only

Construction

construction which would naturally arise from it was that making allowance for the intervening (3 Sundays one Native holiday and 1 new years day) 5 Days mentioned above, the trial had been taken up on every alternate day the other alternate days being Court days: that at the end of 13 Days the Examination for the prosecution having been closed the witnesses were allowed to return home and the prosecutors alone detained to be present at the examination of the witnesses for the defence: that these witnesses were summoned at the close of the examination of the prosecution but not appearing for 10 days and that on the next day the enquiry being closed the prosecutor was discharged. It being found difficult in this connection however to account for the intervention of 3 Sundays on 10 days and therefore to reconcile the statement made by the Supreme Judges Mr Civil Court diary of a somewhat tabular statement and calling for certain explanations in reply the Supreme Judge has furnished an Extract from his diary which completely alters the appearance of the Original representation given in the batta statement and shows that the great delay in this case

6.

1845	Court's statement	Supreme Judge's Diary
Nov. 28th	Explanation of Colombo Trial.	(Thursday new prisoners Civil Court day. Prosecutor examined, absent witnesses for defence in Case No 81 of 1845.
January 1845		
Thursday 1st	New years day	New years day.
Friday 2nd	Native holiday	The Prosecutor in No 1 of 1845 being removed the Prosecutor and 8 witnesses were examined Civil Court day. Sentence for prosecution in the case examined
Saturday 4th	Trial.	6 witnesses for prosecution in this case and 5 witnesses in Case No 81 examined.
Sunday 5th		
Monday 6th	Civil Court day	Holiday.
Tuesday 7th	Trial.	3 witnesses for prosecution in case No 1 examined
Wednesday 8th	Civil Court day	Civil Court day & Prosecutor and case was finally examined.
Thursday 9th	Trial.	The two accused case were disposed of and the Local Court in this case was prorogued. The time is to [illegible]

7.

Nov. 24th 1845.

January 1845	Court's statement	Supreme Judge's Diary.
Sunday 12th	—	
Monday 13th	—	Civil Court day. Prosecutor and 7 witnesses in this case re-examined, and all prisoners discharged.
Tuesday 14th	—	Prisoner put on his defence, the Supreme Prosecutor and 2 witnesses in Case No 82 examined and dismissed.
Wednesday 15th	—	Civil Court day. 6 witnesses for defence summoned. the Queens Prosecutor and 1 witness examined in Case No 83.
Thursday 16th	—	witness for defence attended but the Enquiry postponed.
Friday 17th	—	Civil Court day.
Saturday 18th	—	witness for defence examined and dismissed. Trial closed.

that therefore they would seem entitled to 2 days more batta than was charged. 2nd that the Examination for the prosecution occupied the Judge 5 days instead of 1. 3rd that tho' 14 Civil Court days would appear to have elapsed between the commencement of the trial and the dismissals of the witnesses for the prosecution only 2 of these were exclusively given to Civil business the other two being occupied in the examination of the witnesses in this case. 4th that only 2 Sundays not 3 are mentioned in the diary as having occurred to interfere with the conduct of the trial of this case, 5th that the witnesses for the defence having been summoned on the 15th January and having attended on the 23d January only 9 and not ten days were consumed in procuring their attendance. 6th that the prosecutor having been in attendance before the Court for 27 days would appear to be entitled to 27 days batta instead

arose from very different causes than those mentioned by Mr Lascelles giving in the margin the statement entered in the diary in a parallel column with that drawn up by the Court the Judges would first remark that Mr Lascelles' statement shews that the witnesses in behalf of the Prosecution in this case were detained 15 instead of 13 days and

instead of 3d. and 7th and lastly that the diary statement shows that no method or order is observed in the Sessions Court of Mymensingh in the conduct of trials. The case under remark was it appears taken up on the 31st December and only the Prosecutor examined. another case being afterwards taken up. It was not resumed till the 3d. being a local Closed Day on which day 5 witnesses for the prosecution are stated to have been examined. On the next day 10 more witnesses were examined and 5 witnesses in another case No. 1 of 1845. The case was not again taken up till the 9th January on which day 2 witnesses for the prosecution were examined. also a Criminal case was disposed of and the prisoner in case No. 1 of 1845 put on his defence. Upon on the 12th a Civil Court day the prosecutor and 7 witnesses in the case were examined and all the witnesses cross examined. On the 14th the prisoner was put on his defence and case 522. commenced on the 16th Civil Court day 8 witnesses for the defence were summoned. None appeared on the 21st but one and examined the Moonsiff reporting that. On the 25th the witnesses for the defence were examined and discharged and the case closed. The Session Judge will submit a further explanation regarding the discrepancies pointed out above and will state the reasons on which he discharges of trials by prisoners on their own

5.

In regard to the fragment of the 8 witnesses with [illegible] in the Calendar the

Session Judge explains that the number of witnesses for the prosecution was 8. exclusive of 2. Peons. but including a witness whose name was omitted in the Calendar by mistake. This 8th witness he observes is shown in the Mahomedan Law Officers Futwah.

6. The Court have again referred to the Calendar and find that in the Futwa it is stated that 7th and 8th witnesses depose to a certain jewel being the Prosecutrix's property. but in the abstract of the evidence on the body of the Calendar the 8th witness is described to be an attesting witness. The Session Judge will accordingly by the first post proceeding the receipt of these orders forward direct to the Sudder Dewanny Adawlut the original record of the trial in this case.

7th The Court are by no means satisfied with the explanation of the delay in this case and they consider the examination of part of one case and part of another in the same day except for good reasons fully stated to be highly objectionable. with regard to the extract of the diary appended to this case. the Court find that it does not exactly tally with the Extract given in Case No. 32. They presume however that the difference arises from oversight and want of due precaution. The Session Judge will however explain the discrepancies which are apparent on the face of the extract forwarded with this letter.

8 In this case 8 witnesses were detained for 12 days 2 for 11 days 1 for 10 days and 1 for 9 days

and

24th November 1845.

and it is recorded in the Calla statement that the detention of 12 witnesses from 9 to 11 days was owing to 1 day having been taken up in the preparation of the Calendar 4 days in the trial of the Case 5 days being Civil Court days 2 Sundays 2 Session Court days being adjourned in consequence of the Mahomedan Law Officer having obtained permission to examine the numerous witnesses in attendance in his Court in Civil cases.

9 The Court found on reference to the Calendar that this trial commenced on the 27th January and closed on the 6th February, being 11 days and allowing one day for the preparation of the Calendar and an intervening Sunday the case it might be explained how the days has been charged for and also in what principle the several witnesses were discharged.

10

1845			
June			
Friday 25th	Civil Court day the 3rd was received the Cals were perused in No 4 and the prosecutor passed a Criminal case was examined	Seven persons were in attendance on Friday the 25th and Saturday the 26th January, after which an additional witness having appeared 12 persons were in attendance from Sunday the 26th January to 1st February on which day 1 witness was discharged the other 11 persons were in attendance on the 2d a civil Court day another witness was discharged. The remaining 10 were in attendance on the 3d and 4th on which days 7 of them were discharged. The remaining 3 persons were in attendance on the 5th and 6th on which day they were discharged.	and the proceedings perused and a Criminal case examined. On Sunday the 26th another witness appeared. On Monday the 27th a Civil Court day the Prosecutor and 1st 2d and 11th witnesses were examined. The Case was then postponed till on Saturday the 1st February to allow the Moorfty to get thro' Civil work. On Saturday the 1st February the 3d witness was examined and the 11th witness re-examined, on the same day the 1st witness was discharged.
Saturday 26th			
Sunday 27th	Civil Court day the 3rd 4th 5th 6th 7th 8th witnesses examined. a Criminal case was perused of the Moorfty having requested that the attendance might be dispensed with for two days to enable him to examine witnesses in attendance in his or the 2d a civil Court in Civil cases this request was complied with		

9 The other 11 persons were in attendance on (Sunday) the 2d on which day another witness was discharged. The Session Judge has omitted to give the number of this witness on the 4th February the 4th 5th 6th and 7th witnesses were examined, and on the same date of these 10 remaining in attendance 7 were discharged. On Thursday the 6th February the 8th 9th and 10th witnesses were examined the 2d witness was re-examined and the Prisoner was also put on his defence and the trial closed.

It is to be observed in this case on that the two first days were entirely lost. There is no reason shewn why the Calendar could not have been prepared on the 24th and the trial commenced on the 25th. The Session Judge will explain this point

From the Extract of the Session Court Diary and the explanation of the Session Judge appended in the margin, it appears that in this case 11 persons were in attendance on Friday the 25th January a Criminal Court day that on the next a Criminal Court day a similar number of persons being present the Calendar was prepared

found and will also give the number of the entry that
did not appear till the 18th January last in favour
of one of the 5 witnesses delivered till the close of the
trial as only 4 witnesses on charges until 18 days before
the 1st witness examined having closed on the 20th
January the Court deem it unnecessary to enter into
charges till the 1st February when only the witnesses
were in attendance on the 2nd February one of the
witness (whose name must be given) was then
charged on that day the defence stopped until
why the witness returned on the 24th February could
not have been discharges on the 1st day of
February it is shown by the Entry that only the Crown
have examined nothing in all of persons of these
2 are shown to have been discharges on the 1st and
2nd February and the 2d witness was re-examined on the
6th the Court are therefore unable to understand
how 7 persons could have been discharges on the 1st
and they further require to know if the Prisoners
were present before the close of the trial and if so
on what principle of the rule obtained till the
close of the trial the Crown stage will explain
why the second fresh bills for charges and also
why the 2d witness was not found bills for a
similar period.

Case No. 5. 13.

The Case No. 5 witnesses were ob-
tained for 10 days and for the

25th November 1826

Friday 3d Prisoners & Ct
Saturday 4th Court (1)
Sunday 5th
Monday 6th Court (2)
Tuesday 7th Court (3)
Wednesday 8th Court Court (3)
Thursday 9th Court (4)
Friday 10th
Saturday 11th

offences was that day had been taken up in the preparation
of the Calendar & steps in the trial of the case 3 being on
Court Court days and 2 Sundays. The trial having com-
menced on Saturday the 8th March, the Court found by a
computation made in strict accordance with the Session
Judge explanation (vide margin) that the proceedings in
the trial must have closed on Saturday the 18th March
they therefore required to know why a second Sunday
was charged for and how this date was reconcilable with
the date entered in the Calendar as that on which the
trial closed viz the 18th March.

The diary extract shows 1st that
the 6th day from the receipt of the case was Wednesday
the following the 8th March. 2 witnesses were exami-
ned on Saturday the 11th and 2 were re-examined and
2 more examined on the Thursday the 13th and 2. no
witnesses were examined on Saturday the 18th.

The Court desire to know what witnesses
were discharges on the 13th and why he could not have
had discharges on the 10th and what witnesses were dis-
charges on Saturday the 16th and why they could not have
been returned on the Saturday.

The Court also find that the trial
of the case occupied 6 days not 4 as stated in the table
referred to. The Crown Judge will explain this discrepancy.

In case No 5 it was explained that

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tained at
of partic
Judge
necessary
ther or
fine or
themselves

the detention of the Prisoners for 20 days over any 3 days having been taken up in the trial of the Case and of witnesses preserving the attendance of witnesses.

17. The Court of Enquiry should remember that it would appear from the Calendar that 3 witnesses were originally forwarded in this case to the Session Court together with two Police Peons and 3 days batta for attending charges for them and also that 2 other witnesses were subsequently summoned and 2 days batta charged for them, and therefore that the trial occupied the Session Court 5 and not 3 days as entered in the batta Statement required an explanation of this discrepancy.

18. The Session Judge explains that "5 witnesses were originally forwarded. Of "these 3 were Canara Servants, and received no batta "the other two received batta, for 2 days on which they "attended as entered in the Batta Statement. The "additional witnesses for prosecution were subsequently "summoned. These were Canara Servants and received "no batta. These two are not entered in the Batta "Statement. Three witnesses were summoned with 3 for the "defence they attended two days and received two days "batta, and on being discharged they received one day "batta to return; making 3 days batta four entered "of these 3 Witnesses.

19. In the batta Statement it is

certified that 3 witnesses received batta for 3 Days attendance and for 1 day to enable them to return in this reply the Session Judge declares that only 2 days batta for attendance was paid to the three witnesses, and 2 days batta to enable them to return.

20. The Session Judge has failed to submit the explanation called for in this case, viz: how when the trial must have occupied 5 or even more days he allowed himself to state it occupied but 3. and his reply shews another erroneous statement viz: that batta was paid for 3 days attendance and 1 days journey, while in fact it was paid for 2 days attendance and 2 days journey to each of 3 witnesses.

21. The Session Judge will explain this discrepancy will supply the misprint above pointed out and will submit the record of the trial in this case and an Extract of his diary.

22. The explanation on the remaining case shews that the proceedings of the Court are conducted in a most dilatory and unsatisfactory manner and the Court are not at all surprised at the very heavy bill of charges on account of batta which has been submitted by the Session Judge.

23. The Court deem it unnecessary to enter into a consideration of any of the other points alluded to in this reply. they confine ourselves

the detention of the Prosecutor for 20 days over any 3 days having been taken up in the trial of the Case and of course preventing the attendance of witnesses.

17. The Court of Enquiry shall remark that it would appear from the Calendar that 3 witnesses were originally forwarded in this case to the Session Court together with two Police Peons and 3 days batta for attending charges for them and also that 2 other witnesses were subsequently summoned and 2 days batta charged for them, and therefore that the trial occupied the Session Court 5 and not 3 days as entered in the batta statement required an explanation of this discrepancy.

18. In his reply the Session Judge explains that "5 witnesses were originally forwarded, Of "them 3 were Siccan Servants, and received one batta "the other two receive batta, for 2 days on which they "attended as entered in the Batta Statement. Three "additional witnesses for prosecution were subsequently "by Summons. these were Siccan Servants and received "no batta. these two are not entered in the Batta "Statement. Three witnesses were afterwards called for the "defence they attended two days and received two days "batta, and on being dismissed they received two days "batta to return, making 4 days batta paid to each "of these 3 Witnesses.

19. In the batta Statement of the

certified that 3 witnesses received batta for 3 days attendance and for 1 day to enable them to return in this reply the Session Judge declares that only 2 days batta for attendance was paid to the three witnesses, and 2 days batta to enable them to return.

20. The Session Judge has failed to submit the explanation called for in this case, viz: how when the trial must have occupied 5 or even more days he allowed himself to state it occupied but 3. and his reply shews another erroneous statement viz: that batta was paid for 3 days attendance and 1 day's journey, while in fact it was paid for 2 days attendance and 2 days journey to each of 3 witnesses.

21. The Session Judge will explain this discrepancy will supply the omission above pointed out and will submit the record of the trial in this case and an Extract of his diary.

22. The explanation in the remaining case shews that the proceedings of the Court are conducted in a most dilatory and unsatisfactory manner and the Court are not at all surprized at the very heavy bill of charges on account of batta which has been submitted by the Session Judge.

23. The Court deem it unnecessary to enter into a consideration of any of the other points alluded to in this reply. they confine themselves

themselves entirely to those on which the Session Judge has failed to satisfy them and they trust that in future the Session Judge will be careful to bestow himself in the same way and make his returns as simple, brief and concise in its nature as is compatible with a due explanation of the points attended to.—

Ordered that Extract from these proceedings be sent to the Session Judge of Hooghly for his information by Precept returnable in 8 days from and after its receipt.—

I shall following Precept &c &c

Submitted by the Session Judge of Chittagong under date the 3d Instant.

/ Here enter No. 3215 /

1.

In this case the 2 prisoners are charged with having at night gone armed into the dwelling house of the Zemindar and therefrom robbed Cash, cloths &c to the amount & value of Rupees 67. 7 a. of the property of the Prosecutor.

2.

The Law Officer is of opinion against the prisoners but the Mahomedan

a second futwa he found them guilty of Theft

a third futwa was then taken to remove the bar to which and the prisoners finally sentenced by the Sessions Judge under the provisions of Section XXI Regulation VII of 1802 to seven years imprisonment with hard labor in irons.

Before finally disposing of this futwa the Court of Sudder Adalut resolve to desire the Session Judge to call on the Law Officer to state whether in his second futwa he found the prisoners guilty of the wounding charged or whether he convicted them merely of theft.—

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

The following Precept &c &c

Read Criminal Reports under date the 1st Instant submitted by the Subordinate Judge of Rajahmundry for the month of October 1846.

/ Here enter F. R. No. 3279 /

Adverting to the rule laid down

Con No. 66
of 1st Sept 1846.

1.

in the Circular Order noted in the margin, the Court observe that the Subordinate Judge has omitted to state the nature of the former offences proved against the Prisoner in this case which are assigned as the grounds for his commitment to the Session Court.

The Court desire that this

2.

omission may now be supplied, and that in future the rule laid down in the Circular Order above

quoted

24th November 1845

quotes may be strictly adhered to by the Subordinate Judge —

Case No 64 3

In order to enable the Court to appreciate the applicability of the authority quoted for the disposal of this case, the Subordinate Judge will be pleased to state before whom the false complaint charges against the Prisoner was preferred —

Ordered that Extract from these proceedings be sent to the Subordinate Judge of Rajahmundry for his information by Precept returnable within X days from and after the receipt

/ Sent following Precept No 2031 /

Read Calendar or Case No 76 of 1845 on the file of the Sessions Court of Cuddalore —

/ Here enter No 3363 /

The 1st prisoner in this Case was convicted of Housebreaking and sentenced to 7 years imprisonment with hard labor in irons under Section XXI Regulation XII of 1822. The 2d prisoner was convicted of receiving stolen property knowing it to have been stolen, but the Session Judge, being of opinion that the punishment prescribed by that Section IV Regulation XI of 1822 is too severe recommends a mitigation thereof —

2.

The Court of Zillah Cuddalore having maturely considered the circumstances of the

FU

24th November 1845.

case represented in the Calendar, sanction under Section XXXV. Act VII of 1843, the mitigated punishment recommended by the Session Judge, and accordingly direct that the prisoner —

Anjella

be imprisoned and kept to labor suitable to her sex, for and during the period of three years —

Ordered, that Extract from these proceedings be forwarded to the Session Judge of Cuddalore, for his information, by Precept returnable in 5. days from and after its receipt —

/ Sent following Precept No 2032 /

Read again Criminal Report under date the 3d Ultimo submitted by the Subordinate Judge of Cuddalore for the month of September 1845 —

/ Here enter FU. No 2942 /

Read also return under date the 1st Instant from the Subordinate Judge of Cuddalore to the precept of the Foujdaree Adalut dated the 25th Ultimo directing that Officer to forward to the Magistrate certain remarks contained in this Courts proceedings of the same date, and to explain the reasons which have induced him not to avail himself of the appellate of the Subordinate attached to this Court during the period embraced in the above Criminal Reports —

/ Here enter FU. No 3246 /

The reasons assigned by the Subordinate Judge for having neglected to avail himself of the

and

The 5th prisoner in this case convicted of receiving stolen goods knowing them to be stolen was sentenced to 7 years imprisonment under Clause fourth Section IV Regulation VII of 1832 —

The 2d and 3d prisoners village Chaukidars were convicted of having fraudulently appropriated property which they must have known had been stolen and in search of which they had been sent and under Clause fourth Section IV Regulation VII of 1832 were sentenced to two years imprisonment with hard labor in irons

The 1st prisoner convicted of having stolen from the 2d and 3d Prisoners the stolen property which they had received, has been sentenced to one years imprisonment with hard labor in irons under Clause fourth Section IV Regulation VII of 1832 —

The 4th prisoner convicted of having concealed property knowing the same to be stolen has been sentenced under the provisions of Clause fourth Section IV Regulation VII of 1832 to 15 days imprisonment without irons —

The Court are unable to appreciate the grounds on which a less measure of punishment has been awarded to the 2d and 3d prisoners than to the 5th so to account for such lenient sentences having been generally passed in a case of theft of such large amount as the one under review and they requires that a detailed statement of the case be submitted for their consideration —

The Court

Ordered

25th November 1845.

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

(Sent following Precept No. 2284/4

J. U.

Tuesday 25th November 1845.

At a Court of the Foujdaree Udalut.

Present.

Hy: I: Waters Esqr. ——— 1st Puisne Judge

Malcolm Lewin Esqr. ——— 3d Puisne Judge

J: E: I: Boileau Esqr. ——— 3d Puisne Judge.

Read the Criminal Reports submitted by the Acting Agent to the Governor of Fort St. George at Ganjam for the Month of September 1845.

(Here enter No. 3351)

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

(Sent in No. 2038)

Read Calendar of case No. 48 of 1845 submitted by the Session Judge of Salem under date the 8th Instant.—

(Here enter No. 3317)

1. Three Prisoners in this case were charged with having attacked the Prosecutors on the high road and robbed them of their property valued at about Rupees 7-8-11.—

The

2. The Law officer considers the Pr. and 3d Prisoners of the crime charged and declared them liable to Ookoolut. Both having denied owing to part only of the stolen property having been discovered and because the value of the property robbed, when divided between the prisoners was under Rupees 10 he referred to the evidence of the Prosecutor, who identified the 3d Prisoner and pronounced him liable to Imprisonment or release on Tehmut zerfee, because he absconded being at the 1st and 3d Prisoners houses on the day charged.

3. On a second perusal he declared the 3d prisoner also committed liable to Ookoolut.

4. The Sessions Judge therefore declared each of the three prisoners to the 7 years imprisonment with hard labor in irons on the public roads or other public works, under Clause third Section IV Regulation XV of 1803.

5. The Court of Foujdaree Adawlut observe that the objection taken by the Law officer to the evidence of the Prosecutor against the 3d Prisoner would appear to have affected their credibility and their competency; and that therefore it was not in the power of the Sessions Judge to overrule it, and they also consider that the declaration of the 1st witness tended to show that the 3d Prisoner was not identified

6. They accordingly resolve to desire the Sessions Judge to submit without delay an English translation of the record of the trial.

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

(Sent following precept No. 2039).

Read Calendar of Case No. 38 of 1845 submitted by the Sessions Judge of Coimbatore under date the 8th Instant.

(Here enter No. 3354)

1. The prisoner in this case is convicted by the Law officer of Gang robbery and the Sessions Judge has sentenced him under the provisions of Clause 3d Section IV Regulation XV of 1803 to 14 years imprisonment with hard labor in irons from the date of the Warrant stating at the same time that the fact of the prisoner having absconded to the Zillah of Salem, with other circumstances induced him to place dependence on the evidence as to recognition.

2. Before disposing of this Calendar the Court of Foujdaree Adawlut desire to be informed whether the earlier Police reports show that this Prisoner was denounced upon the Commission of the robbery when he absconded and what the other circumstances

2. The Law officer convicted the 1st and 3d Prisoners of the crimes charged and declared them liable to Ookoobut. Ruth being barred owing to fact only of the stolen property having been discovered and because the value of the property robbed, when divided between the prisoners was under Rs.10. He agreed to the evidence of the Prosecutor, who identified the 3d Prisoner and pronounced him liable to Tazeer, proceeding at the 1st and 3d Prisoners houses on the day charged.

3. On a second futwah he declared the 3d prisoner also convicted and liable to Ookoobut.

4. The Sessions Judge therefore sentenced each of the three prisoners to 14 years imprisonment with hard labor in irons on the public roads or other public works, under Clause third Section IV Regulation XV of 1803.

5. The Court of Foujdaree Adalut observe that the objection taken by the Law officer to the evidence of the Prosecutor against the 3d Prisoner would appear to have affected his credibility and their competency, and that therefore it was not in the power of the Sessions Judge to overrule it, and they also consider that the declaration of the 1st witness tended to shew that the 3d Prisoner was not identified

They accordingly resolve to desire

6. the Sessions Judge to submit without delay an English translation of the record of the trial.

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

(Sent following precept No. 239).

Read Calendar of Case No. 38 of 1843 submitted by the Sessions Judge of Coimbatore under date the 8th Instant.

(Here enter No. 3354)

1. The prisoner in this case is convicted by the Law officer of gang robbery and the Sessions Judge has sentenced him under the provisions of Clause 3d Section IV Regulation XV of 1803 to 14 years imprisonment with hard labor in irons from the date of the Warrant stating at the same time that the fact of the prisoner having absconded to the Zillah of Salem, with other circumstances induced him to place dependence on the evidence as to recognition

2. Before disposing of this Calendar the Court of Foujdaree Adalut desire to be informed whether the earlier Police reports shew that this Prisoner was denounced upon the Commission of the robbery when he absconded and what the other circumstances

2. The Law officer convicted the 1st and 3d Prisoners of the crime charged and declared them liable to Ookoobut. Both being banished owing to fact only of the stolen property having been discovered and because the value of the property robbed, when divided between the prisoners was under Rs 50 he agreed to the evidence of the Prosecutor, who identified the 3d Prisoner and pronounced him liable to Tazeer, punishment or release on Tohmut zeyfer, because he subsequently being at the 1st and 3d Prisoners houses on the day charged.

3. On a second petition he declared the 3d prisoner also convicted and liable to Ookoobut.

4. The Sessions Judge therefore sentenced each of the three prisoners to 7th Years imprisonment with hard labor in irons on the public roads or other public works, under Clause third Section IV Regulation XV of 1803.

5. The Court of Foujdaree Adalut observe that the objection taken by the Law officer to the evidence of the Prosecutor against the 3d Prisoner would appear to have affected their credibility and their competency, and that therefore it was not in the power of the Sessions Judge to mention it, and they also consider that the declaration of the 1st and 3d prisoners tended to show that the 3d Prisoner was not identified

6. They accordingly resolve to desire the Sessions Judge to submit without delay an English translation of the record of the trial.

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

(Sent following precept No. 239).

Read Calendar of Case No. 38 of 1843 submitted by the Sessions Judge of Coimbatore under date the 8th Instant.

(Here enter No. 3354)

1. The prisoner in this case is convicted by the Law Officer of Gang robbery and the Sessions Judge has sentenced him under the provisions of Clause 3rd Section IV Regulation XV of 1803 to 7th Years imprisonment with hard labor in irons from the date of the Warrant stating at the same time that the fact of the prisoner having absconded to the Zillah of Salem, with other circumstances induced him to place dependence on the evidence as to recognition

2. Before disposing of this Calendar the Court of Foujdaree Adalut desire to be informed whether the earlier Police reports shew the Prisoner was denounced upon the [illegible] suspicion of the robbery when he absconded a[illegible]

3.

(No 80 of 1843)

Read

circumstances" are which induced the Sessions Judge to place dependence on the evidence to the recognition.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddalore by precept returnable in 5 days from and after its receipt.—

(Sent following precept No. 2040).

Read report of cases tried by the Acting Magistrate of North Arcot under the provisions of Section LIV. Act VII of 1843 during the Month of October 1845.

(Here enter F. R. No. 3334 of 1845)

1. The Court have noted that Section LIV Act VII of 1843 does not give to Magistrates the power in respect of cattle stealing which is conferred on Criminal Judges by Regulation VII of 1832.

2. Under this interpretation the Magistrate had not jurisdiction in the case reported in the above report which should have been forwarded by the Sessions Judge direct to the Subordinate Court. The Magistrate will be pleased to issue the necessary instructions to his Police officers in order to prevent similar cases being in future forwarded to him for disposal.

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

(Sent in No. 2041)

Interpretation

Interpretation

Of Section LIV Act VII of 1843.

The question having been referred to the Foujdaree Adawlut whether a Magistrate, under the additional powers vested in him by Section LIV, Act VII of 1843, could punish charges of Cattle Stealing to the extent laid down in Section VII, Regulation X of 1816, it appearing to the officer who submitted the reference that the powers of the Magistracy with regard to cattle stealing had not been extended by the Act quoted, and that only petty cases could, as hitherto, be disposed of by them under the provisions of Section III, Regulation VI of 1827; the Court concurred in opinion with the officer in question, stating that they considered Section LIV, Act VII of 1843 did not give to Magistrates the powers conferred on Criminal Judges by Regulation VI of 1832.—

By the Foujdaree Adawlut.—

(Sent in No. 2042)

Read Calendar in Case No. 59 of [illegible] submitted by the Sessions Judge of Cuddapah under date the 18th. Ultimo.—

(Here enter F. R. No. 3077 of 1845)

Read Calendar in Case No. 8 of 1845.— submitted by the Officiating Sessions Judge of Masulipatam under date the 11th. Ultimo.—

(Here enter F. R. No. 3080 of 1845)

Read

25th November 1845

Read letter dated 17th Ultimo from the Principal Sudr Ameen of Cuddapah stating that a delay of few days has unavoidably occurred in the transmission of the accompanying Criminal Reports for September last

(Here enter F. C. No 3081 of 1845)

Read return dated 18th Ultimo from the Sessions Judge of Bellary to the precept of the Foujdaree Adawlut under date the 8th idem stating that he has omitted to record the sentences passed in Cases Nos 1 & 2 of the Criminal Reports for the month of August 1845

(Here enter F. C. No 3082 of 1845)

Read return dated 18th Ultimo from the Principal Sudr Ameen of Tanjore to the precept of the Foujdaree Adawlut under date the 8th idem directing that the proceedings held by the Subordinate Judge in Criminal Case No 1 for 1840 should be called up, and such other proceedings as might seem requisite

(Here enter F. C. No 3083 of 1845)

Read return dated 18th Ultimo from the Principal Sudr Ameen of Tanjore to the precept of the Foujdaree Adawlut under date the 8th September 1845 enquiring the sentences passed in two Criminal Cases of the Calicut Reports for the month of August 1845

(Here enter F. C. No 3084 of 1845)

Read return dated 17th Ultimo from the Sessions Judge of Bellary to the precept of the Foujdaree Adawlut under date the 6th idem stating that the proceedings held by the Subordinate Judge in Criminal Case No 1 for 1840 should be called up, and such other proceedings as might seem requisite

(Here enter F. C. No 3085 of 1845)

25th November 1845

Read letter dated 18th Ultimo from the Magistrate of Madura, explaining delay in forwarding Cases Nos 130 and 131 to the Criminal Court.

(Here enter F. C. No 3091 of 1845)

Read return dated 22nd Ultimo from the Subordinate Judge of Bellary to the precept of the Foujdaree Adawlut under date the 8th idem stating that the term "House breaking" should have been omitted in the heading of the charge in Case No 102 of the Criminal Reports for the month of August 1845; and that the Prisoner should have been sentenced under Clause 4th Section III Regulation VI of 1822 - requiring parts 5 and 6. to be communicated to the Magistrate and substituting the use of the term "Felony" in Case No 100 of the said report.

(Here enter F. C. No 3140 of 1845)

Read return dated 24th Ultimo from the Sessions Judge of Chittoor, to the precept of the Foujdaree Adawlut under date the 21st idem calling upon him to remove by a Second question the bar to hind and dispose of the case No 24 of 1845 under Section XXI Regulation VII of 1802.

(Here enter F. C. No 3142 of 1845)

Read return dated 24th Ultimo from the Sessions Judge of Nellore to the precept of the Foujdaree Adawlut under date the 17th idem directing him to ascertain from the Law officer of the Zillah and report for the infor-

of

25th November 1845.

of the Foujdaree Adawlut the causes which led to a delay of 9 days in the delivery of the Futwa in Calendar No 22 of 1845 after the conclusion of the trial.—

(Here enter F. R. No 3143 of 1845)

Read return dated 23d Ultimo from the Sessions Judge of Mangalore, to the precept of the Foujdaree Adawlut under date the 17th October 1845, directing him to supply the omission of the date of sentence in the Futwa in Case No 54 of 1845.—

(Here enter F. R. No 3150 of 1845)

Read letter dated 22d Ultimo from the Sessions Judge of Rajahmundry, reporting that the final sentence of the Court of Foujdaree Adawlut upon the Prisoner Garee Bundy, Peraya in Case No 73 of 1845 has been duly executed.—

(Here enter F. R. No 3152 of 1845)

Read Calendar in Case No 21 of 1845 submitted by the Sessions Judge of Honore under date the 18th Ultimo.—

(Here enter F. R. No 3155 of 1845)

Read return dated 18th Instant from the Subordinate Judge of Bellary to the precept of the Foujdaree Adawlut under date the 1st idem directing to be informed what orders have been taken by the Magistrate of the conduct of the Police for detaining the Prisoner in Case No 130 of the Calendar of the Zillah for the month of September 1845 for 3 days before forwarding him to the district Head of Police and calling the attention of the Magistrate to the conduct of the Police officers in keeping the Prisoner in Case No 136 without food for 3 days, if true the grounds for the Prisoner's statement.—

(Here enter F. R. No 3[illegible]

Wednesday
26th November 1845.

At a Court of the Foujdaree Adawlut.

Present

George L. Waters Esqre 1st Puisne Judge.
Malcolm Lewin Esqre 2nd Puisne Judge.
T. E. L. Dorleau Esqre 3rd Puisne Judge.

Read Calendar under date the 7th instant of Case No 24 of 1845 submitted by the Sessions Judge of Nellore.

(Here enter F. R. No 3146)

1. The Prisoner in this case was charged with having beaten the 1st prosecutor on the head with a thick stick so as to cause a severe wound and with having also beaten the 2nd prosecutor with the same stick so severely that his collar bone was broken and his left arm in consequence permanently disabled. The 2nd has was charged with having beaten the prosecutor with his fists.

2. The Sessions Judge concurring in the Futwah of the Law Officer who convicted the 1st Prisoner and declared him liable to Dookoot, but acquitted the 2nd Prisoner, sentenced the former to seven years imprisonment with hard labor in irons under Clause Second Section II, Regulation XV of 1808, but in consideration of

the

the accused cannot that the injury done to the eye of the 2nd
prosecutor might not have been the means of his not having
received proper medical aid, requested the attention of the
Court as to the propriety of mitigating the sentence

3 The Assistant Judge then delivered the
Records of the 2nd Prisoner.

4 Due attention and consideration of the rule
& Circumstances of this case as represented in the Calendar,
the Court are of opinion that any higher punishment than
that awarded to the 1st Prisoner would be unmerited by the
offence of which he had been convicted

5 The Court do therefore remit the fining pronounced in part sentence
the forfeiture of the accumulative contents of the 2nd part sentence
but will refrain from interfering with the sentence of the Assistant
Judge in this instance.

6 The 3rd Question put by the Assistant Judge
appears to have been unnecessary as the evidence of the 3rd 4th
& 5th witnesses was considered by the Court sufficient
sufficient to establish the charge.

Ordered that Extract from these
proceedings be sent to the Assistant Judge of a Station for
his information.

(Sent in a Letter No 2048)

26th of November 1845.

date the 12th Instant submitted by the Principal Sudr
Ameen of Trichinopoly for the month of October 1845.

(Here enter Advertisement No 3378)

Cowle No 25. 1

Circular Order 14th November. Advertisement shown in the Circular Order noted in the Court of Foujdaree

Adalut observe that the Principal Sudr Ameen had omitted to state under what Regulation this case was disposed of.

2 The Court desire that the above omission may be supplied.

Cowle No 26. 3 The Principal Sudr Ameen in

willing to pass sentence upon the Prisoner in this case who was charged with escape, in consequence of the charge preferred against him in the preceding number not having been yet disposed of, has acted in direct opposition to the rule laid down in the Circular Order noted marginally.

Circular Order 18th July 1845. 2

The Court accordingly direct that a

4 separate punishment be awarded to the Prisoner for the "escape" (if it be proved against him) to commence on the expiration of any sentence that may be passed for the original offence which led to his confinement.

Ordered that Extract from these

Proceedings be sent to the Principal Sudr Ameen

F.R.

26th November 1865.

26th November 1865.

table within X days from and after its receipt.

(Sent following receipt & Rs 2244)

Read Criminal Report under date the 8th Instant submitted by the Principal Sudder Ameen of Masulipatam for the month of October 1865

(No cases entered F.R. of Nos 88 & 89)

Cases Nos 87 1 A copy of the Contents from the Proceedings of the Session Court which are granted as the authority for the commitment of the case noted marginally should have been entered in this Report

2 The Court desire that this be made may be now supplied.

Ordered that Proceedings be forwarded to the Principal Sudder Ameen of Masulipatam for his information by receipt returnable within 2 days from and after its receipt.

(Sent following receipt No 2245)

Read Criminal Report under date the 12th Instant submitted by the Principal Sudder Ameen of Ellore for the month of October 1865

(No cases entered F.R. of Nos 88 & 89)

Case No 87 The orders of the Foujdaree Adawlut under which it is proposed that the Principal Sudder Ameen deemed it necessary to state that the Proceedings in this case and in cases Nos 94 and 95 had been called up and confirmed by the Session Judge, were intended to refer only to cases — in which the sentence of the Criminal Court is overruled by the Session Judge.

2 The manner in which the Prisoner in this case is stated to have effected his entry into the Prosecutor's house viz: through an open space between the wall and roof having been ruled by the Foujdaree Adawlut to constitute breaking the heading affixed to the Statement of the charge is incorrect and must be amended.

Case No 94 3 The Section of the Regulation quoted as authority for the commitment of the prisoners in this case is only applicable to cases punishable by the Criminal Courts.

4 The prisoners should have been committed under Clause third, Section IX of the same Regulation The Principal Sudder Ameen will be pleased to correct the error

Case No 92 5 Adverting to the unnecessary length and want of perspicuity observable in the statement of the charge prepared against the prisoner in this case the Court resolve to direct the attention of the Principal Sudder Ameen to the rule laid down in the Circular Order noted marginally to which he will in future be pleased to conform.

Circular Order 10th April 1863 A

The

26th November 1845.

264 of Nuwm

Coach Case at Gl.

6

The provisions of Section XIII of Regulation XII of 1832 which merely refer to the rules to be observed by the Criminal Judges in the examination of committable cases and which moreover have been rescinded by Section XXVII, of Act VI of 1843 should not have been quoted as authority for the commitment of the prisoners in this case.

7

The information supplied at the end of the statement of the charge in this case "that the stick was discovered in the act and produced but appeared this charge was superfluous, having no concern with the nature of the offence charged, to a statement of which the remarks are limited in the Regulation under which it should have been employed

Coach Case at Gl.

8

The prisoners in this case having been charged with "Killing cattle" should have been committed under Section VIII Regulation XII of 1832, the Regulation quoted by the Principal Sudr Ameen being applicable to cases of cattle stealing.

9

The Court direct that the Report in the case be amended in conformity with the above observations

Coach Case at Gl.

10

The Court have to remind the Agent of the practice of quoting those Circular Orders only which the Regulations cited as authority for the disposal of cases by the Criminal Courts.

11

The Principal

26th November 1845.

Circular Order No. 124.

explain his reasons for quoting the circular Order noted marginally which refers only to cases of "assault" in which the fracture of a limb is the result of the violence committed and is therefore wholly inapplicable to this case.

Coach Case at Gl.

12

The Principal Sudr Ameen having committed the error adverted to in para 6 of these Proceedings in the cases noted in the margin, the Court desire that he will explain his reasons which have not been obvious nor inferible

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Vellore for his information by precept returnable within X days from and after its receipt.

(Sent following precept No. 2046)

Read letter dated 27th October 1845 from the Agent to the Governor of Fort Saint George at Hurnool submitting under the clause 5, Rule 1 of the Rules for the guidance of the Agents a summary of the evidence taken in a case in which the prisoners are charged with the crime of Robbery by open violence.

(Here enter F.R. No. 2188 of 1845)

In this case two prisoners are charged with the crime of gang robbery by open violence. The 1st prisoner has been committed and the Agent recommends that he be sentenced to seven years imprisonment with hard labor

"under the provisions of Colonial Thirds, Section IX. Regulation XV of 1823"

2 There is no proof against the second prisoner Dasarigadoo beyond the criminality by the first and the fact of his having given the information which led to the apprehension of the latter, but the circumstances against him appear to the Agent to be sufficient that he had remanded him for further examination, as it is expected that the apprehension of some of the other parties concerned may throw more light on the subject.

3 The Court observe that the punishment asked by the Agent in support of the proposed sentence on the prisoners proved that the years imprisonment should be awarded to the Prisoners convicted of the crime of pamplemousses therein, the sentence recommended by the Agent is illegal unless there are in the case any mitigating circumstances which render a less measure of punishment proper. If there are mitigating circumstances they should have been stated & should have formed the ground of a recommendation of a remission of part of the sentence.

4 There is however another objection to the measure of punishment proposed by the Agent. The Ordinance clearly draws a distinction between the crimes of robbing and theft and enjoined that the punishment of the

File.

latter crime should always be in excess of that declared for simple theft.

5 In regard to the 2nd prisoner the Court of Vagrancy Udalut observe that having been put upon his trial he is entitled to a judgment either of acquittal or conviction and cannot be remanded for further examination. The Agent may defer a trial in consequence of the non appearance of witnesses but he cannot require a prisoner a second time to plead to the same indictment which would be the case were he remanded back for further investigation and again placed on his trial. That proceeding should have been adopted in the earlier proceedings of the case and great blame is imputable to the officer who committed for trial on such insufficient grounds as the latter evidence might be expected. His attention is recalled to Circular Order 20th July 1825 - particularly to paras 8 and 9 and he will be instructed to observe more rigidly the principles therein laid down.

6 The Agent will now proceed to dispose of the case of this Prisoner as laid down in the Regulations reporting the result to the Vagrancy Udalut.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort Saint George at Madras for his information by precept returnable

26th December 1845

returnable on the XV days from and after

Seal following stamps

1000

Rs 2.8.7.

T U.

Thursday. 27th November 1845.

At a Court of the Tondiarpet Udalut

Present,

G. I. Waters Esqre — 1st Princl Judge,

Malcolm Lewin Esqre — 2d Princl Judge,

T. & I. Boileau Esqre — 3d Princl Judge.

Read the Criminal Reports submitted by the Principal Sudr Ameen of Coimbatore for the Month of October 1845.

(Memorandum No 3319)

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

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

(Sent in No 2049)

Read the Criminal Reports submitted by the Acting Subordinate Judge of Mangalore for the Month of October 1845

(Memorandum No 3374)

The above Reports do not appear

of power to call for any records from the
Court of Tenpalame Udalut

Ordered thereupon that a Extract
from the Proceedings be forwarded to the
Acting Subordinate Judge of Mangalore
for his information.

(Sent in No 2450)

Read returns dated the 15th
Ultimo from the Sessions Judge of Chittoor
to the precept of the Tenpalame Udalut of
the 29th September 1845, directing him to
pass sentence of 7 years imprisonment
with hard labour in irons upon the Prisoner
in Case No 10 of 1845 under Section XXI
Regulation VII of 1802

(Here enter T. U. No 3109)

Read letter dated the 18th Ultimo
from the Magistrate of Tinnevelly informing
that no cases were investigated under Section
XIV Act VII of 1843 during the Month of
September last

(Here enter T. U. No 3110)

Read Calendar of Cases No 337
1845 submitted by the Session Judge of
Tinnevelly under date the 17th Ultimo

(Here enter T. U. No 3111)

Read Calendar of Case No 337
1845 submitted by the Session Judge of Tinnevelly
under date the 17th Ultimo.

(Here enter T. U. No 3112)

Read letter dated the 22d Ultimo
from the Acting Magistrate of North Arcot
submitting the information called for in
Case No 96 mentioned in the Extract from
the Proceedings of the Tenpalame Udalut under
date the 2d August 1845, on the Criminal
Report of the Subordinate Judge of Chittoor

(Here enter T. U. No 3123)

Read return dated the 21st
Ultimo from the Principal Sudr Ameen
of Trichinopoly to the precept of the Tenpalame
Udalut under date the 13th Ultimo calling
for an Abstract of the evidence against the
2d Prisoner in Case No 69 of 1845 in the
Criminal Report for May last.

(Here enter T. U. No 3125)

Read letter dated the 22d Ultimo
from the Session Judge of Coimbatore reporting
the

F. No.

Friday,
28th November, 1845. At a Court of the Foujdaree Udalut.

Present,

The Hon'ble G. J. Waters, Esq^re — 1st Puisne Judge.
" M. Lewin, Esq^re — 2nd Puisne Judge.
" T. C. J. Boileau, Esq^re 3rd Puisne Judge.

Read again Criminal Reports under date the 10th Ultimo submitted by the Acting Subordinate Judge of Cuddapah for the month of September 1845.—

/True Extract F. No. 3001/

Read also return under date the 12th Instant from the Acting Subordinate Judge of Cuddapah to the precept of the Foujdaree Udalut dated the 30th Ultimo containing the observations of the Court on the foregoing Criminal Reports.—

/True Extract F. No. 3329/

1. Adverting to the remarks of the Foujdaree Udalut regarding the citation of Section XXIX Act VII of 1843

27th Nov.

28th November 1845

authority for the commitment of the prisoner in Case Nos 189 and 190 the Acting Subordinate Judge states that if approved of the Regulation and the Special provisions of the Act shall both be henceforth quoted.

2

The Court directs that the Acting Subordinate Judge will conform strictly to the rules contained in these Proceedings under date the 28th Ultimo in which it was ruled that the Section of the rules framed in conformity with regard to the examination of the Inmates of Committable cases should be held as authority for the committal of persons charged with offences.

Ordered, that Extract from these Proceedings be sent to the Acting Subordinate Judge of Coimbatore for his information and guidance.

/Sent in No 2354/

Read letter dated the 1st Ultimo from the Sessions

28th November 1845

requesting to be informed whether the provisions of Sections III and IV Regulation X of 1827 should be the guide in making out the general list for Jurors.

/Vide Enter No 3083/

Although the Regulation referred to by the Sessions Judge has never been brought into operation, the Foujdaree Adalut are of opinion that the rules contained in its III and IV Sections may without objection be taken as the guide in preparing the list of persons eligible as Jurors and Assessors recently called for.

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

/Sent in No 2355/

Read Calendar of Case No 27 of 1845 submitted by the Sessions Judge of Nellore under date the 12th Instant.

/Vide Enter F.A. No 3350/

The prisoner in this case

was

28th November 1865

was charged with having wounded the Pro-
secutor in the right hand with a sword
one inch in length.—

2. It appears from the ab-
stract of the evidence contained in the
Calendar that the prisoner is a Cirea
Dian and was out treating the 1st wit-
ness when the Prosecutor coming up
to interfere received the wound above
mentioned.—

3 The Sessions Judge commu-
nicated the prisoner of the crime of
to "Lazer", and considering that the
dangerous nature of the wound which
the Prosecutor received and the deadly
weapon with which it was inflicted
for these punishment, sentenced the
prisoner to 7 years imprisonment with
hard labour in one under Clause sixth
Section II Regulation XI of 1863

4. On a Reference considera-
tion of the circumstances of the case as
stated in the Calendar, [illegible]

No 116

28th November 1865

known it is not apparent from what
motives the Prosecutor was led to inter-
fere between the Prisoner and the 1st wit-
ness, the Court are of opinion that
5 years imprisonment will be an ade-
quate punishment with reference to
the slight personal injury which the
Prosecutor appears to have sustained
tho' more serious consequences might
have resulted owing to the tenderness
Parts where the wound was inflicted
and which had healed previously to
his appearance before the Sessions Court

5. The Court accordingly re-
solve to reduce the term of Imprison-
ment awarded to the Prisoner
to 5 years.—

Ordered, that Extracts
from these Proceedings be sent to the
Sessions Judge of Nellore for his
information and guidance by precept
returnable within 7 days from and
after its receipt.—

Sent following precept No 2356

Read

25

28th November 1845

Read Criminal Reports
under date the 31st Ultimo submitted
by the Principal Sudr Ameen of Cuttack
Zalore for the month of October 1845
/True Extract File No 3379/

Cases Nos 169 & 171.

1

The Court under the circumstance of one Case's imprisonment with hard Labor on remand by the Principal Sudr Ameen from the former three Cases who has been remanded by two separate acts of the Court

2.

The Court under the circumstances of the Case do direct the Principal Sudr Ameen for the future to commit the prisoners to the Sessions Jail, when they are remanded to him

Ordered, that Extract from these Proceedings be sent to the Principal Sudr Ameen for his information and guidance by the next Dauk

25

Read Criminal Reports
under date the 31st October 1845 submitted by
the Assistant Magistrate in charge of
the Principal Sudr Ameen's Court at
Cuttack for the month of October 1845.
/True Extract File No 3386/

Cases Nos 37 and 39.

Adverting to the memorandum appended to the cases noted margin stating that on the demise of the late Principal Sudr Ameen Moulvy Tajuttoo, these cases were sent to Calcutta in consequence of a letter from the Sessions Judge under date the 18th October 1845, the Court observe that the Sessions Judge had no authority over the cases in question as until regularly committed for trial before the Sessions Court and accordingly direct that the letter above referred to may be submitted for their consideration.

Ordered, that Extract from these Proceedings be sent to the Principal Sudr Ameen of Cuttack for his information and guidance by precept to be within 8 days from and after the receipt

Sent following precept No 2358

Read

28th November 1845.

Read Report under date the 31st Ultimo of Persons sentenced by the Magistracy of Coimbatore under the provisions of Section LIV. Act VII of 1843 during the month of October 1845.

/Here enter F.R. No. 3393/

Com. No. 24

The Persons in this case, who were charged with having assaulted and otherwise ill treated the 1st and 2nd Persons party, and with having robbed them of the property value at Rupees 2-4-0 on the road between Comore and Odanore were sentenced by the Joint Magistrate to three months Imprisonment, with a view, as stated by that officer, of putting a stop to people from the Country being ill treated while buying supplies to Odanore &c.

2. The Court of Foujdaree Adalut are prevented to question the propriety of the Sentence passed in this case and accordingly would be direct the Sessions Judge to call up the proceedings and to shew cause under what law he may think proper, reporting the same for the

28th November 1845.

information of the Foujdaree Adalut.

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Coimbatore for his information and guidance by precept returnable within XX days from and after its receipt.

/Sent following precept No. 2057/

Ordered also, that Extract from these Proceedings be sent to the Magistrate of Coimbatore for his information.

/Sent in No. 2060/

Com. No. 24

Read again Criminal Reports dated the 1st Ultimo submitted by the Subordinate Judges of Coimbatore for the month of September 1845.

/Here enter No. 3000/

Read also return dated the 6th Instant from the same officer to the precept of the Foujdaree Adalut dated the 1st idem forwarding remarks on the Criminal Reports for the month of September 1845.

/Here enter No. 3262/

The

November, 1845.

1

The Inquiry charged against the Person Subcommissioner K 193 of the Subordinate Judge's file, is shown by that Officer's return to have been the subject of considerable correspondence between himself and the Sessions Judge under whose orders, in his Civil capacity, the Person was placed at the bar of the Subordinate Court, and it appears from the communications which have passed, that doubts as to the proper mode of framing the final commitment of the Person to the Sessions Court, which existed in the mind of the Subordinate Judge, have not only not been removed, but the commitment has taken place, but the specific instructions from the Sessions Judge on which he has framed the result intended by him when forwarding the Person to the Subordinate Court, and further the Subordinate Judge has failed to

25th November 1845.

the Subordinate Judge deemed it necessary to examine in order to a full elucidation of the facts of the case.—

2

The Enclosures to the Subordinate Judge's return do not furnish the Foujdaree Adalut with tangible information as to what may be the present state of the trial which, on the date of the above return, was still under commitment before the Sessions Court, objections having been raised by the Subordinate Judge to an alteration in the wording of the indictment suggested by the Sessions Judge which the Subordinate Judge showed was not borne out by the record.—

But under the circumstances disclosed in the Return, the Court of Foujdaree Adalut deem it incumbent on them to adopt measures for restoring the case to the state it was in before the discretion of the Subordinate Judge and his powers of commitment or release, were interfered with and fettered by the instructions issued to him from

3

the

Aug. 1845.

the Supreme Court, and to this end they are
solve to grant the commitment of the Pri-
soner and all such proceedings as have taken
place subsequent to it, the case being remand
to the Subordinate Court to be proceeded
under the Regulations.

4. The Court are led to enjoin the
adoption of these steps because no legal com-
mitment can be held to have taken place
as appears, the Subordinate Judge committing the
Prisoner under the erroneous view of his having
no alternative, the Court being simply of opinion
that in the
subsequent proceedings in the Supreme Court.

5. The Tanjore Court
for the future guidance of the Subordinate Judge
that it was his duty to have Mr Lushington
officer the production of the case, that his acting
upon a correspondence with the Court when the
Records with the committing authority due to
judge of the grounds of commitment.

Ordered, that Extract from the proceed
be forwarded to the Subordinate Judge of Madura
by prompt returnable without delay.

(Sent for Warning prompt No 3245)

Ordered also, that Extract from the proceed
be forwarded to the Acting Judge of Tanjore for
Information & Guidance in future cases

T. U.

Saturday,
29th November, 1845.

At a Court of the Tanjore Adalut.

Present,

G. J. Waters Esqre — 1st Puisne Judge
Malcolm Lewin Esqre — 2d Puisne Judge
T. R. I. Boileau Esqre — 3d Puisne Judge

Read again letter dated the
6th October 1845 from the Magistrate of
Madura soliciting further instructions
in regard to the orders issued by the Court
of Tanjore Adalut on Case No 97 on the
Madura Criminal Reports for the month
of July last.

(Here enter T. U. No 2949)

Read also return under date
the 4th Instant from the Subordinate Judge
of Madura to the precept of the Tanjore
Adalut dated the 27th Ultimo, calling for
explanation regarding the transmission to the
Magistrate of the Report in Criminal Case
No 97 of 1845 according to the rule laid down
in Circular Order No 161.

(Here enter T. U. No 3255)

Read

information being of course utterly unattainable from the copy of the Police proceedings to which the Subordinate Judge refers.

2. The Court accordingly direct that in future the Reports forwarded to the Magistrate according to the Circular Order above quoted, be exact transcripts of those submitted to the Tinnevelly Udalut in the Monthly Criminal Reports.

3. The apparent mistake which forms the subject of the foregoing communications seems merely to have resulted from an error in the Report submitted by the Subordinate Judge in describing two of the witnesses for the prosecution as witnesses for the defence.

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Madura for his information and guidance and for communication to the Magistrate.

(Sentence No. 2065)

Read letter dated 11th November 1865 from the Session Judge of Cuddapah forwarding

29th November 1845

for the consideration and final sentence of the Englishmen Abdul on English translation of the record of the trial in Case No 57 of 1845

(Herewith F. C. No 3325 of 1845)

1. The Court of Englishmen Works observe that in the Archai or Police examination paper it is mentioned that the Prosecutor lodged his complaint against the Prisoner on the 15th August 1845 at the instant of the robbery perpetrated in his house (see record) this complaint has not been filed by the Englishmen Abdul

2. The importance of such a document is too obvious to call for notice and has already been often insisted upon by the Englishmen Abdul in their Circular Orders the Court are therefore surprised that the Session Judge should have failed to have forwarded it

3. The Session Judge will now be pleased to supply the omission as early as practicable in order to enable the Court to dispose of the trial without delay

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

29th November 1845

F. C.

Read Criminal Reports under date the 12th Instant, submitted by the Principal Sudr Ameen of Guntoor for the Month of October 1845

(Here enter F. C. No 3380)

1. Adverting to the rule laid down in the Circular Order noted marginally the Court observe that the distinctive initial letters P. S. A. or S. A. P. or S. A. M. which under the present judicial system should appear under the number of each case in the 1st Column of the Monthly Criminal Reports, denoting by what authority each case has been adjudicated have been entirely omitted in the Reports now under review.

C. O. 29th Nov 1827 Para 4.

2. The Principal Sudr Ameen will be pleased to avoid the recurrence of a similar omission in future.

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

(Sent him No 2067)

Read

29th & 30th November 1865.

Read Letter under date the 29th October last from the Session Judge of Manglore submitting on Enclosed Examination of the accused Nos 1 to 4 of 1865 for the consideration and final orders of the Court of Sanfaujdaree Adawlut.

(Present as per Margin)

The Court of Sanfaujdaree Adawlut having taken into consideration all the circumstances of the Case in connection with the opinion of the Session Judge that the prisoners

1st Convicted

3d Prisoner

4th Prisoner

is confirmed to extend them of the Crime of Gang Robbery by Murder and thereupon sentence them each to suffer Death by being hanged by the neck till they be dead.

2d Prisoner

is confirmed to extend to him the punishment of Imprisonment for Life with hard labour in Irons.

3d Prisoner

4th Prisoner

to be imprisoned and kept to hard labour in irons on the public roads, or other public works for the period of five years.

Mr. R. Chester
Mr. R. Elliott

29th November 1865.

The prisoner

1st Convicted

to be imprisoned and kept to hard labour in irons on the public roads, or other public works for the period of five years. But being of opinion that the prisoner

2d Prisoner

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crime above stated, nor sentence him therefor; and direct that he be set at liberty.

The Papers on the Case

1

which has been referred to the Sanfaujdaree Adawlut in consequence of a difference of opinion existing between the Session Judge and the Law Officer regarding the conviction of the 3d and 4th Prisoners, and with reference to the nature of the crime proved against the 1st Prisoner, were charged (with having broken into the house of the Prosecutrix assaulted the inmates and carried off property of the value of Rupees 78-4-

2

On an attentive perusal of the Record, the Court of Sanfaujdaree Adawlut are unable

29th November 1845

29th N

and Whereas ... Sworn ... for the ... of the said ... by the ... Judge ... that the ... of ... have been ... satisfactorily established and ... any reason to believe that the ... Prisoner together with the ... Prisoner was present at the commission of the said ... they consider the ... to be ... though fully ... of ... after the fact.

6. With reference to ... the Court ... of the ... by the ... Judge ...

Ordered that ... the said proceedings be sent to the ... Judge of Mangalore for the ... and guidance.

DH

by

Sent on 5th Dec

F.M.

F.M.

Monday, 1st December 1845.

A Court of the Tinnevelly Malabar

Present

G. A. Waters Esqre. ——— 1st Puisne Judge

M. Lewin Esqre. ——— 2d Puisne Judge

T. E. J. Boileau Esqre. — 3d Puisne Judge

Read Criminal Reports under date the 31st October 1845 submitted by the Sessions Judge of Chicacole for the month of October 1845.

(Here enter F.M. No. 3373)

Case No. 15. 1. From a perusal of the very involved Statement of this case as contained in the Report the Court are unable to judge of the propriety of the orders of the Moosfee Under Arrest directing the release of the prisoner.—

2. The Court consider the apparently immaterial variations observable in the depositions of the witnesses for the prosecution insufficient for the rejection of their evidence which was given on solemn affirmation before the Moosfee

Under

Sudr Ameen—

3

The Court accordingly remits to Sudr Ameen the Sessions Judge with reference to the foregoing observations to call for the proceedings of the Moonsiff which Ameen together with a clear and succinct Statement of the case, and to pass such order as he may think proper reporting the same for the information of the Superior Court—

Ordered, that Extract from these proceedings be sent to the Sessions Judge of Chingleput for his information and guidance by first post returnable within 30 days from and after the receipt—

/Sent following receipts No. 3269/

Read Calendar dated the 8th and 19th Ultimo submitted by the Sessions Judge of Cuddapah in Cases No. 21 and 26 of 1845.

/Here enter Nos. 3345 and 3351/

Read Calendar dated the 8th and 15th Ultimo submitted by the Sessions Judge of Cuddapah in Cases No. 58 and 62 of 1845

/Here enter Nos. 3346 and 3349/

Read Criminal Reports dated the 10th Ultimo submitted by the Sessions Judge of Tellicherry for the Months of October 1845.—

/Here enter No. 3344/

Read Criminal Reports dated the 11th Ultimo submitted by the Principal Sudr Ameen of Chingleput for the Month of October 1845.—

/Here enter No. 3347/

Read Criminal Reports dated the 6th Ultimo submitted by the Principal Sudr Ameen of Vizagapatam for the Months of October 1845.—

/Here enter No. 3348/

Read Calendar dated the 13th Ultimo submitted by the Sessions Judge of Nellore in Case No. 28 of 1845.—

/Here enter No. 3350/

Read Calendar dated the 8th Ultimo submitted by the Sessions Judge of Coimbatore in Case No. 37 of 1845.—

/Here enter No. 3353/

Read return dated the 11th Ultimo from the Sessions Judge of Bellary, the

1st December 1845.

to the precept of the Singhanee Udalute under date the 6th Ultimo calling for a further report of the facts of Case No 31 of 1845

/Here enter No 3362/

Read return dated the 11th Ultimo from the Sabpim Judge of Batticotta to the precept of the Singhanee Udalute under date the 6th Ultimo requiring the Sabpim Judge to amend his return in Case No 32 of 1845.-

/Here enter No 3363/

Read return dated the 13th Ultimo from the Sabpim Judge of Chavagacherry to the precept of the Singhanee Udalute under date the 6th Ultimo directing the necessary proceedings in both the Prisoners in Case No 36 of 1845 on the file of the Sabpim Court.-

/Here enter No 3364/

Read Cowlesawn dated the 15th Ultimo submitted by the Sabpim Judge of Madura in Cases Nos 46, 47, 48, 49 and 50 of 1845.-

/Here enter Nos 3365, 3366, 3367, 3368, 3369 and 3370/

Peons immediately sent the Court to attend the Cowlesawn in the usual manner Ordered accordingly

Tuesday 2nd December 1845.

F. Uc.

At a Court of the Singhanee Udalute.

Present

The Honble H. Dickinson Esqr.— Chief Judge
G. S. Waters Esqr.——— 1st Puisne Judge
Malcolm Lewin Esqr.——— 2d Puisne Judge
T. E. J. Bruce Esqr.——— 3d Puisne Judge

Read Criminal Reports under date the 31st October 1845 submitted by the Subordinate Judge of Jaffna for the month of October 1845.-

/Here enter F. Uc No 3377/

Case No 170 1. The Court of Singhanee Udalute infer that the Sabpim Judge will notice in the proper manner the suggestion of the Subordinate Judge, that the family of the deceased Ramen, who appears to have lost his life in defence of his property, should receive compensation.-

Case No 171 2. The Court seeing reason to question the propriety of the disposal of this case resolve to direct the Sabpim Judge to call up the record and to pass such orders as he may think proper reporting the same for the

the information of the Supreme Court to

Ordered that Extract from the proceedings be forwarded to the Assizes Judge of Sligo by precept returnable in 30 days from and after the receipt

/Sent following precept No. 2074/

Ordered also, that Extract from those proceedings be forwarded to the Assistant Judge of Sligo for his information

/Sent in No. 2075/

Read Clerk of Crown of Cork No. 67 of 1845 submitted by the Assizes Judge of Cork under date the 19th Ulto.

/Vide entry No. 3227/

1. The Court of Supreme Court to be informed what notice the Magistrate has taken of the former charges of Police conduct which has formed the subject of the Assizes Judge proceedings in this case.

2. If the Case will be fully stated as is represented by the Assizes Judge in the absence of Counsel the Crown Court standing order respecting

against in this case has in all probability led to the escape of the murderers of the deceased Chemmaker

Adverting to the Assizes Judge's remarks explanatory of his reasons for not committing the witnesses for perjury

The Court of Supreme Court are of opinion that the clear establishment of an alibi was sufficient with their own contradictory statements to have warranted their committal.

Ordered, that Extract from these proceedings be sent to the Assizes Judge of Sligo by precept returnable in 15 days from and after its receipt

/Sent following precept No. 2075/

Read letter dated the 22nd October last from the Assizes Judge of Sligo forwarding the record of the trial in Case No. 47 on the Calendar of the Assizes Court for 1845.

/Vide entry No. 3228/

The Court of Supreme Court after mature deliberate consideration of all the circumstances

and

2nd December 1845.

of the case in evidence before them, being of opinion that the proof against the prisoner

Vedda Raman

is insufficient to convict him of the crime of Homicide, for which the penalty of Death is awardable under the Mahommedan Law as declared in fatwahs of their Law Officer, to convict him thereof, and, with reference to the provisions of Clause Second, Section XV Regulation VIII of 1802, to 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 fifteen years.—

/Sent following letter No. 2076/

Read Criminal Dispatch under date the 6th Ultimo submitted by the Subordinate Judge of Calicut for the month of October 1845.—

/Vide letter Fth No. 3226/

Case No. 183, 1. Adverting to the proceedings by the Sessions Judge for the month of the sentence passed upon the 2nd and 3rd Prisoners in this case the Court and Jurors

Fth.
2nd December 1845.

that those individuals, who were proved to have been engaged though indirectly in the illicit smuggling and transit of Tobacco, were punishable under Clause first Section VI Regulation VIII of 1811, which refers to any branch, direct or indirect of the Revenue (Tobacco) Laws in Malabar and Canara.—

Code No. 193. 2. The 1st and 2nd Prisoners in this case were charged with smuggling tobacco and the 3rd Prisoner "with pointing out the same."—

3. The Court fail to comprehend the nature of the offence involved in the charge preferred against the 3rd prisoner, which they desire may be explained.—

Ordered, that Extract from these proceedings be sent to the Subordinate Judge of Calicut for his information by precept returnable within 5 days from and after its receipt.—

/Sent following precept No. 2077/

Ordered also, that Extract from these proceedings /para. 1/ be sent to the Sessions Judge of Calicut for his information

and

1st December 1845.

2nd December 1845.

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2nd December 1845.

... of the ...

... Read letter dated ...

... Ultimo from the ... Judge ...

... referring the ... of the ...

... Chittoor therein ... a ...

... of the Calendar for 1845.

(Here enter No. 3437)

... Read ... dated ...

... Ultimo from the ... Judge ...

... to the precept of the ... dated ...

... and thereby have been ...

... Natives and Hyguas of ... shall ...

... the Pandits ...

2nd December 1845.

under date the 20th Ultimo requiring that the Record in Case No. 142 in the file of the Subordinate Court of Chittoor should be sent for, and such orders passed thereon as may appear proper.—

(Here enter No. 3438)

Read return dated the 22d Ultimo from the Sessions Judge of Chingleput to the precept of the Sunderee Vakeel under date the 3d Ultimo directing the Sessions Judge to call up the record in Case No. 78 of 1845 in the file of the Principal Sudr Ameen and to pass orders as he may think proper reporting the same for the information of the Higher Court.

(Here enter No. 3439)

Read Statement dated the 1st Ultimo submitted by the Sessions Judge of Chingleput to the Board of Revenue who attended before the Sessions Court during the 1st half of 1845.

(Here enter No. 3440)

Read return dated the 18th Ultimo from the Subordinate Judge of Madura

and future guidance.—

/Read in No. 2078/

Read letter dated the 19th Ultimo from the Sessions Judge of Madurai reporting the transfer of the Chairman Cheekatee Venkatasingadoo in Case No. 146 of the Calendar for 1845.—

/Vide Letter No. 3436/

Read return dated the 1st Ultimo from the Sessions Judge of Chingleput to the precept of the Sudder Court dated the 6th Ultimo calling for any records which may be in the hands of the Courts and Vakeels of any deceased party in the Regular Case No. 150 in the Chingleput Calendar for 1845.—

/Vide Ditto No. 3437/

Read letter dated the 26th Ultimo from the Sessions Judge of Chingleput submitting a Petition presented to him by Cheekatee Venkatasingadoo in Case No. 37 of 1845.—

/Vide Ditto No. 3438/

Read return dated the 1st Ultimo from the Sessions Judge of Chingleput to the precept of the Sudder Court dated the 6th Ultimo calling for any records which may be in the hands of the Courts and Vakeels of any deceased party in the Regular Case No. 150 in the Chingleput Calendar for 1845.—

/Vide Ditto No. 3439/

Read letter dated the 26th Ultimo from the Sessions Judge of Chingleput submitting a Petition presented to him by Cheekatee Venkatasingadoo in Case No. 37 of 1845.—

/Vide Ditto No. 3440/

Read return dated the 1st Ultimo from the Sessions Judge of Chingleput to the precept of the Sudder Court dated the 6th Ultimo calling for any records which may be in the hands of the Courts and Vakeels of any deceased party in the Regular Case No. 150 in the Chingleput Calendar for 1845.—

/Vide Ditto No. 3441/

Read return dated the 22nd Ultimo from the Sessions Judge of Chingleput to the precept of the Sudder Court dated the 3rd Ultimo directing the Sessions Judge to call up the record in Case No. 79 of 1845 on the file of the Principal Sudder Ameen and to pass orders as he may think proper reporting the same for the information of the Higher Court.

/Vide Letter No. 3439/

Read Statement dated the 15th Ultimo submitted by the Sessions Judge of Cuddalore of Rents paid to the Sworn Vakeels and Witnesses who attended before the Sessions Court during the 4th half of 1845.

/Vide Letter No. 3400/

Read return dated the 19th Ultimo from the Subordinate Judge of Madura

2nd December 1845

Read to the panel of the Jury
Worked under the 28 Victoria
ing on the Criminal Reports for the
Month of September 1845—

1 Letter No 2955

Read to the Panel the Letter
Written by the Principal
Cutcherry in Case No 55 of 1845—

1 Letter No 2956

Read to the Panel the Letter
Written by the Principal
of Calicut in Case No 31 and 32 of 1845

1 Letter No 2957

Read to the Panel the
Written by the Principal
Cutcherry in Case No 75 and 76 of 1845

1 Letter No 2958

Read to the Panel the Letter
Written by the Principal
Tirhurfy to the Panel of the Grand
Worked under the 28 Victoria
the Grand Jury in the Criminal
for the month of September

1 Letter

No 16

Wednesday
3rd December 1845

Mar Court of the Foujdaree Adalut
Present

G J Walters, Esqre — 1st Puisne Judge
M. Lewin, Esqre — 2d Puisne Judge
H J Bonham, Esqre — 3d Puisne Judge

Read again Criminal
Reports dated the 1st October 1845
of Timmally for the month of
September 1845—

1 Letter No 2952

Read the Extract from
the Proceedings of the Sessions Court
of Timmally dated 6th October 1845
submitting the judgment of the
Magistrate referred to whether
case No 57 of 1845 of the Principal
the Prisoner was properly dis-
charged without punishment; and
the irregularities pointed out
in

2nd December 1845.

2nd December 1845.

Wednesday 3rd December 1845.

No 16.

Mar Court of the Fouzdaree Adalut.

Present

G.J. Walters, Esqre — 1st Puisne Judge.

M. Irwin, Esqre — 2nd Puisne Judge.

H.J. Bonham, Esqre — 3rd Puisne Judge.

Read again Criminal Reports dated the 1st October 1845, the Principal Sudr Amen & Foujdaree Adalut for the month of September 1845.—

No. 2952.

Read also Extract from the Proceedings of the Session Court of Tumlook dated 6th October 1845 submitting for the judgment of the Nizamut Adalut whether Ragharee a prisoner in the Zillah Jail of Midnapore convicted by the Session Court of Tumlook of Burglary and sentenced by the Judge to be imprisoned for the term of seven years, be properly discharged from the Jail without punishment, and if not, what punishment should be awarded to him.

Read also the Futwah of the Law Officer of this Court dated 15th October 1845 declaring that the prisoner Ragharee convicted of Burglary and sentenced to imprisonment for the term of seven years, is liable to the punishment of Tazeer, and that the Court may direct the infliction of such punishment as they may think proper, not exceeding the punishment of Hud.

Read also the Futwah of the Law Officer of this Court dated 15th October 1845 declaring that the prisoner Ragharee convicted of Burglary and sentenced to imprisonment for the term of seven years, is liable to the punishment of Tazeer, and that the Court may direct the infliction of such punishment as they may think proper, not exceeding the punishment of Hud.

Read also the Futwah of the Law Officer of this Court dated 15th October 1845 declaring that the prisoner Ragharee convicted of Burglary and sentenced to imprisonment for the term of seven years, is liable to the punishment of Tazeer, and that the Court may direct the infliction of such punishment as they may think proper, not exceeding the punishment of Hud.

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Read also the Futwah of the Law Officer of this Court dated 15th October 1845 declaring that the prisoner Ragharee convicted of Burglary and sentenced to imprisonment for the term of seven years, is liable to the punishment of Tazeer, and that the Court may direct the infliction of such punishment as they may think proper, not exceeding the punishment of Hud.

Read also the Futwah of the Law Officer of this Court dated 15th October 1845 declaring that the prisoner Ragharee convicted of Burglary and sentenced to imprisonment for the term of seven years, is liable to the punishment of Tazeer, and that the Court may direct the infliction of such punishment as they may think proper, not exceeding the punishment of Hud.

3rd December, 1865

in the Sessions Court proceedings of the 12th September last in confirmation & in variation their sentence passed by the Magistrate in case No 5 of the Officer's Calendar.—

/One entry No 2955/

The subject of the Magistrate's proceedings in the above mentioned case was first brought to the notice of the Sessions Judge by one Ram Sing the individual charged therein, who by Petition addressed to the Sessions Judge, complained against the Magistrate's sentence of fine /Rupees 100/ having been imposed upon him by that Officer and of his having been at the same time required to furnish security in the sum of 100 Rupees each for good conduct for one year, on a charge of having entertained Cowlgurs to be driven away and detained two of his own cattle stalled with 3 Cows of his own which were missing, should be produced by those Cowlgurs

3rd December 1865

Cowlgurs. Ram Sing also represented that the depositions of the witnesses for the prosecution were not taken in his presence, but merely read over to him when summoned to appear before the Magistrate to give his defence, that great delay took place in passing sentence in the case after the witnesses for the prosecution had been heard by the Magistrate and that, moreover, the charge against him was finally disposed of without the examination of the witnesses whom he had previously requested, by a petition to the Magistrate, might be examined on his behalf.—

On reference to the record of the Magistrate's inquiry held under the provisions of Section VIII Act XVIII of 1843, the Sessions Judge declared the opinion, that the examination by the Magistrate had been irregularly conducted, and to an extent sufficient to vitiate the conviction of the

3rd December 1845

the petitioner. The Sessions Judge further remarked that the requisition of security made by the Magistrate on the second, in addition to the punishment awarded for the specific offence, was illegal and that, under any circumstances, one or the other must be set aside, it being only in cases of assault &c. that a Magistrate, acting in that capacity, is authorized to make a demand of security in addition to punishment for the offence itself and that the requisition in such cases is for security to keep the peace.

3. Having entered into details of the Magistrate's proceedings and stated the opinions above referred to the Sessions Judge intimated to the Magistrate that before he decided the correctness of any of them the Sessions Judge must formally lay before him with the Magistrate's sanction and with a previous reference to how the

3rd December 1845 made to the Court of Foujdaree Adalut.

4. In conclusion the Sessions Judge suggested the propriety of the enactment by the Magistrate of a proclamation issued to the Police Officers in Zillah requiring them to hold the Zemindars responsible for the amount of all Robberies &c. committed within the range of their villages, but on this point it does not appear that any instructions are now called for from the Foujdaree Adalut, as the Magistrate has stated, the Court observe, that no such proclamation has been made.

5. The Magistrate has availed himself of the option of a reference to this Court afforded by the Sessions Judge and in a Memoir of grounds for solicitude has submitted for consideration that under the circumstances of expediency therein represented the sentence passed against Ram Lung should not be disturbed.

Having

6.

Having attentively perused the papers laid before them, the Court of Foujdaree Adalut find bound to declare that upon admitting the urgency of the pleas on which the Magistrate of Jumaulpy seeks the suppression of the proceedings, the Foujdaree Adalut are wholly at a loss to examine on what grounds they can be ensured to the calling aside of the proceedings of the Sessions Judge and of holding them of their Magistrate, seeing that the supplication committed by the Sessions Judge is so obvious and unquestionable, that a cautious mind could scarcely conceive a motive on the part of the Sessions Judge in thus acting for which the principles of justice and the forms and solemnities of judicial proceedings have been provided, could be dispensed from.

7. But the Court find bound to declare that upon admitting the urgency of the pleas on which the Magistrate of Jumaulpy seeks the suppression of the proceedings, the Foujdaree Adalut are wholly at a loss to examine on what grounds they can be ensured to the calling aside of the proceedings of the Sessions Judge and of holding them of their Magistrate, seeing that the supplication committed by the Sessions Judge is so obvious and unquestionable, that a cautious mind could scarcely conceive a motive on the part of the Sessions Judge in thus acting for which the principles of justice and the forms and solemnities of judicial proceedings have been provided, could be dispensed from.

ravaging in respect of a solitary indi-
vidual, bearing, even the alleged notorious
character of the accused Ram Sing,
the necessity of advancing arguments
of expediency, the admission of which
would place the Magistracy above the
law and stamp as justifiable that
absolution from those obligations so
deemed indispensible as the media
of judicial results, which are observa-
ble in the Magistrate's proceedings
and call for the Court's most marked
and entire instead of their implied or
even inferred approbation.

8. For this view of the subject the Foujdaree Adalut refer to them, the Foujdaree Adalut require the Sessions Judge to enforce the resolution at which he arrived in his proceedings of the 12th September last and to order the refund of the fine imposed on Ram Sing should it have been levied.

9. As regards the requisition of security from that person the Foujdaree

3rd December 1845.

Foujdaree Udalut also concur with the Sessions Judge, provided it have not been demanded by the Magistrate for the specific purpose of preventing any further breach of the peace.

10. The Sentence of the Principal Sudr Ameen in No 87 of 1845 on his File had already been under the consideration of the Foujdaree Udalut who had intimated to that officer their surprise and displeasure at the manner in which he had disposed of the charge, the final orders of the Court being deferred only because the case had been made the subject of reference by the Magistrate to the Sessions Judge.

11. The Court of Foujdaree Udalut concur in the remarks regarding it which are contained in the Sessions Judge's proceedings of the 6th October 1845. dated 6th October 1845

on the Principal Sudr Ameen's order for the release of the Prisoner charged with offering a bribe to a public

3rd December 1845

public functionary, has been passed under the Principal Sudr Ameen's erroneous belief that such an act was not a punishable offence and in disregard of the rule of procedure laid down in the Circular Order of the Foujdaree Udalut dated 28th January 1828 which should have been conformed to previous to the declaration of the sentence, the Sessions Judge will be pleased now to order the Principal Sudr Ameen to reopen the case, and order upon it in conformity with the general regulations a copy of the Magistrate's proceedings and of the proceedings of the Sessions Court being furnished to him for his information.

12. In conclusion the Foujdaree Udalut point out for the future guidance of the Sessions Judge, that the system now generally adopted by him of intermingling proceedings on one matter with those on another which might

might have been kept quite shortest
and make the subject of an Appeals
address for the purpose of ob-
taining and despatch, communicate
and regular and must be abandoned
13 — The Counsel for the prisoner withd
accompanied the Proceedings of the
6th October 1845 and thereupon
Ordered, that Extract
from those Proceedings be forwarded
to the Sessions Judge of Madura
for his information and guidance
in the disposal of the case
[illegible]
Sentence. No 2854
Read Calendar of Cases
No 144 of 1845 submitted by the
Sessions Judge of Madura under
date the 6th Octr 1845
[illegible] No 2857
The prisoner in this case
was charged with having
[illegible]

Sessions Judge, but have been required
to punish similar in various cases
for one year's good conduct and ap-
pearance [illegible]
Adverting to the re-
2. marks of the Sessions Judge in
appended to his sentence, the Court
are of opinion that no grounds have
been shown for a demand of se-
curity and unless stronger ones
appear than those recorded in
the Calendar, the Court direct that
the Prisoners be unconditionally released
and unconditionally that the
bill in Confinement for that the
bail bonds be cancelled.
Ordered, that Extract
from these Proceedings be forwarded
to the Sessions Judge of Madura
for his information by [illegible] return
[illegible] in 3 days from and after date
receipt.
[illegible] following precept. No 2858

Thursday, 11th December 1845. Hon Court of the Tongdarees Udalut.

Present,

G. J. Waters, Esqr 1st Puisne Judge,

H. Lewin, Esqr 2d Puisne Judge,

J. C. J. Berleau, Esqr 3d Puisne Judge,

Road Calendar under date the 12th November 1845 of Case No 287 1845 submitted by the Sessions Judge of Chittoor.

Hire Enter F No. No 3392/

The Prisoners in this case were charged with having attacked the Prosecutors alone while they were grazing cattle in a Jungle, and robbed them of gold earrings valued at Rs 2—5— and also with cutting the ear of the 1st Prosecutor &c.

The Sessions Judge con-

2. curring in the Futwa of the Law Officer convicted the Prisoners of Zoomai Sirkar Roobra and declared them to be liable to lose a hand and a

4th Decr 1845

a fact each has sentenced them to 6 th
years imprisonment with hard labor
in irons under the provisions of Section
XXI Regulation VII of 1802, but in consi-
deration of the small value of the
stolen property recommends that the
prescribed period of Imprisonment be
mitigated to 4 years

Before passing any final
orders with reference to the recommen-
dations of the Sessions Judge, the Com-
missioner desires that translations of the confes-
sions made by the Prisoners in this
case may be submitted for their consi-
deration

Ordered, that Extract
from these Proceedings be sent to the
Sessions Judge of Chittoor for his
information and guidance by Parcel
Peon, to be returned within 7 days from date
after the receipt
Seal following

Read return dated the 5th
Ultimo from the Sessions Judge of

4th Decr 1845

Madura & the precept of the Foujdaree
Adawlut under date the 8th ideem directing
to be informed why the trial in case
No 42 of the Calendar of the Session
Court for 1845 occupied the Sessions
Session Judge 16 days with so few wit-
nesses for the Prosecution and more
for the defence —

Have Entered F No. 3298/-

Read Statement dated
the 12th Ultimo submitted by the
Sessions 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 October 1845.-

Have Entered F No. 3337/-

Read Commitment report
dated the 12th Ultimo submitted by
the Sessions Judge of Cuddalore for
the month of October 1845.

Have Entered F No. 3338/-

Read Statement of Extra
Peons &c dated the 12th Ultimo submitted
by

a fortnight has sentenced them to 6 ½ years imprisonment with hard labor in irons under the provisions of Section XXI Regulation VIII of 1803, but in consideration of the small value of the stolen property recommends that the prescribed period of Imprisonment be mitigated to 4 years

3 Before passing any final orders with reference to the recommendations of the Sessions Judge, the Court desire that translations of the confessions made by the Prisoners in this case may be submitted for their consideration

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Chittoor for his information and guidance by Parcel Post, returnable within 8 days from date after which Parcel

Sent following Parcel Post Packet

Read return dated the 5th Ultimo from the Sessions Judge of

Madura to the precept of the 2nd ultimo directing that under date the 5th idem directing him to be informed why the trial in case No 42 of the Calendar of the Session Court for 1845 exceeded the Sessions Judge 16 days with no facts were given for the Prevention and reasons for the defence

Here Enter F.R. No 3329/-

Read Statement dated the 12th Ultimo submitted by the Sessions Judge of Cuddalore showing the manner in which the powers of punishment created by Regulation X of 1832 have been exercised in the month of October 1845.

Here Enter F.R. No 3337/-

Read Commit. Laberyport dated the 12th Ultimo submitted by the Sessions Judge of Cuddalore for the month of October 1845.

Here Enter F.R. No 3338/-

Read Statement of Extra Peons &c dated the 12th Ultimo submitted by

4th December 1845

by the Sessions Judge of Cuddalore employed in the Jail during the month of October 1845

/Vide entry File No 3339/

Read Report III, Statement of Extra Diet, and Convict Labor Report dated the 13th Ultimo submitted by the Sessions Judge of Nellore with the exception of the Statement showing the instances in which the powers of punishment created by Regulation X of 1832 have been exercised for October 1845

/Vide entry File No 3340/

Read return dated the 15th Ultimo from the Sessions Judge of Guntoor to the precept of the Sungdaree Adalut under date the 1st ultimo directing the Sessions Judge to call for the Records of the cases Nos 57 and 65 in the Criminal Reports of the Principal Sudder Ameen of Guntoor for the month of September 1845 and to pass such orders thereon as he may think proper

/Vide entry File No 3339/

4th December 1845

Read return dated the 15th Ultimo from the Sessions Judge of Nellore to the precept of the Sungdaree Adalut under date the 6th ultimo containing their remarks on case No 17 on the Nellore Calendar for 1845 and observing that the sentence passed under Clause Seventh Section III Regulation XII of 1803 be amended in as much as it should have been passed under Section XII Regulation VII of 1802, the extent of punishment being previously legalized by a second question, also that explanation be given of the delay of 51 days which occurred in procuring the attendance of the Prisoners Witnesses after the Defence had been taken

/Vide entry File No 3365/

Read return dated the 15th Ultimo from the Principal Sudder Ameen of Chingleput to the precept of the Sungdaree Adalut under date the 3d ultimo enclosing their observations and orders on the Criminal Reports for

4th Dec 4th December 1845

for the month of September 1845

/Hon'ble Enter F No. 3368/

Read Estimate

dated the 12th Ultimo submitted
by the Acting Sessions Judge of
Tinnevelly of the Prisoners
Labour of the Prisoners for the month
of October 1845

/Hon'ble Enter F No. 3369/

Read Report dated the
12th Ultimo submitted by the
Sessions Judge of Tinnevelly of the
Convictions of Prisoners tried in
the Zillah Court the month of
November 1845

/Hon'ble Enter F No. 3370/

Read Criminal Reports
dated 12th Ultimo submitted by the
Sessions Judge of Canara for the month
of October 1845

/Hon'ble Enter F No. 3371/

Read Criminal Reports
dated the 8th Ultimo submitted by the
Sessions Judge of

4th Dec 4th December 1845

of October 1845

/Hon'ble Enter F No. 3372/

Read Calendar in Case
No. 66 of 1845 submitted by the Ses-
sions Judge of Mangalore under date
the 13th Ultimo

/Hon'ble Enter F No. 3383/

Read Criminal Reports
for the month October 1845 submitted
by the Sessions Judge of Tinnevelly
under date the 6th Ultimo

/Hon'ble Enter F No. 3384/

Read Criminal Reports
for the month of October 1845 submitted
by the Agent to the Governor of Fort
St George at Hurnool under date the
5th Ultimo

/Hon'ble Enter F No. 3394/

Read Supplemental Report
dated the 8th Ultimo submitted by the
Acting Agent to the Governor of Fort
St George at Goojrat of persons appre-
hended in the separate Tracts and
Islands to the Agency and regarding
whom no further Evidence had been required
to

4th December 1845

At the date of the Report ending the
30th September 1845
(Hue entered F 116. No 3397)

Read return dated the 1st
Ultimo from the Acting Magistrate
of North Arcot to the prompt of
the Foujdaree Adalut under date the
27th October last regarding a sentence
passed by the Acting Joint Magistrate
in September last in a charge of Fraud
under the provisions of Section VIII
Act VII of 1843
(Hue entered F 116. No 3416)

Read Calendar in Case
No 34 of 1845 submitted by the Sessions
Judge of Bellary under date the 15th
Ultimo
(Hue entered F 116. No 3417)

Read Calendar of Proceedings
in Case No 36 of 1845 submitted by
the Sessions Judge of Combatoor
under date the 31st October 1845
(Hue entered F 116. No 3418)

Ent 116

Monday
8th December 1845.

At a Court of the Foujdaree
Present

G. S. Walrond Esqre — 1st Puisne Judge.
Malcolm Lewin Esqre — 2d Puisne Judge
T. E. J. Boileau Esqre — 3d Puisne Judge

Read letter dated the 26th
Ultimo from the Late Acting Sessions Judge
of Trichinopoly forwarding the record of the
Trial in Case No 31 on the Calendar of the
Session Court for 1845.
(Hue entered No 3501)

Mr Jno Walton
and
Mr M Lewin

The Court of Foujdaree Adalut
on a deliberate consideration of all the circum-
stances of the case in evidence before
them, being of opinion that the proof against
the prisoner
Virtheacharlu Iyengar
is sufficient to convict him of the crime of
Housebreaking do convict him thereof, and
with reference to the provisions of Section 2
XXV Regulation VIII of 1802, sentence him
to be imprisoned and kept to hard labor
in irons on the public roads or other public
works

1845

Present

Hon'ble Sir [illegible]

Hon'ble Mr. [illegible]

Hon'ble Mr. [illegible]

Petition presented on the 20th October 1845 by Lingia
Pera and Thommi Pera of Madura

(Here enter F.H. No. 2 No 191 of 1845)

1. The Petitioners seek to set aside
a sentence of this Court under date the 25th March
last wherein the Court refused to entertain
a fresh petitioners into the forfeiture of
the recognizance entered into by the petitioners
to a Civil Suit for the establishment of
their right.—

2. The Petitioners complain that
by the order of the 25th March last whereby
some of the careful witnesses of the
circumstances were there held sufficient for the
guidance and the Court thereby refused
the present Petitioners which is the first
application of the former orders

3. The Petitioners pray that
reversed.—

8th December 1845.

proceedings be furnished into the
their application.—

Read Miscellaneous Petition
presented on the 20th October last by Sowra
inhabitant of Tillah Madura.—

(Here enter F.H. No. 2 No 197 of 1845)

Read again Calendar under date
the 25th May last of Case No 15 of 1845 sub
mitted by the late Acting Sessions Judge of
Combatore.—

(Here enter F.H. No 1598)

Petitioner complains of the
leniency of the sentence awarded to the pri
soners and the Assistants who were convicted
of culpable homicide and sentenced to 18
months imprisonment with hard labor
and prays the Court of Sudder
should be pleased to sentence of death upon
him on the ground that he is guilty of
the wilful murder of their son.—

The case referred to by Petitioner
being now disposed of by competent auth
ority the Court of Sudder Adalut cannot
entertain the sentence awarded which however
in the

with reference to the circumstances of the case, they consider it hereby limited.

Petition is dismissed.

Ordered, that Extract from the proceedings be forwarded to the applicant's Nominators for his information.

/Sent in No 2110/

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

Read also Memorial from Patrick Shelly presented on the 2nd Inst. by Timothy Shelly Petitioner.

/Memorial & Ill. No. 2 of 1845/

Stating to the Court that on the 26th September last he was arrested by Constable Ryan under a Warrant issued by Mr. Justice Pennefather which was then ordered by the Court to be returned to the Queens Bench but that the Constable has not yet taken place and praying the Court to appoint a Commissioner for the purpose, alleging that the Petitioner should attended to the Magistrates Court, where he was ready and willing to enter into recognizance for his appearance to answer the charge of the arrest of petitioner.

Friday 5th December 1845.

At a Court of the Tongdarae Malakut.

Present,

G. J. Waters, Esq.re — Ist Puisne Judge,

M Lewins, Esq.re — 2d Puisne Judge,

J. E. J. Boileau, Esq.re 3d Puisne Judge.

Read again Calendar under date the 22nd October last of Cove No. 48 of 1845 submitted by the Superior Judge of Combaconnum.

Read also return under date the 22nd Ultimo from the Superior Judge of Combaconnum to the precept of the Tongdarae Malakut dated the 6th of that Tongdarae Malakut dated the 6th directing that officer to submit an English Translation of the record in the foregoing case, and to suspend the sentence awarded to the Prisoner pending the final orders of the Tongdarae Malakut.

/Vide Entry No. 16. No. 3462/

On an attentive perusal of

of the mind of this man the Court is satisfied that the trust has been regularly instituted and that the same has been correctly discharged by the Assistant Judge.

2. The Court accordingly resolve to affirm the sentence awarded to the prisoner and direct that it be carried into execution forthwith.

Ordered, that Extract from these Proceedings be sent to the Assistant Judge of Cuttack for his information & guidance.

/ Sent in. No 2390 /

Read Council Rule dated the 10th Ultimo submitted by the Acting Assistant Judge of Cuttack for the month of October 1845.

/ Returned No 3344 /

Cuttack

Adverting to the grounds on which the prisoner in this case has been committed for trial by the Assistant Judge of Cuttack, the Court of Nizamut Adawlut have that the Acting Assistant Judge

dated 29th July 1829 C, which is not affected by this later order No 159 and which requires that "a prisoner should never "be committed for trial, unless there are "reasonable grounds to believe that the "evidence forthcoming will be found sufficient for his conviction".

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

/ Sent in. No 2391 /

1097

Entered

F. 116

Saturday
6th December 1845.

At a Court of the Tonjdaree Adalut

Present,

G. J. Waters, Esqr — 1st Puisne Judge,

A. M. Lewin, Esqr — 2nd Puisne Judge,

T. C. J. Boileau, Esqr — 3rd Puisne Judge,

Read Criminal Reports
under date the 1st Instant submitted
by the Principal Sudr Ameen of
Tinnevelly for the month of October 1845.

Were entered F. 116. No 3292/

Read the Calendar dated the
27th September last submitted by the ex
Sessions Judge of Tinnevelly in Case
No 32 of 1845.—

Were entered No 2869/

Case No 95. 1. As it appears to the Court
that the remarks recorded in this case
by the Principal Sudr Ameen tend
indirectly to impugn the correctness
and propriety of the orders issued by
the Sessions Judge with reference to case
No 32 of 1845 on the file of the
Criminal

6th December 1865

Criminal Court in which the 2nd and 3rd Prisoners in this case are to be sentenced, the Court pauses to direct that a copy of the Report of this case be forwarded to the Sessions Judge who will be pleased to forward any observations that it may appear to him required.—

2. Adverting to the Method of the Sessions Judge in the Calendar of the case above referred to, that of the prisoners do not refuse to disperse, the Court must be pleased to direct that the Sessions of that Offence to the Magistrate of the Principal Station. Assure that they do refuse to disperse, he will be upon by the Local Authorities to do so.

Case No 101 3. The Officers engaged in the prosecution of this case will be informed that the Court desires to be informed in the Reading in Bengali of the Record Evidence.

4. The Sessions Judge in the Calendar of the case above referred to, that of the prisoners do not refuse to disperse, the Court must be pleased to direct that the Sessions of that Offence to the Magistrate of the Principal Station. Assure that they do refuse to disperse, he will be upon by the Local Authorities to do so.

6th December 1865

The Court required an explanation of the apparent discrepancy above noted to and adverting to the length of time which has elapsed since the arrival of the prisoners at the Criminal Court, directed that the case be disposed of without any further delay.

The Court seeing reason to question

Case No 106. 6. the propriety of the disposal of this case, resolved to direct the Sessions Judge to call upon the record and to pass such orders as he may think proper, reporting the same for the information of the Court.

Abdullah.—

Adverting to the reason

Case No 105. 7 assigned for the non disposal of this case, the Court desires to be informed to what other case the Principal Suite Assure refers.—

The Court of Enquiry

Case No 111. 8 Abdullah have repeatedly denounced the case of the town Burglary, which the Principal Suite Assure will be pleased carefully to avoid in future on substituting "house breaking".

The

6th December 1845

Case No 1144

9. The Prisoner in this case who is a female, has been sentenced to 8 months Imprisonment with hard labor without irons.—

10. The Court doubt that the sentence be amended by enlarging the period of Imprisonment already awarded with labor suited to the sex of the Prisoner.—

Ordered, that Extract Paras 1, 2, and 6 of these Proceedings be sent to the Superior Judge of Tanjore by Precept returnable within X Days from and after its receipt.—

Sent following Precept No 3915

Ordered also, that Extract from these Proceedings be sent to the Principal Sudr Ameen of Tanjore by Precept, returnable within X Days from and after its receipt—

Sent following Precept No 3916

Read Letter under date the 27th November 1845 from the Acting Judge of Tanjore submitting the records of Case No XXXVIII of 1845 for the consideration

F 16

6th December 1845

final orders of the Foujdaree Adalut.—

(Here enter F Rs. No 3517)

Mr. M. Lewin
and
Mr. T. G. Bothie

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case on evidence before them, being of opinion that the proof against the Prisoner, Poolata Padenharoot Padikal Poola Cheroman Coran. is sufficient to convict him of the crime of Manslaughter for which the penalty of Deyut is awardable under the Mahomedan Law as declared in futwas of their Law Officers, do convict him thereof, and, under the provisions of Clause Second, Section XV Regulation VIII of 1802, and Section XVIII Regulation VIII of 1802, 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

6th December Sessions 1845.

Case No 11

1. The Prisoner on this count was charged with having killed the Prosecutrix wife by stabbing her in the neck with a knife.

2. On a deliberate consideration of the record of the case the Court of England Roll are of opinion that the sentence of transportation for life will be sufficient to meet the ends of justice as it is proved that the deceased commenced the assault by striking the prisoner on the head with a stick in her hand, that the prisoner was much provoked by the conduct of the deceased towards him previous to the fatal blow.

Ordered, that Extract from these Proceedings be sent to the Superintendent of Police for the information and guidance of the Police.

Read Return dated 31st October 1845 from the Magistrate of Bellary to the Registrar of the

6th December 1845.

Supplemental Report of cases tried by the Magistracy in the Bellary District under the provisions of Section 1st & IV Act VIII of 1843 regarding which no final orders have been passed at the date of the Report ending the 31st July 1845.

(Home Letter No 3294)

1. In reply to the question from the Magistrate in para 3 of the above Return, the Judges are clearly of opinion that the subordinate Magistrates should report upon before the transmission of the monthly Reports to this Court, to enable in the sentences pronounced by them such alterations as are obviously necessary in order to a proper and complete understanding thereof.

2. As regards the extent of the Magistrates control over such sentences, the Court resolve to furnish that Officer with transcripts of their replies on the same point hitherto

Copy (Wallbran) to be complete reference and disposed of.

Ordered, that Extracts from

6th December 1845.

Supplemental Report of cases tried by the Magistracy in the Ballary District under the provisions of Section XIV Act VIII of 1843 regarding which no final Orders have been passed at the date of the Report ending the 31st July 1845.

(Here enter No. 32 of 94)

1. In reply to the question from the Magistrate in para. 3 of the above Return, the Judges are clearly of opinion that the Subordinate Magistrates should be called upon before the transmission of the monthly Reports to this Court, to make in the sentences recorded by them such alterations as are obviously necessary in order to a proper and complete understanding thereof.—

2. As regards the extent of the Magistrates Control over such Sentences, the Court resolve to furnish that Officer with transcripts of their replies to references on the same point hitherto made and disposed of.—

Ordered, that Extract from

1st Decr

Cor. November 1845

from these Proceedings be forwarded to the Magistrate of Ballina for his information

/ Sent in. No 3095 /

Read Return to the Sessions Clerk of the Longford Midsummer dated the 15th November 1845 containing remarks on Case No 25 on the Sessions Calendar for 1845.—

/ Here Entered No 3391 of 1845 /

1 The Presiding Magistrate of the Sessions Judge in the above mentioned Calendar, conveyed to the Judges of the Longford Midsummer an impression altogether different from that which the Sessions Judge, from reading their own printed observations dated 15th Ultimo, has himself derived; and a careful perusal of these remarks does not bring to the mind of the Judges, a conviction other than that recorded by them when they first reviewed the Calendar, with the

F. 16.

6th December 1845.

reference to the 5th and 6th paras of which they consider it clearly shown that the enquiry in progress before the Session Judge was stopped by him for another enquiry, there being no intimation judicially recorded that the Prisoners had actually been discharged. Such accordingly should now be entered in the appropriate column.—

2. The Judges do observe that in the corner of the Calendar, among certain Memoranda in red ink, is one regarding the discharge of the Prisoners, but independently of the impression created by the Sessions Judge's report in the Calendar, they cannot admit an entry of that nature, classed as it is with others of an important character as affecting the merits of the trial, to be a valid and proper report to a higher authority of the main result of a Sessions Judge's proceedings.—

Ordered, that Extract

from

Cyon Sessions 1845

from these Proceedings be forwarded to the Magistrate of Belling for his information.

/ Section. No. 2045 /

Read Return to the Precept of the Inspector dated the 13th November 1845 containing remarks on Case No. 25 on the Sessions Calendar for 1845.—

/ Home Letter. No. 3591 of 1845 /

The present Enquiry has the remarks entered by the Sessions Judge in the above mentioned Calendar, conveyed to the Judges of the Inspection Court an impression altogether different from that which the Sessions Judge, from reading them on a subsequent to the receipt of the Letter of the 13th Ultimo, has been led to entertain; and a careful perusal of these remarks does not bring to the mind of the Judges, a conviction other than that recorded by them when they first reviewed the Calendar, with reference to the 5th and 6th paras of which they consider it clearly shown that the enquiry in progress before the Sessions Judge was stopped by him for another enquiry, there being no intimation judicially recorded that the Prisoners had actually been discharged. Such accordingly should now be entered in the appropriate columns.—

2. The Judges do observe that in the corner of the Calendar, among certain Memoranda in red ink is one regarding the discharge of the Prisoners, but independently of the impression created by the Sessions Judge's report in the Calendar, they cannot admit an entry of that nature, based as it is with others of an important character as affecting the merits of the trial, to be a valid and proper report to a higher authority of the main result of a Sessions Judge's proceedings.—

Ordered, that Extract from

Crim Sessions 1845

1 The Prisoner on this record was charged with having killed his Wife by stabbing her in the neck with a knife.—

2 On a deliberate consideration of the proofs of the case the Court of Inquiry think it is of opinion that a sentence of transportation for life will be sufficient to meet the ends of justice as it is proved that the deceased commenced the assault by striking the prisoner on the cheek & he then struck her with his hand and cannot therefore be considered to have premeditated the fatal deed.—

Ordered, that Extract from these Proceedings be sent to the Supreme Judge of Ireland for his information and guidance.—

Read following letter No 2294 October 1845 from the Magistrate of Bally to the Registr of the Supreme Court of the previous 15th containing

6th December 1845.

Supplemental Report of cases tried by the Magistracy in the Ballary District under the provisions of Sections XIV Act VIII of 1843 regarding which no final orders have been passed at the date of the Report ending the 31st July 1845.—

(Home Office No 3294)

In reply to the question from the Magistrate in para 3 of the above Return, the Judges are clearly of opinion that the subordinate Magistrates should of the monthly Reports to this Court, to enter in the sentences recorded by them such Minutes as are obviously necessary in order to a proper and complete understanding thereof.—

As regards the extent of the Magistrates control over such sentences, the Court resolve to furnish them with transcripts of their replies to reference on the same point hitherto made and disposed of.—

Ordered, that Extract from

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December 1845

from these Proceedings be forwarded to the Magistrate of Bellary for his information. —

/ Sent in. No. 2048 /

Read Return to the preceipt of the Sessions Judge dated the 13th November 1845 containing remarks on Case No. 25 on the Sessions Calendar for 1845. —

/ Here entered No. 3391 of 1845 /

1 The general enquiry of the remarks entered by the Sessions Judge in the above mentioned Calendar, conveyed to the Judges of the Foujdaree Adawlut an impression altogether different from that which the Sessions Judge, from reading them over again subsequent to the receipt of the Court's above date 13th Ultimo, has himself derived; and a careful perusal of those remarks does not carry to the mind of the Judges, a conviction other than that recorded by them when they first reviewed the Calendar, with

reference

3

F. 26.

6th December 1845.

reference to the 5th and 6th paras of which they consider it clearly shown that the enquiry in progress before the Sessions Judge was stopped by him for another enquiry, there being no intimation judicially recorded that the Prisoners had actually been discharged. Such accordingly should now be entered in the appropriate column. —

2. The Judges do observe that in the corner of the Calendar, among certain Memoranda in red ink, regarding the discharge of the Prisoners, but independently of the impression created by the Sessions Judge's report in the Calendar, they cannot admit an entry of that nature, placed as it is with others of an important character as affecting the merits of the trial, to be a valid and proper report to a higher authority of the main result of a Sessions Judge's proceedings. —

Ordered, that Extract from

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mber, 1845.

from these proceedings be forwarded to
the Superior Judge of Fulton for his
information and guidance by precept
returnable in V days from and after
its receipt. —

Sent following precept. No 295 —

Wm
Ex Off.

Ex Dr

Gary

November 1765.

from these proceedings be forwarded to the Supreme Judge of Fullarton for his information and guidance by first post returnable in X days from and after its receipt.—

Sent following post. Nov 25th

Work

Ex Dr